

Resolution No. 2014-007

**RESOLUTION OF
THE BOARD OF COUNTY COMMISSIONERS OF OURAY COUNTY, COLORADO
RE: Directing the Planning Commission to Consider Revisions
to the Ouray County Land Use Code**

WHEREAS, the Board of County Commissioners by Resolution No. 2013-035 of County Commissioners of Ouray County updated its priorities regarding land use code revisions and review by the Planning Commission; and

WHEREAS, Resolution No. 2013-035 contemplated that the Board would consider "housekeeping" and other minor revisions to sections of the Land Use Code and then request review of proposed revisions by the Planning Commission; and

WHEREAS, the Board of County Commissioners has now completed its public work sessions to review some of the proposed amendments of a "housekeeping" and minor nature to the Ouray County Land Use Code and these revisions, which include repealing or rearranging provisions of some sections, are ready for review by the Planning Commission.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Ouray County, Colorado, that the Planning Commission, with the assistance of County staff, are requested to review and provide recommendations on the proposed revisions to the following sections of the Land Use Code:

1. Sections 1, 2, 3, 4, 5, 6, 7, 8, 16, 17, 18, 19, 20 and 21.
2. The Board of County Commissioners requests that the Planning Commission review these sections with the same perspective as the BOCC has, of providing clarity and improved organization to the Land Use Code rather than substantive, policy revisions. Recommendations for more substantive or policy revisions to these sections may be proposed by the Planning Commission separately.
3. The Planning Commission is requested to provide recommendations on these proposed revisions not later than June 1, 2014.
4. The Planning Commission is directed to provide comments, recommendations and proposed additional revisions in the context of the drafts of the various sections attached to this resolution as Exhibit A.

APPROVED AND ADOPTED THIS 25th DAY OF February, 2014.

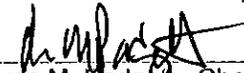
Voting for: Commissioners Fedel, Padgett and Batchelder
Voting against: None

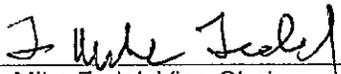


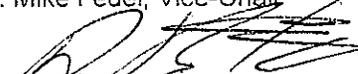
Attest:

Michelle Nauer, Clerk and Recorder
By: Linda Munson-Haley, Deputy Clerk of the Board

BOARD OF COUNTY COMMISSIONERS
OF OURAY COUNTY, COLORADO


Lynn M. Padgett, Chair


F. Mike Fedel, Vice-Chair


Don Batchelder, Commissioner

Section 1

GENERAL PROVISIONS

1.1 GENERAL PURPOSE

The purpose of this Code is to promote the health, safety, and general welfare of the present and future inhabitants of Ouray County, Colorado, by planning for and regulating the use of land so as to provide planned and orderly development and protecting the environment in a manner consistent with constitutional rights. The Ouray County Master Plan has been considered in preparing this Code.

It is intended, by this Code, therefore to regulate development and activities in Ouray County, to give special attention to hazardous areas, to protect lands from activities which would cause immediate or foreseeable material danger to significant wildlife habitats, to preserve areas of historical and archaeological importance, to regulate the location of activities and developments which may result in changes in population density, to provide for phased development of services and facilities, to regulate the use of land on the basis of impact on the communities or surrounding areas, to lessen and control congestion in streets and roads, to secure safety from fire and other damages, to provide adequate light and air, to facilitate the adequate provision of transportation, water, sewage disposal, schools, parks and other public requirements, while at the same time protecting the natural beauty and scenic vistas of the County.

In developing and adopting this Code, consideration has been given to the physiographic and other natural characteristics of the various areas of the County and the individual suitability of those areas for particular uses.

1.2 AUTHORITY

This Code is authorized and adopted pursuant to the provisions of Article 67 of Title 24, Article 20 of Title 29 and Article 28 of Title 30 of Colorado Revised Statutes.

1.3 USE OF CODE

This Code is intended to provide clear and concise information, which simplifies, to the maximum extent possible, the application and review process for all development proposals by combining zoning and permitting functions. The County favors development, that offers flexibility given the diverse and unique characteristics of land in Ouray County. We invite those seeking to build or develop in Ouray County to discuss preliminary plans or concepts with the Land Use staff to address both flexibility and efficiency in development planning and permitting.

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1.4 SEVERABILITY

If any section, subsection, sentence, clause or phrase of this Code is, for any reason, held to be invalid or unconstitutional by the decision of any Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Code. The Board of County Commissioners hereby declares that it would have passed this Code, and each section, subsection, sentence, clause and phrase hereof irrespective of the fact that any one or more section, subsection, clause or phrase be declared to be invalid or unconstitutional.

1.5 CONFLICTS OF INTEREST

Ouray County adheres to state law and regulations governing ethical behavior and conflicts of interest. In situations where a potential conflict of interest exists or could be perceived to exist, elected officials, appointed members of boards or commissions, and employees of the County will be expected to take appropriate action consistent with Article XXIX of the Colorado Constitution and C.R.S. 24-18-101-206.

1.6 INTERPRETATION, CONFLICT WITH OTHER LAWS

In their interpretation and application, the provisions of this Code shall be interpreted as being intended to preserve the public health, safety and welfare. Whenever the requirements of this Code are at variance with the requirements of any other lawfully adopted rules, regulations, or resolutions, the more restrictive or that imposing the higher standards shall govern.

1.7 NO CIVIL REMEDY CREATED:

By developing and adopting this Code, the County does not intend to create and expressly does not create a private civil remedy against the County or its employees or agents.

1.8 REVISIONS TO THE CODE

The Board of County Commissioners may revise any portion of this Code after proper notice and public hearing. Revisions shall be incorporated into the text by staff at the earliest opportunity following an action by the BOCC, including the date of revision. An updated version of the Code and accompanying exhibits shall be available to the public on the County website.

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Section 3

ZONING PROVISIONS - ZONES

**DELETE THIS SECTION – IT HAS BEEN COMBINED WITH
SECTION 2 – ZONING DISTRICTS**

SECTION XX (4)

NON-CONFORMING USES, STRUCTURES, AND PARCELS

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4.1 Parcels of land, structures and uses may be:

- A. Legal-conforming: lawfully created and within present zoning district requirements and provision;
 - B. Legal-non-conforming: created or constructed lawfully or the use begun lawfully, but due to changes in the LUC are now still legally continued, but no longer in conformance with the LUC so cannot be expanded or changed; or
 - C. Illegal-non-conforming: the parcel was created unlawfully, the use begun unlawfully, or the structure built unlawfully, and all of these remain unlawful.
- Illegal-non-conforming parcels, buildings or structures and uses are subject to enforcement action under the LUC, or may become legal upon application and approval as provided herein.

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4.2 EXPANSION OR ENLARGEMENT

- A. The expansion or enlargement of a non-conforming structure shall be considered a structural alteration and, upon completion of such expansion or enlargement, such structure shall conform with all the provisions of this Code.
- B. Any pre-existing, non-conforming use may not be expanded except as otherwise provided for in this Code.

- Deleted: The lawful use of a building or structure or the lawful use of any land, as existing and lawful at the time of adoption of this Code or, in the case of a future amendment of this Code, at the time of such amendment, may be continued, subject to the limitations set forth in the following paragraphs.¶

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4.3 REPAIRS AND MAINTENANCE

The following changes or alterations may be made to a non-conforming structure or to a conforming structure housing a non-conforming use:

- A. Maintenance repairs that are needed to maintain the good condition of a building, except that if a building has been officially condemned, it may not be restored under this provision.
- B. Any structural alteration that would reduce the degree of non-conformance or change the use to a conforming use.
- C. The addition of a solar energy device to such structure.

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- Deleted: B. . An existing non-conforming useactivity may be extended throughout any part of a structure if no structural alteration is proposed or made for the . purpose of enabling¶
. such extension of use.¶

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4.4 RESTORATION OR REPLACEMENT

A. If a non-conforming structure or a structure housing a non-conforming use is destroyed or damaged in any manner, it may be restored or replaced to its original design and footprint so that the exterior appearance remains the same as prior to the damage, however the interior finish will need to meet applicable building code requirements. If design features are changed, or if the footprint of the building is enlarged, so that the exterior appearance is not the same, then the structure, or the non-conforming activities in the structure, shall conform with all provisions of this Code, and the interior finish must meet all applicable building code requirements.

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B. Where restoration of a non-conforming structure or of a conforming structure to a non-conforming use would otherwise be permitted, it shall not be permitted unless the repair or restoration is commenced within twelve (12) months and completed within eighteen (18) months from the date of Destruction, except upon approval of an extension by the BOCC.

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reconstructing the activity or structure or, if such restoration involves structural alteration, such structure and the activities in such structure shall conform with all the provisions of this Code.
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[4.4 B]¶

4.5 DISCONTINUANCE

Whenever a non-conforming use has been discontinued for a period of six (6) months, it shall not thereafter be re-established, and any further use shall be in conformance with the provisions of this Code.

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4.6 NON-CONFORMING PARCELS

Legal-non-conforming lots may be built upon, and structures must meet all other applicable provisions of this Code and applicable provisions of the building codes.

Illegal-non-conforming lots may not be built upon without an exception, variance or other approval by the Board of County Commissioners.

Boundary adjustments involving not more than two properties may be utilized to make a non-conforming parcel conforming, or to reduce the degree of non-conformity provided that no additional non-conformities result from such action. Parcels which have been divided, adjusted, or otherwise conveyed with a legal description that has not resulted from a legal subdivision or other county approval process, and which result in one or more non-conforming parcels, will require a variance or exception.

Deleted: Legal, nNon-conforming parcels of record at the time of passage of this Code may be built upon, providing that all other relevant zoning and building code requirementsdistrict requirements are met. Illegal, non-conforming parcels (as parcel that was not created lawfully) may not be built upon without an exception, variance or other process.

4.7 CHANGE IN NON-CONFORMING USE

No non-conforming use of a building or parcel may be changed to another non-conforming use. A non-conforming use of the building or parcel may be changed to a conforming use.

4.8 COUNTY-OWNED PROPERTY

If the County acquires title to any property by reason of tax delinquency and such property is not redeemed as provided by law, the future use of such property shall be in conformity with the current Land Use Code.

4.9 MOBILE HOMES, MOBILE HOME PARKS, CAMPGROUNDS AND RV PARKS

- A. All mobile home first brought into Ouray County on or after July 14, 1986, shall be in full compliance with the Federal Mobile Home Construction and Safety Standards as set forth in Title 6 of the Housing and Commerce Action of 1974.
- B. Mobile home parks existing prior to September 25, 1995 shall be allowed to continue to the extent they existed on that date, provided they meet the requirements in this section and other applicable County regulations. Such mobile home parks shall be allowed to upgrade, maintain and/or replace any structure or facility that was in existence prior to September 25, 1995. No new mobile home parks shall be established.

Existing Mobile Home Parks must be in compliance with the following conditions and regulations:

- 1. Colorado Department of Public Health and Environment regulations, including 6 C.C.R. 1010-12.
- 2. Each mobile home space shall be at least 50 feet wide and 100 feet long.
- 3. Density of not more than 6.4 spaces per acre, including space devoted to usable open space, roads, and common areas or buildings.
- 4. The mobile home park shall provide 0.4 acres of useable open space for every 32 (or portion thereof) mobile home spaces or lots. By example, a mobile home park with 20 spaces must have at least 0.4 acres of open space; a park containing 33 spaces must have at least 0.8 acres of useable open space.

C. Mobile Homes Outside of Mobile Home Parks
Mobile homes located outside of a mobile home park shall be permitted in the unincorporated portions of Ouray County if they comply with the following conditions:

- 1. Are placed on the ad valorem tax roll as a real property improvement.
- 2. Are in compliance with the allowed density of the zoning district.
- 3. Are in compliance with the provisions of the Ouray County Building Code relating to mobile homes.

D. Campgrounds and RV Parks

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Campgrounds and RV parks in existence prior to September 25, 1995 shall be allowed to remain and continue operation to the extent they existed on that date, provided they meet the requirements established in this Section and other applicable county regulations. Such campgrounds and RV parks may upgrade, maintain and/or replace any structure or facility that was in existence prior to September 25, 1995.

4.9 VARIANCES AND EXCEPTIONS.

Any use or parcel which requires a variance or an exception shall follow the procedures set forth in Section 17 of this Code. ~~Requests are heard and may be granted by the Board of Adjustment pursuant to the authority and criteria set forth by statute, C.R.S. 30-28-118. Exceptions are heard and may be granted by the Board of County Commissioners as provided in Section 17 of this Code.~~

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SECTION 5

USES ALLOWED BY SPECIAL USE PERMIT

5.1 INTENT

To provide for uses allowed by Special Use Permit as designated under Section 3, Zoning Provisions - Zones. Such uses may be allowed only by approval of the Board of County Commissioners of Ouray County, Colorado (“~~BOCC~~”) whose determination shall be based on the purposes, standards and requirements as set forth under this Section. In granting approval for a special use, the ~~BOCC~~ may impose additional conditions, which comply with the purposes and intent of this Code.

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5.2 SUBMITTAL REQUIREMENTS

A completed Special Use Permit application form, together with all information as described below, and the required fees, shall be submitted to the Ouray County Land Use Department at the time of application submittal:

- A. A detailed site plan which includes, but is not limited to,, lot lines, easements, road access, all proposed and existing driveways, parking areas and structures, all areas of significant vegetation and all ditches, ponds and waterways.
- B. Signature of owner(s) of all property, authorizing application and acceptable evidence of ownership, and if land included in an application is leased to an Applicant, a current copy of the lease shall be provided. (Applicant may redact all proprietary or other confidential information.)
- C. If the operator of the Special Use Permit will be someone other than the owner of the property or the Applicant, the proposed operator shall be identified on the application.
- D. A detailed written narrative explaining the proposed operation or use that includes, at a minimum, statements addressing the following issues or concerns:
 - a. The proposed use will not create undue danger in surrounding areas, will not cause water pollution and will not create unreasonable amounts of offensive noise, vibration, smoke, dust, odors, heat, glare or other objectionable influences beyond the boundaries of the property on which such use is located. (*At the discretion of the County Commissioners, a written plan may be required indicating methods to be used to minimize smoke, odors, dust and similar environmental problems, which might result from the operation of the proposed use.*)
 - b. The proposed use has legal access; potable water, sewage disposal and all other utilities necessary to serve the proposed use.

- c. The proposed use will comply with the provisions of the Visual Impact Regulations found in Section 9 of this Code. (if applicable)
- d. The proposed use will not unreasonably impact wildlife or significant wildlife habitat.
- e. The proposed use will not alter, restrict, inhibit or interfere with historic irrigation practices, headgates, ditches and ditch rights-of-way.
- f. The proposed use is not located within any area subject to identified geohazards, including, but not limited to rockfall areas, avalanches, landslide, potentially unstable slopes, slopes greater than 30 percent, colluvial fans, talus slopes, shale, faults, expansive soils or ground subsidence. *(If the proposed use is located within areas subject to the effects of geological hazards, the Applicant shall present satisfactory evidence that such hazards will be avoided. If avoidance is not possible, evidence shall be provided that hazards will be mitigated. The County may require qualified professional geologic or engineering certification that the proposed land use can be located or developed in a safe manner.*
- g. The proposed use/property has no known chemical or other contamination. If the property is contaminated, a mitigation plan must be presented that would satisfactorily resolve the contamination.
- h. The proposed use is compatibility with the community character and surrounding land uses within the area for which the request is being proposed.
- i. Statements addressing any potential material adverse effect on the surrounding area.
- j. Statements addressing any possible impacts on existing infrastructure beyond what would be created by a use by right. *(If potential impacts are identified, evidence shall be provided that such impacts will be mitigated as provided by Section 5.2 ~~D(a)~~ above.)*
- k. If the property/use is located within a Planned Unit Development, current letter from the Homeowner's Association approving the proposed use.
- l. Weed mitigation and/or revegetation plan shall be required if applicable. *(May require meeting and on-site review by County Weed Manager.)*

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5.3 ~~ADDITIONAL SUBMITTAL INFORMATION AND REQUIREMENTS~~

In addition to the general submittal information required by Section 5.2 above, information specific to the special use permit being requested, shall be provided by the Applicant or Authorized Agent as listed below. Special use permits for these activities may be permitted only if they are listed as a potential special use in the pertinent zoning district, or as requested pursuant to Section 2.4. Requirements, terms and conditions for each special use permit shall be as determined by the BOCC, and as provided below.

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A. Sand and Gravel, Oil and Gas, Commercial Logging, Mineral Extraction and Processing Operations;

- a. Evidence that all applicable state and federal permits have been obtained, prior to commencement of the proposed use.
- ~~b. Evidence that vehicle traffic to and from such use will not create undue hazards or nuisance, nor shall it unduly damage public roads. If it is found that hazards, nuisances or damage to public roads will occur from the proposed use, a mitigation plan shall be submitted.~~
- c. Special Use Permits shall be granted for the uses listed above only if the Applicant/Operator is in full compliance with all rehabilitation and reclamation requirements. The permit may be revoked or suspended if, at any time, Applicant is in non-compliance with such state or federal permits. Where no state or federal agency requires a rehabilitation or reclamation plan, the County may require such a plan. Said plan shall depict, in writing and graphically, the proposed methods for restoring any disturbed areas, to include the extent and type of revegetation proposed. In addition, in the case of a proposed commercial logging operation, the County may require the Applicant/Operator to submit a site-specific forest management plan which shall address such matters as the size of trees to be taken, the locations of the proposed operation, time of year of the operation, clean-up, reforestation and related items. The County, in its discretion, may obtain independent review of the site-specific forest management plan, with the costs of such review being borne by the Applicant/Operator.

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B. Cemeteries, Schools, Bed and Breakfast Operations, Churches, Commercial Equestrian Activities, Commercial Outdoor Recreation, Livery or Horse Rental Operations, Commercial Uses, Commercial Camping, and Guest Ranches, Historical Museums, and Wildlife Rehabilitation Facilities

- a. Sufficient distance shall separate such uses from abutting properties, which might otherwise be damaged or diminished in value due to the operation of the proposed use.
- b. The proposed uses will be properly maintained.
- c. Vehicle traffic to and from such use will not create hazards or nuisance.
- d. Sufficient off-street parking, as required in Section 7 of this Code shall be provided to accommodate the expected volume of users of the proposed facilities.

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C. Cemeteries

Applicant shall also provide the following additional information:

- a. A business plan to detailing how the Applicant will ensure the proper operations and maintenance of the Cemetery in perpetuity.
- b. Sufficient information to show how the applicant will remediate and rehabilitate the property, including relocation of any remains, if Applicant ceases operation of the facility.
- c. Sufficient documentation to show the mechanisms and operational methods that Applicant will utilize to contain all potential contamination resulting from the use of the property as a cemetery and to prevent contamination of groundwater in or near the site.

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D. Guest Ranches

Applicants should review the definition of Guest Ranch in Section 22, Definitions, and demonstrate that the requested Special Use Permit meets the definition criteria.

- a. **Proposed** hours and months of operation.
- b. Identification of any potential/possible traffic impacts, such as noise and dust, and any abatement measures necessary to mitigate impacts from traffic.
- c. Identification of any ancillary facilities, such as trails, and proof of permission to use off-site facilities, if applicable.
- d. Maximum numbers of guests on the site at any time.
- e. Identify the portion of the site to be used for operations.(attach site plan)
- f. Location and design of all proposed signs. (attach graphics or photo-sims)
- g. Additional information regarding any other nuisance abatement measures as may be required by the County.

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E. Wildlife Rehabilitation Facilities

- a. A detailed *Wildlife Rehabilitation Facility Management Plan* shall be submitted and approved as part of the Special Use Permit application and shall be kept on permanent file at the Land Use Office. Plan shall include and address, but not necessarily be limited to, the following issues:
 - i. **Safety** – Plan shall address methods, procedures and design considerations to be undertaken by the facility to ensure safe operation at all times. Animal Welfare – Plan shall address in detail, the facility’s ability to provide proper food, water, shelter, medical care and protection from predators, to all animals under its care.
 - ii. **Facilities** – Plan shall address how the facility will conduct ongoing maintenance to all structures, animal enclosures and other associated facilities.

Deleted: <#>For Cemeteries, Applicant shall also provide the following additional information:¶
<#>A business plan to detailing how the Applicant will ensure the proper operations and maintenance of the Cemetery in perpetuity.¶
<#>Sufficient information to show how the applicant will remediate and rehabilitate the property, including relocation of any remains, if Applicant ceases operation of the facility.¶
<#>Sufficient documentation to show the mechanisms and operational methods that Applicant will utilize to contain all potential contamination resulting from the use of the property as a cemetery and to prevent contamination of groundwater in or near the site.¶

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- iii. **Traffic** – Plan shall address vehicle traffic and demonstrate that day-to-day traffic will not create a nuisance to neighboring properties or areas elsewhere in the County.
 - iv. **Parking** – Plan shall address off-street parking as required by Section 7.2 (M) of this Code, or as otherwise required by the Road & Bridge Superintendent. Minimally, plan shall provide adequate off-street parking to accommodate the expected volume of employees, volunteers and visitors of the proposed facility.
- b. Facility may be open to the public by appointment **only, Monday thru Saturday, 10:00am to 3:00pm.**
 - c. Facility shall comply, at all times, with all applicable State and Federal requirements and shall provide County with proof of any required license and associated documentation.
 - d. No Special Use Permit shall be issued without proof of proper access permits by the Colorado Department of Transportation or other State or Federal entity if required.
 - e. Any proposed change to natural features on the property, including but not limited to site grading, drainage and removal of trees/shrubs shall be clearly detailed on a site plan and submitted with the Special Use Permit Application.
 - f. Applications for Wildlife Rehabilitation Facilities shall include proof of all current licenses as required by the Colorado Division of Wildlife and such licenses shall be maintained at all times during the Special Use Permit. Special Use Permit application materials shall also be referred to the Colorado Division of Wildlife for review and comment.
 - g. Applicant will be required to supply evidence of adequate liability insurance to cover the proposed operations of the Wildlife Rehabilitation Facility. Applicant shall be required to maintain such insurance during the term of the Special Use Permit

5.4 STATE/FEDERAL COMPLIANCE

The Applicant/Operator must, at all times, be in compliance with all applicable state and federal laws and regulations. In case of non-compliance with such laws or regulations, the **BOCC**, may suspend or revoke the permit, after notice and the Applicant is given an opportunity to be heard.

5.5 LEASED LAND

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If land included in an approved application or use is leased to the Applicant, the Applicant or his successors shall notify the Land Use Department of any changes in the lease that may occur following approval by the **BOCC**. The permit may be suspended or revoked in case of non-compliance with such lease.

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5.6 IMPACT FEES

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A. If the **BOCC** shall determine, on the basis of information submitted and available to it, that a proposed operation will have an impact on, or will necessitate, improvements to facilities or services provided by the County, the school districts or other governmental entities within the County, the **BOCC** may, to the greatest extent possible and as a condition of Special Use Permit approval, require that the Applicant take steps to mitigate the impact by payment of impact fees or provision of in-kind contributions.

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B. The amount and purpose of any impact fee shall be determined by the **BOCC**, based upon a finding that there is an essential nexus between the payment or contribution and a legitimate local government interest and the payment or contribution is roughly proportional in nature, timing and extent to the impact of the proposed use. Failure to fund such impacts by the Applicant may be grounds for denial of the Special Use Permit. The **BOCC** may waive any impact fee for a particular permit if the Applicant shows that the impacts associated with the use will not exceed the anticipated impacts for a use by right on the same property.

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C. The **BOCC** may require that the Applicant obtain a traffic analysis, completed by a professional engineer, illustrating the expected traffic by type and volume for the anticipated use; the **BOCC** may require that other appropriate studies or analyses be obtained by the applicant, depending upon the type of use proposed. Any impact fee assessed for a Special Use Permit may be pro-rated by the **BOCC**, to address the seasonal impacts associated with a particular use.

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5.7 OUTSIDE AGENCY REVIEW

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The **BOCC** may determine that an application for a Special Use Permit should be referred to an outside agency for review when particular, special circumstances are present that require more detailed analyses. No referral to an outside agency shall result in a delay of the normal processing of a Special Use Permit.

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5.8 PUBLIC NOTICE AND HEARING

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A. After the receipt of a complete application for a Special Use Permit by the Land Use Department, Staff shall complete a report including review and recommendation regarding the proposed use. When the report has been completed by Staff, the Special Use Permit application shall be considered in a public hearing at the next available Planning Commission agenda or, if the request is located within an Urban Growth Management Area or Area of Influence, the appropriate Joint Planning Board shall review the request at the next available

meeting date. Notice of such public hearing shall be published at the expense of the Applicant, in a newspaper of general circulation within Ouray County at least fourteen (14) days prior to the hearing date. The Planning Commission or Joint Planning Board shall review the application and shall approve, approve with conditions or deny the application if it does not meet the requirements of the Ouray County Land Use Code and the action shall be in the form of a motion as noted in the minutes. If the recommendation is approval with conditions or modifications, the conditions or modifications shall be stated in clear and concise terms in the motion. Staff shall forward such recommendation to the ~~BOCC~~. If the Planning Commission or the Joint Planning Board is unable to make a recommendation on the Special Use Permit application within 60 days of the receipt of a complete submittal, the application shall be forwarded to the ~~BOCC~~ for consideration in public hearing.

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B. If the request is located within the Urban Growth Management Area or the Area of Influence, the request shall also be submitted to the adjacent municipality for review and comment. Notice to the adjacent municipality shall state that any comments provided to the Land Use Department are due within thirty (30) days of transmittal of the application to the municipality.

C. Before granting a Special Use Permit, ~~amendment, or renewal~~, the ~~BOCC~~, shall hold a public hearing on the matter. Notice of such hearing shall be published at the expense of the Applicant, in a newspaper of general circulation within Ouray County at least fourteen (14) days prior to the hearing date. In addition, written notice of the hearing shall be mailed at least fourteen (14) days prior to the hearing date to the Applicant. The Applicant shall send written notification to all owners holding a fee simple interest in property abutting, adjacent, adjoining upon or directly across a road or street from the proposed use (this information is available at the Ouray County Assessor's Office) at least fourteen (14) calendar days prior to the date of such hearing. The notice shall be given in a form approved by the Land Use Department. No less than seven (7) days prior to the hearing, the Applicant shall provide evidence to the Land Use Department that such notice has been properly sent by providing certificates of mailing from the U.S. Postal Service. On-site notice of any pending Special Use Permit application, in a form approved by the Land Use Department, shall be posted on the property where the use is proposed at least 14-days prior to the date of the public hearing before the Board of County Commissioners. Such notice shall be maintained on the property by the Applicant until final action on the application has been made. Notice shall be visible from each road frontage of the property. Proof of proper posting of the notice shall be verified as determined by Land Use Department staff.

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~~At the public hearing, the BOCC shall review the Special Use Permit application and any supporting materials or referrals from the Planning Commission or the Joint Planning Board, in accordance with this Section. The BOCC shall, by resolution, approve, approve with conditions or modifications, or deny the application.~~

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5.2 FEES FOR SPECIAL USE APPLICATIONS

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Application fees for Special Use permits, or renewal fees of Special Use Permits, will be in accordance with the County's current fee schedule.

5.10 MULTIPLE SPECIAL USE PERMITS

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If multiple Special Use Permits have been issued for the same property, the uses permitted under the existing permits shall be considered in reviewing the new permit application. The application may be denied or appropriate conditions may be required on the proposed use to address or mitigate any incompatibility or cumulative impacts if:

- A. The existing uses are not compatible with the new/proposed use.
- B. Cumulative impacts of all Special Use Permits cannot or will not be mitigated.
- C. Cumulative impacts of all Special Use Permits would not be in compliance with the Ouray County Master Plan.

5.11 TERMS, CONDITIONS AND RENEWAL OF SPECIAL USE PERMITS

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A. Special Use Permits may include terms and conditions to address concerns regarding the health, safety, and welfare of the citizens of Ouray County. The BOCC may place conditions on the Special Use Permit in order to ensure compatibility with surrounding uses and to ensure that impacts are properly mitigated. The BOCC may specify the term of the Special Use Permit and may require periodic review.

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B. The BOCC may provide any term of years for the Special Use Permit, may provide for a limitation on renewals, or may otherwise establish a termination date for a Special Use Permit, but if no term is provided in the BOCC resolution approving the application, then the Special Use Permit shall be approved for two years from the date of the BOCC resolution.

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C. Not less than sixty (60) days prior to the expiration of a Special Use Permit, the holder of the permit may request an extension of the permit for another term. An application to extend the term of a Special Use Permit shall provide information demonstrating compliance with the terms and conditions of the permit and requirements for the activity. If staff finds that all terms, conditions and requirements have been met, then staff shall extend the Special Use Permit for a two year term. If staff finds that any terms, conditions or requirements have not been met, then the term of the Special Use Permit shall not be extended except upon review and approval by the BOCC after a public hearing. Any Special Use Permit for which an extension has not been granted by the land use staff or by the BOCC shall terminate automatically at the end of the term of years provided in the approving resolution or at the end of two years where no term of years has been specified. A temporary

extension may be granted by the land use staff pending review and decision by the BOCC as to an extension.

D. If the Applicant fails at any time during the term of the Special Use Permit to meet the requirements and conditions established for the permit as set forth in the resolution approving the permit, the Board of County Commissioners, subject to review and public hearing, may revoke any approved Special Use Permit.

5.12 SPECIAL USE PERMIT – AMENDMENT

A. Any Applicant may apply for an amendment to an approved Special Use Permit.

B. Amendments to approved Special Use Permits shall comply with all provisions of this Code.

C. Applications for Special Use Permit amendments shall include:

- a. A completed application form.
- b. Any applicable fee as listed in the approved Land Use Fee Schedule.
- c. A detailed narrative explaining the purpose and details of the amendment.
- d. Current and proposed (if applicable) detailed site plan.

D. Process, public notice, and hearing(s) for proposed amendments to a Special Use Permit shall be as described in Section 5.8 C.

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SECTION 6

PLANNED UNIT DEVELOPMENTS

6.1 ENABLING AUTHORITY

The provisions of this Code relating to Planned Unit Developments are enacted under the authority of Colorado Revised Statutes, Title 24, Article 67, Title 29, Article 20 and Title 30, Article 28.

6.2 OBJECTIVES OF DEVELOPMENT AND STATEMENT OF PURPOSE

The objectives of development in Ouray County are as set forth in Section 1 of this Code and in the County Master Plan. The use of the Planned Unit Development (“PUD”) concept is intended to provide flexibility in the development of residential projects and to promote the unified development and sensitive use of a site with regard to the natural assets and the character of the County. Implementation of the County Master Plan and preservation of open space in critical areas as part of the development process are important objectives to be achieved through the Planned Unit Development review.

The Planned Unit Development concept is further intended to allow for development of land, subject to those development regulations set forth in this Code. It is intended to allow development of land while protecting unique environmental and/or ecological assets and to allow for residential development in which various uses and structures may be grouped in appropriate relationship to each other, to open spaces and to common facilities. Efficient provision for necessary facilities and services is to be addressed utilizing the Planned Unit Development process. This includes off-site impacts reasonably anticipated as a result of a proposed development.

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In Planned Unit Developments involving the subdivision of land, as defined in Section 22, the required preliminary PUD Plan (*Preliminary Development Plan*) is also considered to be a preliminary subdivision plat; the final plat will be contained as one of the required submittals with the Final Development Plan.

6.3 PLANNED UNIT DEVELOPMENT TYPES DEFINED

Three types of Planned Unit Development applications are possible, **however, all PUD applications must comply with the underlying density requirements as set forth in Section 3 and Section 6 of this Code.** The types of Planned Unit Developments are defined as follows:

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A. PLANNED UNIT DEVELOPMENT - LIMITED

A development application consisting of up to three lots, at a maximum density of one unit per 13 acres where allowed by the underlying zoning. Additional standards and requirements for a PUD-Limited are contained throughout this Section. The purpose of the Planned Unit Development-Limited is to create a more expedited subdivision process for development proposals that meet certain criteria as stated herein.

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Example - PUD Limited

40-Acre Parcel: $40 / 13 = 3$ Potential Lots

B. PLANNED UNIT DEVELOPMENT - REGULAR

A development application consisting of any number of lots, at a maximum density as allowed by the underlying zoning as follows:

South Mesa/South Slope/North Mesa One Dwelling-Unit Per 6 Acres
Colona Zone Seven Dwelling-Units Per Acre

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Additional standards and requirements for a PUD-Regular are contained throughout this Section.

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Example - PUD Regular

40-Acre Parcel: $40/6 = 6$ Potential Lots

C. PLANNED UNIT DEVELOPMENT-RESORT/CONFERENCE CENTER

A development application consisting of a minimum of 160 acres (Resort Core Area), which shall include a hotel with a minimum of 20 rooms, short-term accommodations, limited commercial uses to serve the resort, and recreational facilities that are part of a multi-seasonal resort. Associated residential units (Resort Residential Area) may also be included in the application, subject to the requirements indicated in this Section 6. The purpose of the PUD-Resort/Conference Center regulations is to include standards to guide development of multi-season resorts in locations found to be appropriate for such uses. The regulations also establish review criteria and mitigation levels, as appropriate, to protect the County from unreasonable adverse impacts, to ensure compatibility with the area surrounding resort uses, and to further the objectives of the County Master Plan by allowing diversification as identified in the County Master Plan.

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This process allows flexibility in site design and furthers implementation of the Master Plan by clustering of structures to minimize visual impact, locating development so that perceived open areas are maximized, and ensuring that important site features, such as wildlife corridors and other sensitive areas, are respected in site

planning. Additional standards and requirements for a PUD-Resort/Conference Center are contained throughout this Section.

** Refer to Section 6.10 for detailed information on Resort Conference Center PUD's.*

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6.4 **REVIEWING BODY**

The Ouray County Planning Commission or the appropriate Area Joint Planning Board and the Board of County Commissioners of Ouray County (“County Commissioners”) shall review Planned Unit Developments in accordance with the procedures set forth in this Code. Final approval shall not be given to any Planned Unit Development without a finding by the County Commissioners that the Plan is in general conformity with the Master Plan of Ouray County.

6.5 **DEVELOPMENT STANDARDS**

Residential development approved under these regulations shall be planned and designed to comply with all standards and regulations in this Code, including, but not limited to, development standards, zoning, road standards, outdoor lighting, and visual impact. These standards and requirements shall be clearly demonstrated throughout all required stages of the PUD process.

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6.6 **GENERAL SITE REQUIREMENTS AND REVIEW CRITERIA**

The following site requirements shall be followed in any Planned Unit Development processed under this Code:

A. WATER AND SEWER

The Applicant shall provide, within the PUD, both potable water and proof that adequate sewage treatment facilities can be provided to serve the maximum user population of the PUD, both permanent and transient, including potential accessory dwellings. Water service shall be provided by a Title 32 special district, water conservancy district, or other water provider as may be approved by the Board.

B. STORM DRAINAGE FACILITIES

The Applicant shall provide within the Planned Unit Development storm drainage facilities of sufficient capacity to handle all predictable storm water runoff in the PUD area for a one hundred (100) year storm.

C. OPEN SPACE

Open space, as defined by Section XX of this Code, shall be provided by the Applicant as described by the provisions of Section 6.7.

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D. MINIMUM LOT SIZE

One acre, if served by individual sewage treatment systems. Smaller lots may be allowed if connected to a central sewage treatment system, provided the overall density requirements for the zone, district or PUD are maintained.

E. SITE DEVELOPMENT CRITERIA

The following criteria shall guide the Applicant through the various requirements and shall be used by the County in evaluation of all Planned Unit Development applications. Approval of an application for a Planned Unit Development will not be granted unless an Applicant demonstrates *substantial* compliance with the following criteria:

- (1) All uses and site plans for the property are consistent with this Code, as interpreted with reference to the Ouray County Master Plan. Formatted: Indent: Left: 54 pt, Hanging: 23.75 pt, Space After: 6 pt
- ~~(2) All lots shall conform to the requirements of the zoning district within which the development is located or to the lot approved with the Planned Unit Development within which the subdivision is located. The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with this land Use Code and in providing driveway access to building areas on such lots from a designated county road.~~ Formatted: Bullets and Numbering
- ~~(3) Lots shall be laid out so as to provide positive drainage away from structures. Individual lot drainage shall be designed in coordination with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.~~
- ~~(4) Side lot lines shall be as near as possible to right angles or radial to the street right-of-way line upon which the lot faces.~~
- (5) Proposed location of lots and building areas demonstrate that where applicable, Visual Impact Regulations of the Land Use Code Section 9 can be met through reasonable and common construction practices. Formatted: Bullets and Numbering
- ~~(6) Adequate infrastructure and public services (roads, power, telephone, water, sewage treatment and/or OWTSQWTS feasibility) are available or will be provided by the Applicant to serve the proposed development.~~ Formatted: Bullets and Numbering
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- ~~(7) Where reasonable and practical, all designated building areas will be located to minimize disturbance to the land. Site design shall avoid creating isolated building areas that require additional extension of services that would reduce the visual or other qualities of open space or undeveloped areas.~~ Formatted: Bullets and Numbering
- (8) Roads and driveways (and the cut and fill associated with them) shall be designed in such a way to minimize the impacts on the proposed development

and the surrounding properties. Such improvements shall be in compliance with Section 23 of this Code or as otherwise might be required by the Road & Bridge Superintendent.

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(10) Where reasonable and practical, developers are encouraged to conduct site planning that protect and maintain significant or unique natural, environmental or topographic features, vegetation, wildlife corridors, other sensitive areas or other special characteristics.

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(11) Identified hazards shall be avoided or mitigated.

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6.7 OPEN SPACE AND BUILDING/NON-BUILDING AREA REQUIREMENTS

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A. OPEN SPACE AND NON-BUILDING AREA – MINIMUM CRITERIA

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(1) Open space and non-building areas shall be provided that generally meet the following objectives and requirements:

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(a) They maintain the visual and scenic quality of Ouray County to the maximum extent possible.

(b) Where possible, open space areas and non-building areas have been designed to coincide with wildlife corridors and other environmentally critical areas have been avoided.

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(c) Open space and non-building areas shall be located to be contiguous within the development and with adjacent open space areas outside the development; or other measures have been taken by the Applicant that will maximize the open space value within the PUD. If a site specific analysis demonstrates that an alternative configuration accomplishes the standards of this section better, it may be approved by the County.

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(d) Land preserved as open space may create potential recreational opportunities by providing trails or parks needed for future residents of the development. Reasonable access to such open space areas, and associated easements, shall be provided for the current and future owners and residents of the development.

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(e) Unique natural characteristics such as topographic features, vegetation, or other special characteristics shall be maintained where possible/practicable.

(f) A plat note restricting future subdivision or any other development of the open space and non-building area shall be placed on the final plat.

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(g) Building and non-building areas shall be designated on the site plan

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indicating where development, roadways, driveway access (and the cut and fill which may be associated with such roadways and driveways) and structures may be located. Any disturbance, in the form of improved trails or other similar improvements, in non-building areas, shall be compact and disturb the least amount of site area possible.

(h) All open space provided within the PUD shall be protected by adequate covenants running with the land and by conveyances or dedication in a manner acceptable to the County.

B. OPEN SPACE AND BUILDING/NON-BUILDING AREAS – MINIMUM REQUIRED AREAS

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Limited PUD

Open Space	Not Required
Building Area	30%
Non-Building Area	70%

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Regular PUD

Open Space Required	25% of total land area
Building Area	60%
Non-Building Area	15%

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Resort/Conference Center PUD

CORE AREA

Open Space/Non-Building Area	75% of total land included in the application
Building Area/Core Area	25% of total land included in the application

RESIDENTIAL AREA

Open Space/Non-Building Area	70% of total land included in the application
Building Area/Residential Area	30% of total land included in the application

C. DESCRIPTION, OWNERSHIP, AND MAINTENANCE OF OPEN SPACE

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(1) Open Space shall be made available to all homeowners and other property owners within the PUD. Open Space may be restricted to conservation use only. Open Space may be used for active or passive recreational opportunities for all homeowners and landowners and may also be available for recreational public use, as allowed by underlying zoning and/or approved by Special Use Permit. Appropriate fees may be charged for the maintenance and use of recreational facilities contained within the

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open space.

(2) An **Open Space Plan** shall be included with the application for **Preliminary Development Plan** approval that indicates, in accordance with the requirements set forth herein, where open space lands will be located and the uses and the acreage included. Anticipated ownership and plans for maintenance of the lands shall be described, including the timing and sequence of the **required** transfer of **Open Space** to a homeowner's association or similar entity. Such plan may be amended upon application to the County pursuant to the provisions of Section 6.12 of the Code, "Amendment or Alteration of Planned Unit Development," and subsequent approval.

(3) The **Open Space Plan** shall establish an organization for the ownership and maintenance of the **Open Space** or shall make such other provisions as are acceptable to the County for adequate future ownership and maintenance. The Applicant shall also establish covenants that run with the title to all lands included within the Planned Unit Development that shall, at a minimum, include the following requirements:

(a) In the event that the organization established to own and maintain open space, or any successor organization, fails at any time after establishment of the Planned Unit Development to maintain the open space in a reasonable order and condition in accordance with the Plan, the County may serve written notice upon such organization or upon the residents of the Planned Unit Development setting forth the manner in which the organization has failed to maintain the **open space in reasonable condition**. Said notice shall include a demand that such deficiencies of maintenance shall be cured within thirty (30) days thereof, and shall state the date and place of a hearing that shall be held within fourteen (14) days of the notice.

(b) At such hearing, the County may modify the terms of the original notice as to deficiencies and may give an extension of time within which they shall be cured.

(c) If the deficiencies set forth in the original notice or in the modifications thereof are not cured within said thirty (30) days or any extension thereof, the County, in order to preserve the taxable values of the properties within the Planned Unit Development and to prevent the **open space from becoming a public nuisance**, may enter upon the open space and maintain the same for a period of one (1) year. Said entry and maintenance shall not be required and shall not vest in the public any right to use the **open space** except when the same is voluntarily dedicated to the public by the owners.

(d) Before the expiration of said year, the County shall, if it elects to undertake the maintenance, upon its own initiative or upon the written request of the organization theretofore responsible for the maintenance of the **open space**, call a public meeting upon notice to such organization or to the residents of

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¶ (a) Only non-residential structures (?) which are approved in the PUD process shall be allowed; and¶

¶ (b) The activity is to be located on private lands that are part of the Planned Unit Development; and¶

¶ (c) A Special Use Permit has been approved by the County Commissioners when required.

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such Planned Unit Development, to be held by a board of at least three persons designated by the County, at which hearing, such organization or the residents of the Planned Unit Development shall show cause why such maintenance by the County shall not, at the election of the County, continue for a succeeding year. If the board designated by the County determines that such organization is ready and able to maintain the open space in a reasonable condition, the County shall cease to maintain the open space at the end of said year. If, on the other hand, the board designated by the County determines that such organization is not ready and able to maintain said open space in a reasonable condition, the County may, in its discretion, continue to maintain said open space during the next succeeding year and, subject to a similar hearing and determination, each year thereafter.

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- (e) The cost of such maintenance by the County shall be paid by the owners of properties within the Planned Unit Development that have a right of enjoyment of the open space, and any unpaid assessments shall become the tax lien upon said properties. The County shall file a notice of such lien in the office of the County Clerk and Recorder upon the properties affected by such lien within the Planned Unit Development and shall certify such unpaid assessments for collection, enforcement and remittance in the manner provided by law for the collection, enforcement and remittance of general property taxes.

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6.8

PLANNED UNIT DEVELOPMENT REQUIREMENTS AND PROCEDURES

The following requirements shall apply to all Planned Unit Developments unless otherwise noted.

Deleted: Unless approved otherwise by the County, **the designated open space shall be available for use exclusively by all landowners or residents of the development (PUD)**. Appropriate fees may be charged for the maintenance and use of recreational facilities contained within the open space.

A. SKETCH PLAN

- (1) **Pre-Application Meeting**: Applicants shall schedule and attend a Pre-Application Meeting before filing a PUD Sketch Plan application. The purpose of the Pre-Application Meeting is to discuss the application procedure, submittal requirements for all phases of the development, scheduling of meetings and hearings, development standards and other pertinent matters prior to the Applicant filing the development proposal. No Sketch Plan application will be accepted until after the Pre-Application Meeting is concluded.
- (2) **Sketch Plan Required**: PUD Applicants shall submit a complete Sketch Plan application to the Land Use Department, along with the appropriate fee.
- (3) **Content of Sketch Plan**: Each Sketch Plan should be a legibly drawn concept plan of the proposed development. The plan or plat should reflect actual or estimated twenty-foot (20') contours. It is intended that the Sketch Plan be used to review the overall land uses, intended densities, feasibility and design

characteristics of the project. In order to gain the most benefit from a Sketch Plan review, the Sketch Plan should contain, as a minimum, the following information:

- (a) Sufficient information, including legal description, to readily determine the location of the proposed development, in relationship to adjacent lands, and provide the ability to identify any potential issues or concerns.
- (b) The approximate lot size, acreage, and configuration of lots and roadways within the proposed development.
- (c) A description of the proposed development including at least the following information:
 - (i) Area/acreage included in application.
 - (ii) Calculated overall density of the development.
 - (iii) Number of lots and designated uses.
 - (iv) Area of open space and any proposed uses/improvements.
 - (v) Area of all proposed lots including designated build and no-build areas.
- (d) Name, address and phone number of the holders of all record interests in the property and of the Applicant.
- (e) Any available information concerning site characteristics including, but not limited to, the following:
 - (i) Topography, vegetation, streams, lakes, ditches, ditch rights-of-way, springs and other physical features of the site.
 - (ii) Geologic characteristics of the area that could affect proposed future uses.
 - (iii) Areas within and in the vicinity of the proposed development containing suspected or known hazards, including the type of hazard. (ie. flood hazard)
 - (iv) Maps and other data describing the suitability of soil under the proposed development.
 - (v) Proposed access, proposed new roads, availability of utilities.

- (f) Any analyses that the Applicant may have undertaken concerning the demographic and economic impact and the impact on public facilities.
- (4) **Review of Sketch Plan:** After a complete Sketch Plan application is filed, Land Use Staff shall review the application for compliance with the Land Use Code and the Master Plan and to identify potential problems requiring resolution prior to PDP submission. Based upon such review, Land Use Staff shall schedule a conference with the Applicant within ten (10) working days after submittal of a complete Sketch Plan application to discuss the proposed development. The Land Use Staff will provide the Applicant with written comments regarding the proposed Sketch Plan application within seven (7) working days following the conference.
- (5) **Preliminary Development Plan (PDP) Submittal:** The Applicant shall submit a PDP application within nine (9) months of the date of the written comments from the Sketch Plan conference or a new Sketch Plan submittal must be made. Applicant may request an extension to file the PDP by making such request in writing to the Land Use Staff; however, no extension may be for longer than six (6) months.

B. PRELIMINARY DEVELOPMENT PLAN (PDP)

Combined Preliminary Development Plan/Final Development Plan: See Section 6.8 C for explanation on combining PDP and FDP applications.

- (1) **General:** The Preliminary Development Plan (PDP) is the most critical stage in the Planned Unit Development planning process. It is at this stage that the project will be thoroughly evaluated for its impact on the County and the political subdivisions in the County and for its visual impact. The project will be evaluated to ensure that the proposed development will function appropriately, that the land uses proposed are appropriate for the area in which it is to be located, that proposed lots do not increase the potential for future requests for variance or exception, and that the health and safety of the future residents of, and visitors to, the proposed development will be protected. Failure to prove that conditions or services are adequate to meet the needs of the development may be grounds for denial of the application. To evaluate the objective set forth, the following will be considered by the County in its review of the PDP:

(a) Water service shall be provided by a Title 32 special district, water conservancy district, an on-site well if all other criteria for demonstrating a sustainable yield and availability for the proposed development are met, or other water provider with demonstrated capability to provide water service as may be approved by the BOCC.

(b) Sanitary sewage treatment shall be provided by a Title 32 special district, municipality, or on-site wastewater treatment facility that meets the requirements of state regulations and the provisions of Section of

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- (c) Evidence of safe, legal and adequate year-round access for emergency services, as well as for residents and visitors.
 - (d) Adequate mitigation of risks and identification of hazards resulting from flooding, wildfire hazard, avalanche and geologic hazards, unstable soils, or other hazards.
 - (e) Adequate mitigation of any effects the proposed development may have on air quality, water quality, wildlife, scenery and historic resources.
 - (f) Availability of all other utilities and resources that may be required for the development.
 - (g) Adequate mitigation of any adverse economic impact or impact upon existing public services and facilities.
 - (h) Written plan to address fire safety and fire suppression within the development and ability to comply with the requirements of Section 24 of this Code.
- (2) **Submittal of the Application**: The application, together with the attachments described below, and the required fees, shall be submitted to the Land Use Department as set forth in Section 6.11 below, "Application Completeness." All documentation included in the application for the PDP not reflected on maps or site plans shall be printed on numbered pages and bound or fastened together, along with a table of contents. Plats, drawings and/or separately bound reports shall be included and referenced in the completed application through the use of pockets or other suitable means. Incomplete submittals will not be accepted.

The application shall include a narrative describing the elements of the proposed plan and a summary of information required below, such as ownership, proposed financing of the improvements and any other significant information that the Applicant believes will assist in the review of the application. The application shall include the signatures of all surface owners having a record of interest in the property.

- (3) **Content of Preliminary Development Plan (PDP)** : Each PDP shall be drawn to a scale sufficient to show enough detail to enable full evaluation of all elements of the proposal. The Applicant shall confirm with Land Use Staff the minimum number of submittal copies required. The PDP shall include, as a minimum, the following information:
- (a) **Existing Conditions Map**: The map shall minimally contain a north arrow and scale, show existing site features prior to any alteration of natural

vegetation, landscape features, and any existing or in-process construction. The map shall also include the following:

- (i) Vicinity map at 1" = 1000', or other scale as determined to be appropriate by the Land Use Staff, showing the location of the proposed development in relation to the surrounding area.
 - (ii) Site boundary, with dimensions, shown relative to section lines.
 - (iii) All significant topographical features shall be identified using 5' intervals for land with slopes equal to or less than 10%, 10' intervals for land with slopes greater than 10%.
 - (iv) Types and location of *significant* vegetation.
 - (v) Areas of special flood hazard, all intermittent and perennial streams and ditches, ditch rights-of-way, permanent and seasonal bodies of water, springs, wetlands and other similar features.
 - (vi) Existing structures and fences, including their current uses, locations, height, dimensions and an indication of which structures are to be preserved on the site.
 - (vii) Identification of existing roads, easements, and any historic or public trails.
 - (viii) Location and alignment of existing utilities and existing utility easements.
 - (ix) Identification of all sensitive wildlife areas, including known migration routes, important winter and summer habitat areas and all known calving, fawning and lambing grounds.
 - (x) Other data as may be required by the County.
- (b) **Site plan:** The site plan shall show major features of the proposed development including building locations (existing & proposed) and footprints at scale of 1"=100' or 200', or other scale determined to be appropriate by the Land Use Staff. The site plan shall include sufficient information to allow evaluation of land planning, building location, potential off-site visual impact, and structure massing. The site plan shall include a north arrow and scale and illustrate, as applicable, the following information:
- (i) Proposed lot name and/or lot number. The name of the proposed development shall be different from all others in the County. Other

information required shall include the preparation date, written and graphic scale, and accurate boundary description and area of each parcel.

- (ii) The names, addresses and phone numbers of the owner(s) of record, applicant, surveyor, engineer and any planner involved in the preparation of the PDP, including owners of severed mineral interests. (If the names and addresses of the owners of severed mineral interests are unknown, provide supporting preliminary title work.)
 - (iii) Subdivision of which the lot is a part, if applicable.
 - (iv) Locations, dimensions, square footage (area) of all lots, sublots, parcels or footprints within the project. Location and extent of areas to be used for residential, open space, recreational and other uses. Land use information shall be specific for each use area, with densities, maximum structure size and maximum structure footprint (if applicable), and land use types delineated.
 - (v) Location and size of all existing and proposed structures.
 - (vi) Roads, driveways, walkways, drainage, sanitary sewer, public utility and other easements, open space and other areas reserved for use of the public or residents of the development.
 - (vii) Proposed and adjoining open spaces with an indication as to use, if applicable.
 - (viii) Adjacent property ownership and land use.
- (c) **Other information to be supplied:**
- (i) Reports. The Applicant shall furnish preliminary reports concerning streams, lakes, ditches, ditch rights-of-way, springs, topography, vegetation and geologic characteristics that could affect the proposed land use (including potential hazards, and any other reports, responses or concerns raised during the review of the sketch plan for the proposed development) and any other information as may be determined necessary by the County. Deleted: , soil suitability.
 - (ii) Wildfire Hazard Mitigation. The Applicant shall furnish all reports, designs, data and documentation as required by Section 24 of this Code. In addition, the Applicant shall submit a report from the appropriate fire protection district or association detailing any mitigation required for fire safety or fire suppression, and the

necessity of installation of fire hydrants with proposed locations, and other similar information.

- (iii) All information required by Section 7 of the Ouray County Land Use Code – “Development Standards”.
 - (iv) A preliminary title report showing the record owner(s) of the property, lienholders and severed mineral interests.
 - (v) Maps and tables concerning suitability of types of soils in the proposed PUD, in accordance with any standard soil classification and procedures therefore, for the proposed use.
 - (vi) In areas of potential radiation hazards to the proposed future land use, evaluations of the potential radiation hazards.
- (d) A plan prepared, in coordination with the Ouray County Weed Manager, to address general weed control, site re-seeding or remediation, and if required, the eradication and control of noxious weeds on the property.
- (e) Other information as may be requested by the Land Use Staff or other County Departments or Boards.
- (4) **Additional Data:** Information regarding the following details shall either be on the PDP or shall be included in the information submitted with the PDP.
- (a) **Financial Ability.** Proof of the financial ability of the Applicant to complete the project and improvements shall be required. This shall include an estimate of the overall cost of the project, proposed sources of financing, financial statement of the Applicant, banking references, and any other information that will enable the County to ascertain that the Applicant is financially capable of completing the project.
 - (b) **Economic Impact.** An analysis of the economic impact of the proposed project on the County and other political subdivisions within the County, both detrimental and beneficial, shall be required. This shall include, among other things, an analysis of the impact on County roads, the schools serving the County, including an analysis of the land dedication required by the Land Dedications and Payments for School Purposes as set forth in Section 26 herein, the impact on population, both permanent and transient, and any other information that the County considers relevant. The report shall also include a quantitative analysis of the property tax impact on Ouray County before and after the development of the subject property and an analysis of the impact on Ouray County services before and after the development of the subject property.

(c) **Drainage.** A development drainage plan with maps and narrative description, which identifies the historical storm runoff from the site, the anticipated increase in runoff resulting from the development for storms having two (2), five (5), ten (10) and one hundred (100) year frequencies and the proposed method for handling the runoff, including the location and description of any necessary drainage facilities shall be required. Where the proposed development drainage plans require the alteration of any identified areas of special flood hazard, the drainage plan shall detail the plans for the proposed alteration of the flood plain limits and any proposed flood control measures. An engineer registered in the State of Colorado who has experience in the evaluation and design of storm drainage and related facilities shall prepare the drainage plan and supporting maps.

(d) **Water Supply.** ~~Developer shall submit confirmation that service to the proposed development is available from a Title 32 special district, a water conservancy district, or other water provider as may be approved by the Board. In the event that water service is not available from an existing water provider, Developer shall submit a report~~ containing detailed information regarding the proposed water supply that indicates that the provisions of Section ~~X.X~~ will be met. This report shall show that the proposed water supply is sufficient in terms of quality, quantity, dependability and pressure to ensure an adequate supply of water for the type of development and land uses proposed, and shall include, but not be limited to, evidence of ownership of right to use, historic use, estimated yield, amenability of existing rights to a change in use if needed, water amount available and the feasibility to extend service to the proposed development.

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The report shall also include the following information:

(i) ~~Evidence that public or private water owners can and will supply water to the proposed development, stating the amount of water available for use within the development and the feasibility of extending service to that area.~~

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(ii) ~~Evidence concerning the potability of the proposed water supply for the development in accordance with guidelines and water quality standards established by the Sate of Colorado for drinking water. Such evidence must take into account that some water source areas in Ouray County produce water with undesirable substances not included in State water quality standards. Ouray County may impose requirements in addition to those of the State for potable water.~~

(iii) The estimated total number of gallons per day of water system requirements where a new central distribution system is proposed.

(iv) Where the water supply will be obtained from an existing system, special district or town, evidence must show that the proposed

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supplier of water to the development agrees to supply adequate amounts of water to meet the needs of the proposed development.

(v) Estimated construction costs and proposed method of financing the improvements.

(vi) If proposing a new water system, any system designed to serve twenty-five (25) people or fifteen (15) taps must be reviewed and approved by the Colorado Department of Health. The developer shall give such guarantee or shall post such bond as deemed necessary to insure installation of an adequate and safe system which would provide for water connection for each lot.

(vii) If Developer is proposing connection to an existing water provider, Developer shall submit a letter from the water provider confirming water availability and the ability to serve the proposed subdivision and evidence indicating that a satisfactory agreement has been entered into for the installation of such service which shall provide water connection for each lot.

(viii) If water is to be supplied by a new water provider or a private water company, an analysis of the availability of water for the development may be required from the Colorado Division of Water Resources or a professional water engineer or hydrologist.

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(e) **Sewage Treatment.** A report containing detailed information regarding the proposed method of treating sanitary sewage from the proposed development, indicating that the provisions of **Section X.X will be met.** The report shall estimate total sewage treatment needs and provide evidence that the proposed system for the treatment of sewage will comply with applicable State of Colorado statutes, regulations and design requirements, and that the proposed method is both technically feasible and environmentally sound.

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The report shall include the following information:

(i) If sewage collection and treatment is to be provided by an existing wastewater treatment provider, including a Title 32 special district, a letter of commitment must accompany the report, stating that there exists sufficient capacity to supply the needs of the proposed development and that an agreement has been reached to provide for the wastewater treatment of the proposed development, and that the wastewater provider is in compliance with applicable State laws and regulations.

(ii) If sewage treatment is to be accomplished by installation of On-site Wastewater Treatment System (OWTS), the Applicant shall demonstrate the ability to fully comply with the Colorado Department of Public Health and Environment regulations pertaining to OWTS, and the provisions of the Code pertaining to

OWST.

(iii) Demonstration of ability to comply with the state regulations governing OWTS may require an analysis of the suitability of soils and that the installation of OWTS can be achieved on all proposed lots. Demonstration will be by an eight-foot or bedrock deep profile hole and three (3) percolation hole tests within that area of the proposed buildable area on each lot where the OWTS will most likely be installed.

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(iii) This demonstration is to be completed by a Colorado registered professional engineer knowledgeable of OWTS design and installation, and be included in the report covering requirements of this section of the Code. If, at the time of installation, the disposal field is not to be located in the area where the Applicant did the percolation tests, new percolation tests in the area to be used will be required.

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(iv) Any system with a design capacity of two thousand (2,000) gallons per day or more must also have the site application approved by the Colorado Department of Health. No construction shall be commenced upon any such systems until the same has been approved in writing by the County and the Colorado Department of Health, provision has been made for future operation and maintenance, and the developer has given such guarantee or posted a bond as deemed necessary to insure the installation of proper facilities within the proposed development.

(v) Any system with a design capacity of two thousand (2,000) gallons per day or more must also have the site application approved by the Colorado Department of Health. No construction shall be commenced upon any such systems until the same has been approved in writing by the County and the Colorado Department of Health, provision has been made for future operation and maintenance, and the developer has given such guarantee or posted a bond as deemed necessary to insure the installation of proper facilities within the proposed development.

(f) **Public Utilities.** A report shall be submitted regarding the availability of service and the ability of the utility to provide that service and evidence that provisions have been made by the Applicant for facility sites, easements, and rights of access for electrical and natural gas utility service (if available) sufficient to ensure reliable and adequate electric or, if applicable, natural gas service for the proposed PUD. Submission of a letter of agreement (ie. *will-serve letter*) between the Applicant and the utility serving the site shall be deemed sufficient to establish that adequate provision for electric or, if applicable, natural gas service to the proposed PUD will be made.

(g) **Open Space.** A plan shall be submitted, in accordance with the provisions

of Section 6.7, including a description of the areas to be set aside as permanent open space, proposed ownership, maintenance, and use of such areas.

- (h) **Public Areas.** A written and graphic description of any areas to be reserved for community or public uses and all areas to be dedicated to the County or held for common use shall be submitted.
- (i) **Covenants.** A *draft* of the protective covenants to be filed with the FDP shall be supplied. The covenants must include provision for maintenance of open space consistent with Section 6.7 of these regulations and any proposed restrictions upon use of water and sewer systems, visual impact provisions complying with Section 9 of this Code, and outdoor lighting restrictions as described in Section 27 of this Code. (*Covenants not required for a Limited PUD.*)
- (j) **Phasing.** If proposing a phase development, a schedule indicating when the various phases of the proposed development will be completed and a schedule for the completion of the required public improvements shall be submitted. (*Not required for a Limited PUD.*)
- (k) **Adjacent Owners.** A map showing adjacent property owners, including the names and addresses of such owners shall be submitted. (This information is available at the Ouray County Assessor's Office.)
- (l) **Visual Impact Analysis.** In accordance with Section 9 of the Land Use Code, when applicable, an analysis of the visual impact of the project shall be submitted. This may require photographs of the project area from all applicable roads from which the project will be visible, photographs from the project showing vistas to the north, east, south and west, and all significant topographical features. This analysis shall also include, if appropriate, architectural elevations, all outdoor lighting (to comply with Section 27) and the Applicant's statement of a plan to mitigate the visual impact of the project, such as screening, landscaping, or construction and/or building height limitations. Deleted:
- (m) **Mail receptacles.** Applicant shall include an adequate area for the location of mail receptacles for future owners to receive mail at the proposed PUD. Such area shall be approved by the Road & Bridge Department and the United States Postal Service. It is the County's preference that mail facilities be located on PUD roads.
- (n) **Miscellaneous.** Applicant shall provide any other information or submit any other items as the Planning Commission or the Area Joint Planning Board or County Commissioners may reasonably request in order to review and act upon the PDP.

(5) **Filing and Fees**

- (a) The Land Use Staff shall not be required to accept the submittal of a PDP unless and until it is complete and all required maps, documents and other supporting materials are submitted together (except any additional materials requested later).
- (b) In order to defray the costs associated with review or revisions of a proposed development, the Applicant shall pay to the County fees in accordance with the County's current fee schedule, including the cost of all engineering reviews by the County Engineer.
- (6) **Agency Recommendations**: Pursuant to the requirements of C.R.S. §30-28-136, [and the Ouray County Land Use Code](#), referrals of the proposed PDP shall be made to appropriate agencies, organizations or individuals. Such referrals may also include other Ouray County Departments or agencies, postmaster, fire districts, etc. Those agencies, organizations and individuals receiving a referral shall have 21 days from the date of mailing the referral by the County within which to respond. The County may, upon the request of the reviewing agency or committee, extend the response period for not more than thirty (30) days if consented to by the Applicant. Failure to respond to the referral within the time allowed shall be deemed to indicate approval of the development by the referral agency.
- (7) **Public Hearing**: Once an application has been accepted as complete and all referrals have been made, Land Use Staff shall set a date for a public hearing on the proposal, which shall be scheduled in a manner which allows compliance with the notice provisions of this Code and state statutes. Notice of such public hearing shall be published at the expense of the Applicant, in a newspaper of general circulation within Ouray County at least fourteen (14) days prior to the hearing date. The Applicant shall also provide, prior to the Planning Commission or the Area Joint Planning Board public hearing on the PDP, certificates of mailing from the U.S. Postal Service showing that notice has been sent to all adjacent, adjoining, and abutting owners at least 14 calendar days prior to the date of such hearing. The notice shall be given in a form approved by the Land Use Staff. Additionally, Applicant shall comply with the requirements of C.R.S. §24-65.5-101, *et seq.*, "Notification of Surface Development" to any owner of severed minerals underneath the property to be developed.
- (8) **Planning Commission or Area Joint Planning Board Action**: At the public hearing, the Planning Commission or the Area Joint Planning Board shall review and consider the PDP application, the comments and recommendations from any agency referrals, testimony from the public, and the requirements of this Section, and shall recommend approval, approval with conditions or modifications, or disapproval of the PDP. Planning Commission or the Area Joint Planning Board

action shall be in the form of a motion as noted in the minutes and, if the plan is disapproved or approved with conditions or suggested modifications, the conditions or suggested modifications shall be stated in clear and concise terms in the motion. The motion may also state what specific changes in the PDP, if made by the Applicant in the plan, could render the plan acceptable to the Planning Commission or the Area Joint Planning Board. The Planning Commission or the Area Joint Planning Board minutes, together with copies of all submissions by the Applicant and other information developed by the Planning Commission or the Area Joint Planning Board shall be forwarded to the County Commissioners. No public hearing shall continue for more than forty (40) days from the date of commencement without the written consent of the Applicant. Any continuation of a public hearing shall be to a date certain.

- (9) **County Commissioners' Action:** Upon receipt of the Planning Commission or the Area Joint Planning Board recommendation and accompanying materials, the County Commissioners shall at a legally noticed public hearing, review the PDP. Notice of such public hearing shall be published at the expense of the Applicant, in a newspaper of general circulation within Ouray County, at least fourteen (14) days prior to the hearing date. At such public hearing, the County Commissioners shall consider the PDP application, the recommendation of the Planning Commission or the Area Joint Planning Board, the comments and recommendations from any agency referrals, testimony from the public, recommendation from Staff, and the requirements of this Section, and shall, by resolution, approve, approve with conditions or modifications, or disapprove the plan. The County Commissioners shall state clearly, in writing, the grounds for disapproval or the required conditions or modifications. If the PDP is approved by the County Commissioners, such approval shall be reflected in a resolution, including any conditions of approval and the County Commissioners, through the Chair, shall note such approval on the PDP.

(10) Recordation of Preliminary Development Plan: Developer shall be required to record the approved PDP with the Ouray County Clerk and Recorders Office within seven (7) days of approval by the Board of County Commissioners.

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(11) Effect of Commissioners' Approval:

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- (a) Applicant shall be required to submit an application for FDP approval within **one year** of the PDP approval and a final plat shall be recorded within **two years** of PDP approval. The failure by the Applicant to meet the deadlines for FDP submittal and recordation of the final plat shall make the PDP approval null and void. An extension of time may be applied for by the Applicant requesting such extension in writing. The County Commissioners may grant an extension of time.

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(b) Once the Applicant has received approval of the PDP, no construction (grading, trenching, or other disturbance of soils) shall commence until the FDP has been approved and a PUD Construction Permit issued by the Land

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Use Department.

(12) **PUD Agreement: (Not required for Limited PUD.)** As a condition of PDP approval, the Applicant shall enter into a PUD agreement with the County, which shall be in a form acceptable to the County and shall contain, at a minimum, the following:

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- (a) An agreement that, if the development receives FDP approval, the Applicant will make and install within a mutually agreed-upon period of time, all improvements required by these regulations and identified by the County, as necessary to the project. All improvements shall be in accordance with **Section 23, "Ouray County Road Standards" or as may otherwise be required by the Road & Bridge Superintendent.**
- (b) Any other provisions that the County deems necessary to protect the public health, safety or welfare, which requirements are in accordance with the provisions of Colorado Revised Statutes, Section 30-28-137, as amended.
- (c) A detailed land use description for the final plan, including specific land uses and unit types for each use area, maximum number of units or floor area for non-residential uses, average lot size, maximum and minimum lot sizes, and any other land use information deemed appropriate by the County in its review of the project.

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C. FINAL DEVELOPMENT PLAN (FDP)

- (1) **Preliminary Development Plan/Final Development Plan Combined Application:** For PUD's that propose a maximum of 6 lots and do not include phasing, the PDP and FDP processes may be combined and included in one application. For a combined PDP/FDP, Applicant shall submit all required materials as detailed in this Section 6. (*See *Land Use Fee Schedule* for fee information for a combined PDP/FDP application.)
- (2) **General:** Within one (1) year (or any extension granted by the County Commissioners) after approval by the County Commissioners of the PDP or within such greater period of time as may have been specified in the Commissioners' approval, the Applicant shall submit to the County an application for Final Development Plan (FDP) approval.
- (3) **Size and Scale:** The FDP shall be drawn at a scale sufficiently large to clearly show the details of the development plan; 1" = 100' is preferred. The FDP shall be drawn on double matte reproducible Mylar in black permanent ink. The outer dimensions of the map shall be 24" x 36"; a margin of at least two (2) inches shall be reserved at the left edge of the map and at least one-half (1/2) inch shall be reserved around the remainder of the drawing.

- (4) **Title Sheet**: The purpose of the title sheet is to clearly describe the property being developed and to indicate approval of the FDP by the County. Accordingly, the FDP/final plat title sheet shall contain the following information:
- (a) The legal description of the outer boundary of the land included in the FDP, to include the exact acreage.
 - (b) The title of the development, which shall be different from any other development in the County.
 - (c) A statement by the land surveyor for the PUD, who shall be licensed in the State of Colorado, that the survey was performed by him or her, under direct supervision, responsibility and checking, and that the FDP accurately and properly shows the results of that survey and is in accordance with the requirements of C.R.S. §38-51-104 and §38-51-106, as the same may be amended from time to time.
 - (d) The signature and seal of the land surveyor for the PUD.
 - (e) Signature blocks for the chair of the County Commissioners, with spaces for the date.
 - (f) A certificate to be signed and acknowledged by all parties having record title interest in the property, consenting to the preparation and recordation of the FDP.
 - (g) A statement to be signed by the owners and other holders of record interests of the land encompassed by the FDP dedicating the streets, rights-of-way, public sites and other public land, as required, to the County.
 - (h) Signature block for the Ouray County Treasurer, certifying that there are no delinquent taxes due or tax liens against the property included in the PUD.
 - (i) Attorney's certification that title to the property has been examined and that all record owners and holders of encumbrances affecting the property have properly executed the plat and joined in the dedication of the subdivision of the property as well as roadways, easements or rights-of-way shown on the plat.
 - (j) Signature block for all holders of encumbrances against the property included on the plat certifying that they consent to the division of the property and join in the dedication of the roadways, easements or rights-of-way shown on the plat.
 - (k) Acceptance block for the Ouray County Clerk and Recorder to record the

filing of the final plat.

- (l) Where the FDP includes more than one sheet and, where the FDP is a portion of a larger approved PDP, a key map shall be provided that shows the relationship of each sheet to the overall area encompassed by the FDP and its relationship to the approved PDP.
 - (m) Where there is a subdivision of land involved in the proposed development of the land, a final subdivision plat shall also be prepared. The map sheets of the Final Plat shall show the boundary survey information described above and the survey data for each of the lots contained in the subdivision.
 - (n) Any other required plat notes or dedications, such as restrictions on open space, non-building areas, engineering requirements, wildlife restrictions, visual impact regulations, restriction of further development, etc.
- (4) **Additional Information:** The following information shall accompany the submittal for the approval of the FDP:
- (a) Updated reports as may be required to supplement those items described in Section 6.8 B.
 - (b) Covenants shall be submitted that comply with all prior conditions of approval and shall include all required Land Use Code and statutory language. The covenants shall be reviewed by the County Attorney prior to recording.
- (5) **Contents of Final Development Plan (FDP):** The Applicant shall confirm with Land Use Staff the minimum number of submittal copies required. At a minimum the FDP shall show the following information:
- (a) Written and graphic scale, date of preparation, north arrow and number of each sheet of the total number of sheets (e.g., Sheet 5 of 8).
 - (b) The names of any abutting developments. In the case of abutting unplatted land, the notations “unplatted” should appear.
 - (c) All property boundary lines and lot lines with lengths to one one-hundredth of a foot, bearings, points of curvature and lengths of arcs. All bearing determinations must be explained in a statement by the land surveyor for the PUD. “Assumed North” is not an acceptable basis for bearings.
 - (d) The boundaries of all areas within the development which may subject to periodic inundations by a one hundred (100) year flood and located within known, designated or identified as areas of special flood hazard..

- (e) The bearings and distances for every lot line and building area(s) shall be shown; lot dimensions shall be shown in feet and hundredths of feet. The net acreage of all lots shall be shown to the nearest one-hundredth of an acre.
- (f) All lots shall be numbered consecutively with no omissions or duplications throughout the entire development, including all units of any development that has a single tract name but is designated by different units. If blocks are numbered, they shall be numbered consecutively. Each lot shall be shown entirely on one sheet.
- (g) The side lines, total width, width of the portion being dedicated and width of existing dedications of all roads or streets shall be shown. In addition, the centerline of all roads or streets shall be dimensioned with bearings, distances and detailed curve data to include arc, radius, chord length and length of arc. Curve data may appear in a table, with the date referenced to each curve by a method acceptable to the County.
- (h) The survey for the development shall close with an accuracy of one in five thousand.
- (i) Existing and proposed easements, public roads or trails as identified by Ouray County records, or through reference to recorded documents shall be shown, including the reference to the County's records. If the easement is being dedicated on the FDP, it shall be properly set out in the owner's certificate of dedication.
- (j) The names of all streets and highways, as reviewed and approved by appropriate Ouray County departments or agencies.
- (k) The names, locations and widths of all abutting roads, if any.
- (l) The location and a description of all monuments, both found and set, which mark the boundaries of the property, including, if possible, a description of two or more recorded monuments on record with the State Board of Registration for Professional Engineers and Land Surveyors used in conducting the survey.
- (m) Any monumented and recorded benchmark (USGS datum) within the development and within thirty (30) feet of the proposed construction work area.
- (n) Any other information or submittal items as the Planning Commission or the Area Joint Planning Board or the Board of County Commissioners may reasonably request in order to review and act upon the FDP.

- (6) **Filing and Fees:** The Applicant shall, at the time of filing a FDP, pay a fee as determined by the County's current fee schedule.
- (7) **Certificate of Title.** There shall be filed with the FDP, evidence of title and liens or encumbrances issued by a reputable title insurance or abstract company or title opinion by an attorney licensed to practice law in the State of Colorado, showing the names of all persons and entities having any right, title or interest in the land proposed for development and whose consent is necessary to convey clear title to the said land. The policy or commitment for title insurance or title opinion shall be issued or updated within sixty (60) days of the submittal of the FDP application.
- (8) **Certification of Water and Sewer Facilities.** (If required)
- (a) **Sewer:** A certificate of the CDPHE that the sewage treatment system, as submitted, by the Applicant, will comply with State and local laws and regulations. Deleted: designed
- (b) **Water:** A certificate from the State Engineer or the appropriate water district or municipality, that the water system, as submitted, by the Applicant, will provide adequate and safe water, in compliance with State law and regulation, to the development. Deleted: designed
- (9) **Weed Mitigation:** Applicant shall submit a revegetation plan and a weed mitigation and control plan that has been reviewed and approved by the Ouray County Weed Manager, including the approximate cost for the required work. As a condition of any PUD approval, the Applicant shall be required to comply with the terms of any such approved plan, including posting an appropriate bond as per recommendation by County Staff. Deleted: .
- (10) **Additional Information:** Any other evidence and material that are or may hereafter be required by law or by the conditions of approval of the PDP.
- (11) **Performance Bond:** As a condition of FDP approval, the Applicant shall be required to execute a bond in an amount as approved by the County Commissioners. The bond shall be in the form approved by the County and shall be conditioned upon the Applicant completing the plan, or the stage, as finally approved. The bond shall be in cash or security acceptable to the County. The bond may provide for phased satisfaction and release upon completion of phases as approved by the County. The amount of the bond shall be determined by the County Commissioners based upon satisfactory information supplied by the Applicant, such as current engineering estimates, signed contracts with contractors expected to perform the work, or other information required by the County Commissioners. **(To apply to Limited PUDs on a case-by-case basis only.)**

(12) **Action on Final Development Plan (FDP):**

- (a) Upon submission of the FDP, it shall be reviewed by the Planning Commission or the Area Joint Planning Board to ascertain whether it is in compliance with the PDP and this Section. The Planning Commission or the Area Joint Planning Board shall then certify to the County Commissioners that the FDP as submitted is in compliance with the requirements of the Land Use Code and the approved PDP. If it is not in compliance, the Planning Commission or Area Joint Planning Board findings shall note those areas of noncompliance. A copy of the Planning Commission or the Area Joint Planning Board findings shall be given to the Applicant. The Planning Commission or the Area Joint Planning Board action shall be in the form of a motion as noted in the minutes. The Planning Commission or the Area Joint Planning Board minutes, together with copies of all submissions by the Applicant and other information developed by the Planning Commission or the Area Joint Planning Board shall be forwarded to the County Commissioners.
 - (b) Upon receipt of the Planning Commission or the Area Joint Planning Board findings, the County Commissioners shall, within a period of not more than thirty (30) days and at a legally noticed public hearing called for such purpose, review the recommendation of the Planning Commission or the Area Joint Planning Board and the technical aspects of the FDP submittal, and determine if such FDP is in compliance with the requirements of this Section and the approved PDP. Notice of such public hearing shall be published at the expense of the Applicant, in a newspaper of general circulation within Ouray County at least fourteen (14) days prior to the hearing date. The Board shall approve, conditionally approve or disapprove the FDP. The action of the County Commissioners shall be transmitted to the Applicant.
 - (c) Approval of the FDP shall not constitute acceptance for maintenance by the County of roads, streets, alleys or other public lands within the Planned Unit Development.
- (13) **Impact Fees:** If the County Commissioners determine, on the basis of information submitted and available to it, that a proposed development will have an impact on, or will necessitate, improvements to facilities or services provided by the County, the school districts or other governmental entities within the County, the County Commissioners shall, to the greatest extent possible and as a condition of approval, require that the Applicant take steps to mitigate the impact by payment of impact fees or provision of in-kind contributions. The amount and purpose of any impact fee shall be determined by the County Commissioners based upon a finding that there is an essential nexus between the payment or contribution and a legitimate local government interest and the payment or contribution is roughly proportional in nature, timing and extent to the impact of

the proposed use. Failure to fund such impacts by the Applicant may be grounds for denial of the development. The County Commissioners may require that the Applicant obtain a traffic analysis, completed by a professional engineer, illustrating the expected traffic by type and volume for the anticipated use; the County Commissioners may require that other appropriate studies or analyses be obtained by the Applicant, depending upon the anticipated impacts of the proposed development. Any land dedication and/or payment for school purposes required shall comply with Section 26 of this Code.

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(14) **Construction of Planned Unit Development:** No construction shall commence and no permits for construction shall be granted until the FDP (or combined PDP/FDP) has been approved by the County Commissioners.

(a) Prior to undertaking construction, the Applicant shall first apply for, and obtain, a PUD construction permit from the Ouray County Land Use Department/Road & Bridge Department . The application for a PUD construction permit shall include construction plans for all improvements described in the PUD development plan. These shall consist of three (3) copies of plans and profiles for all streets drawn to a scale of 1" = 10' vertical and 1" = 5' vertical and 1" = 50' horizontal, showing all proposed utility line locations and sizes, connections, valves, fire hydrants, detailed plans for all water supply and sanitary sewer service facilities (if applicable) and detailed plans for all drainage structures and flood plain channelization facilities. Applicant shall also submit a preliminary grading plan showing proposed grades, the extent of cuts and fills and the proposed slope angle of all banks. Preliminary grading plans may be based on a photogrammetric survey of a scale not less than 1" = 100'. Contour intervals shall be as follows:

- (i) Greater than or equal to 10% slope - 10' interval
- (ii) Less than 10% slope - 5' interval

(b) The County shall approve the application and issue a permit only if it finds that construction will be in conformance with the previously approved FDP, Ouray County development standards, and other applicable laws and regulations.

(c) The County Land Use Department or Road and Bridge Department may refer construction drawings to the County Engineer for review and comment.

(d) All construction shall be in conformance with the approved Final Development Plan (FDP) and all standards in Section 23 – Ouray County Road Standards or as may be required by the Road & Bridge Superintendent.

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- (e) Any material variation from the FDP must be approved by the County Commissioners as an amendment to the FDP.
- (f) The Planned Unit Development or the stages of a Planned Unit Development must be completed in accordance with the schedule established by the Planned Unit Development Agreement. Failure to so complete may result in forfeiture of the Applicant's performance bond, as heretofore required.

(15) Final Approval of PUD (Final Plat):

- (a) Within two years of the preliminary development plan approval, or upon completion of required improvements or, in the case of a phased development, upon completion of the improvements for a particular phase, the Applicant shall apply to the County Commissioners for final PUD or final approval of any phase. If the County Commissioners find that there has been compliance with this Code and the PUD Agreement, final approval shall be granted.
- (b) No PUD property (lots) shall be transferred, sold or occupied for its intended purpose until final approval, or final approval of any phase, has been granted.
- (c) Upon final approval, a plat (paper and in an appropriate digital format) of the final PUD Plan, or that phase of it that has been finally approved, shall be submitted to Land Use Staff for review and compliance with all previous approvals. If the final plat conforms to prior approvals, Land Use Staff shall submit the final plat to the County Commissioners at a regular meeting for approval and signature by the Chair of the County Commissioners. The final plat shall then be recorded by the Applicant in the office of the County Clerk & Recorder of Ouray County within 30-days from the date of final approval. No such PUD Plan, or portion of plan, shall, however, be filed until final approval has been granted, all required fees have been paid, and the plan and plats have been executed by the County Commissioners. All signatures and seals affixed to the final plat shall be original, in black permanent ink and clearly readable.
- (d) If the improvement work required under the PUD Agreement has been substantially, but not entirely, completed, the Applicant may, nevertheless, apply for final PUD approval and the County Commissioners may grant such approval if the Applicant enters into a final improvements agreement, in the form specified by the County, agreeing to complete the work within a specified period of time and further agreeing that, should such work not be satisfactorily completed within the specified time limit, the County may complete it and recover the costs thereof from the Applicant. A good and

sufficient performance bond or cash deposit in the name of the County shall secure the agreement. The amount of the bond or cash deposit shall be sufficient to cover the estimated costs of the improvements. The agreement shall provide for release of the collateral or bond upon completion of the improvements and may provide for partial release of the collateral or bond upon partial completion of the improvements.

6.9 **PLANNED UNIT DEVELOPMENT – LIMITED, SUPPLEMENTARY CRITERIA, REQUIREMENTS AND PROCEDURES**

A. CRITERIA

A PUD-Limited may be approved subject to the following criteria:

- (1) The maximum allowable density shall not exceed one unit per 13 acres (if allowed by the underlying zoning) of land included in the application. Parcels smaller than 13 acres may be created provided the minimum lot size is one acre.
- (2) Limited PUD's are restricted to a maximum of three (3) lots in total..
- (3) Unless otherwise noted, all of the criteria and submittal requirements and site development standards set forth in Section 6.8 above, for a Sketch Plan, PDP and a FDP shall apply to a PUD-Limited. The Preliminary Development Plan (PDP) submittal for a Limited PUD shall act as a combined PDP and FDP.

B. ACTION ON A PUD-LIMITED

- (1) **Public Hearing**: Once the combined PDP/FDP application has been accepted as complete and all referrals have been made, Land Use Staff shall set a date for a public hearing on the proposal, which shall be scheduled in a manner that allows compliance with the notice provisions of this Code and state statutes. Notice of such public hearing shall be published at the expense of the Applicant, in a newspaper of general circulation within Ouray County at least fourteen (14) days prior to the hearing date. The Applicant shall also provide, prior to the Planning Commission or the Area Joint Planning Board public hearing on the combined PDP/FDP, certificates of mailing from the U.S. Postal Service showing that notice has been sent to all adjacent/adjoining/abutting owners at least 14 calendar days prior to the date of such hearing. The notice shall be given in a form approved by the Land Use Staff.

Additionally, Applicant shall comply with the requirements of C.R.S. §24-65.5-101, *et seq.*, "Notification of Surface Development" to any owner of severed minerals underneath the property to be developed and provide any copies of such notice to the Land Use Department.

- (2) **Planning Commission or Area Joint Planning Board Action**: At the public hearing, the Planning Commission or the Area Joint Planning Board shall review

and consider the combined PDP/FDP application for the PUD-Limited, the comments and recommendations from any agency referrals, testimony from the public, and the requirements of this Section, and shall recommend approval, approval with conditions or modifications, or disapproval of the combined PDP/FDP. Planning Commission or the Area Joint Planning Board action shall be in the form of a motion as noted in the minutes and, if the plan is disapproved or approved with conditions or modifications, the conditions or modifications shall be stated in clear and concise terms in the motion. The motion may also state what specific changes in the combined PDP/FDP, if made by the Applicant, could render the plan acceptable to the Planning Commission or the Area Joint Planning Board. The Planning Commission or the Area Joint Planning Board minutes, together with copies of all submissions by the Applicant, and other information developed by the Planning Commission or the Area Joint Planning Board shall be forwarded to the County Commissioners. No public hearing shall continue for more than forty (40) days from the date of commencement without the written consent of the Applicant. Any continuation of a public hearing shall be to a date certain.

- (3) **County Commissioners' Action:** Upon receipt of the Planning Commission or the Area Joint Planning Board findings, the County Commissioners shall, within a period of not more than thirty (30) days and at a legally noticed public hearing called for such purpose, review the combined PDP/FDP, the recommendation of the Planning Commission or the Area Joint Planning Board, the comments and recommendations from any agency referrals, testimony from the public, and the requirements of this Section. Notice of such public hearing shall be published at the expense of the Applicant, in a newspaper of general circulation within Ouray County at least fourteen (14) days prior to the hearing date. The Board shall approve, conditionally approve or disapprove the combined PDP/FDP. The County Commissioners shall state clearly, in writing, the grounds for disapproval or the required conditions or modifications. If the combined PDP/FDP is approved by the County Commissioners, such approval shall be reflected in a resolution, including any conditions of approval and the County Commissioners, through the Chair, shall note such approval on the combined PDP/FDP. Notice of the action of the County Commissioners shall be transmitted to the Applicant. The approval of the PDP/FDP shall be valid for eighteen (18) months. An extension of time may be applied for by the Applicant requesting such extension in writing. The County Commissioners may grant one written extension of time not exceeding eighteen months.
- (4) **Final Plat:** Upon completion of all necessary infrastructure improvements and within eighteen months of approval of the PDP/FDP, a final plat, with any amendments required by the County Commissioners, shall be submitted to Land Use Staff for review and compliance with all previous approvals. If the final plat conforms to prior approvals, Land Use Staff shall submit the final plat to the County Commissioners at a regular meeting for approval and signature by the Chair of the County Commissioners. The final plat shall be recorded by the

Applicant in the office of the Ouray County Clerk & Recorder. The final plat shall include all of the information, signatures, and other necessary information as set forth in Section 6.8 C (3) above. No plat shall be recorded, however, until final approval has been granted and all required fees have been paid. All required improvements or infrastructure must be installed, or any performance guarantee or agreements required as a condition of approval must be provided, prior to recordation of the plat and any associated documents.

6.10 **PLANNED UNIT DEVELOPMENT-RESORT/CONFERENCE CENTER**

A. **APPLICATION AND SUBMITTAL.**

All of the requirements of Section 6.8 shall apply to a Planned Unit Development-Resort/Conference Center, unless otherwise noted. In addition, the following information shall be submitted with the application for PDP approval. The County shall provide guidelines to the Applicant for data collection and extent and nature of the analysis to be performed for the reports described below. Applicant shall be responsible for all of the costs associated with the submittal of the required reports.

- (1) **Economic Analysis:** An economic analysis of the effects of the project on Ouray County and the surrounding area shall be submitted.
- (2) **Financial Information:**
 - (a) A business plan, including evidence of financial ability to complete the project shall be submitted.
 - (b) Proof of financial ability to operate the project shall be provided.
- (3) **Past Experience:** Evidence of past experience with similar types of projects shall be submitted.
- (4) **Visual Impact:** In addition to the information specified in LUC Section 9, “Visual Impact Review”, the following information shall be provided.
 - (a) **Architectural elevations and perspectives.** The County may specify off-site locations from which perspectives should be shown. The County may also require a detailed visual impact analysis.
 - (b) **A lighting plan** that complies with Section 27, for structures and any recreational facilities included within the development shall be submitted.
 - (c) **A landscaping plan** for all facilities, structures, roads, fences, and improvements included in the resort and resort residential areas shall be submitted. Such plan shall include a *weed mitigation plan*. In areas where land will be disturbed by recreational development and facilities, the Applicant will provide plans for revegetation and restoration of such areas.

- (5) **Traffic Study:** An analysis of the impact of the development on traffic circulation, which also calculates increased average and peak daily traffic volumes and evaluates the capacity of the existing road system to handle increased traffic, shall be provided.

B. CRITERIA

In addition to the Site Requirements and Review Criteria set forth in Section 6.6, and the Development Standards contained in Section 7, a PUD-Resort may be approved for land within the Alpine Zone District subject to the following criteria:

- (1) **Uses/Facilities:** A PUD-Resort/Conference Center shall be allowed for multi-season resort development only. The ~~Resort Core Area~~ shall include a full service hotel with basic resort facilities, including but not limited to those enumerated below. An Applicant ~~may~~ also choose to include resort residential units on parcels contiguous to the resort core area.

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(a) **Resort Core Area:**

Hotel: Minimum number of rooms: 20
 Maximum number of rooms: 200

The hotel shall be open for two or more seasons, be primarily oriented to outdoor recreational uses, and be self-contained. It shall include a contiguously operated food service, serving 3 meals per day in an on-site restaurant. A lobby and front desk with 24-hour service shall be provided.

- (b) Required recreational facilities and uses: Each application for PUD-Resort shall include a variety of recreational uses for guests. These uses shall be primarily oriented to outdoor recreational uses and be self-contained. Such uses may include, but not be limited to skiing (cross country and/or downhill), snowshoeing, hiking, fishing, tennis, golf, horseback riding, trails (foot, horse, motorized vehicles).

Indoor facilities may include but not be limited to spa/retreat or health center, meeting space, swimming pool, retail facilities to serve the resort, and indoor sports facilities.

- (c) Resort residential area (160 acres minimum, in addition to and outside resort core area. ~~(Resort Residential area component not required for Resort/Conference Center PUD.)~~
 Residential development may be allowed on land contiguous to the resort core area. Such development and associated site plans must meet the standards for PUD-Regular, except as indicated below.

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- (2) **Maximum Residential/Accommodations Density:**

(a) **Resort core area:**

Hotel: 200 rooms, plus any density transfer outlined in 6.10 B. (3) below.

(b) **Resort residential area:** For land outside the 160-acre minimum resort core area parcel, but also included in the application for PUD-Resort and designated as residential resort area, maximum allowable density shall not exceed the following residential densities:

- (i) Multi-family dwelling units: One unit per one (1) acre of land.
- (ii) Single-family dwelling units: One unit per ten (10) acres of land. Single-family dwelling units shall not exceed thirty percent (30%) of the units otherwise allowed in the resort residential area.

Parcels smaller than 10 acres may be created, provided the average density does not exceed one unit per 10 acres.

(c) After the first 20 hotel rooms are established and operational, an option to count multi-family housing units toward “hotel unit” credits in determining further single-family development may be considered if such multi-family units are available for daily rental. If allowed, each multi-family unit available for rent will count as 1 hotel unit as credit toward further single-family residential development.

(3) **Density Transfer:** Resort residential units may be transferred from a contiguous resort residential area to a resort core area, provided that the remaining numbers of units in the resort residential area are correspondingly reduced. If a density transfer is deemed appropriate by the County, the designated building area in the resort core area may also be increased if the designated building area in the resort residential area is reduced proportionally.

(4) **Phasing:** The number of resort residential units (multi-family and single-family) may not exceed the number of hotel units constructed in the resort core area. In addition, the proportion of residential units constructed to those allowed in the resort residential area may not exceed the proportion of units constructed to those allowed in the core area. If phasing of units is allowed in the resort core area, the same phasing shall apply proportionally to the resort residential units.

For example, if half of the hotel units in the resort core area are to be constructed within two years, and another one-half constructed within the next 5 years, no more than one-half of the resort residential units may be constructed during the initial two-year period, with the remainder constructed in the next five-year period.

(5) Resort Core Area: A maximum of twenty-five percent (25%) of land included in the PUD-Resort application may be included as the Resort Core Area. The designated building area shall be included in, and exclusive to, the Resort Core Area.

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(6) Resort Residential Area: (In addition to, and outside of the Resort Core Area.) A maximum of thirty percent (30%) of the land included in the PUD-Resort application may be included as the Resort Residential Area. The designated building area shall be included in, and exclusive to, the Resort Residential Area.

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(7) Designated Building Area: A designated building area shall be shown on the plans submitted in the application. This area shall include all structures, roads and infrastructure to serve the proposed development. The Designated Building area may be up to and include the entire Resort Core Area (25%) or Resort Residential Area (30%).

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The designated building area shall be contiguous, compact and disturb the least amount of site area possible. If site-specific conditions warrant creation of non-contiguous building areas, the County may consider such requests. If a site specific analysis demonstrates that contiguous building areas will not accomplish the goals contained in Section 6.7 A, and this Section 6.10, non-contiguous building areas and/or access through non-building areas may be allowed, subject to County approval.

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<#>**Resort Residential Area:** A maximum of 30 percent of the land included in the residential area of the PUD-Resort application shall be included in the designated building area.¶
¶

(8) Infrastructure and Services:

- (a) All power lines and utilities shall be located underground.
- (b) Water and sewer shall be provided by a central facility for the resort core area and associated resort residential development (including employee housing areas).

(9) Emergency Services:

- (a) A water storage tank shall be provided with sufficient capacity, as specified in Ouray County Fire Protection Standards, to meet the emergency fire fighting needs of the development.
- (b) Emergency medical services shall be provided to meet the requirements of first response capability, or as required to serve the uses on the site. Actual uses on the property and number of guests may require an increased level of service to include, but not be limited to, emergency medical technicians, licensed practical nurses or basic first aid stations.
- (c) An Emergency Services Plan that includes how emergency medical

services, fire protection, law enforcement, and security will be provided to the proposed development will be submitted to the Ouray County Sheriff, the Ouray County Emergency Medical Services Coordinator, and the nearest fire protection district for review and comment.

- (d) The Applicant shall comply with this Section 6.10 B.9. and the applicable parts of Section 24 – “Wildfire Regulations” of this Code concerning Fire Protection and Wildfire Mitigation prior to receiving Preliminary Plan approval.

(10) **Parking:**

- (a) Parking shall be provided as follows:
 - (i) Hotel rooms: 1 space per room
 - (ii) Residential units: 2 spaces per unit
 - (iii) Retail/Service: 1 space per 500 gross square feet

- (11) **Transportation:** Transportation mitigation shall be determined based on the results of the traffic study required and the adequacy of the existing system serving the site. In general, the provision of alternative transportation, which minimizes the amount of traffic associated with the development, is encouraged. The County may require alternative transportation if such methods would reasonably mitigate the impacts of the proposed development. Existing roads or trails, which have been historically utilized by the public for access to public lands, shall be kept available to the public for such use.

(12) **Employee Housing Required:**

- (a) All PUD-Resort development shall be required to provide employee housing to meet a portion of the needs of the development, as outlined below. Employee housing units shall be exempt from density limits otherwise established in these regulations provided these units can only be used for employee housing. All other land use regulation provisions, including restriction to location in designated building areas, shall apply to employee housing. Employee housing must be reachable by the employee from his or her point of employment within ten minutes’ driving time or three miles, whichever is less.
- (b) Amount required: An amount of housing sufficient to accommodate a minimum of twenty-five percent (25%) of workers generated by the resort development and associated resort residential units shall be provided by the Applicant of the project. This amount shall be calculated as described below.
 - (i) The number of employees generated shall be based on uses and

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calculated as follows:

Commercial – 4.5 employees per 1,000 square feet.

Hotels/accommodations – 0.33 employees per lodging unit.

Residential – 0.33 employees (including multi-family) per dwelling unit.

For the purposes of this table, square footage of commercial uses shall mean floor area, including basements, which is solely allocated to the uses, excluding bathrooms, walls, halls, non-commercial storage and parking areas or garages.

If the Applicant has data indicating that the employee generation numbers included in this section do not pertain to the proposed development, the Applicant may submit an independent analysis of the number of employees generated by the proposed development. The County Planning Commission or the Area Joint Planning Board may consider this analysis and shall make a recommendation to the County Commissioners as to appropriate employee generation numbers for the proposed development.

- (a) The number of employees generated shall be multiplied by 350 square feet per employee multiplied by 25% to determine the minimum amount of housing required.

(# of employees x 350 square feet x 25%) = square feet of minimum employee affordable housing requirement.

- (b) Covenant required: A restrictive covenant shall be placed on land areas reserved for or proposed for employee housing and also on individual employee housing units. The covenant shall restrict such units and land areas for resort employee housing purposes. The covenant shall include a provision that the County may, but need not, take action to enforce the covenants.
- (c) Timing: Employee housing units shall be provided at the same time as construction of the resort facilities. If phasing of resort facilities and resort residential units is approved, employee housing units shall be phased-in in a proportional manner. The amount of employee housing shall meet the needs of other uses provided as specified in the formula above.
- (d) Location: Employee housing shall be provided on-site as part of the resort facilities, or in the vicinity of the resort (within three

miles of the hotel in the resort core area).

- (e) Size and Materials Standards: Employee housing units shall comply with the minimum size and material standards of the current building code, as adopted by Ouray County.

(13) **Design Standards:**

- (a) **Lighting**: Exterior lighting shall comply with Section 27 – Outdoor Lighting Regulations.
- (b) **Landscaping**: Landscaping shall be designed and installed to utilize existing site vegetation and features to the maximum extent possible, and as may be required by visual impact regulations.
- (c) **Height of Structures**: No structure shall exceed thirty-five (35) feet; however a height of sixty (60) feet may be allowed with specific approval of the County Commissioners.
- (d) **Visual Impact Regulations**: All PUD's within the Visual Impact Corridor as defined by Section 9 of this Code shall be designed to comply with all regulations found therein.

Deleted: be limited to down cast or full cutoff fixtures to prevent glare and direct visibility of light bulbs from off the site. All exterior lighting shall be directed toward either the ground or surface of a building. High intensity sodium vapor and similar excessively bright lighting shall not be allowed. Additionally, all lighting shall

Deleted: Visibility: Buildings visible from critical view corridors including the San Juan Skyway must conform to architectural design appropriate for the area and approved in advance by the Ouray County Planning Commission or the Joint Area Planning Board.

(14) **Covenants:**

Following approval, all land included in a PUD-Resort shall have a covenant placed on the entire parcel (including both building and non-building or open space areas) restricting it from further development or subdivision. The covenants shall also specify the intended land uses, with average and maximum densities and total maximum numbers of units, and maximum amounts of non-residential floor area specified.

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¶ **Visual Impact:** For PUD's within the Visual Impact Corridor
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C. ACTION ON PRELIMINARY DEVELOPMENT PLAN AND FINAL DEVELOPMENT PLAN (PDP/FDP):

The review and approval process for the PDP and FDP for a Planned Unit Development-Resort/Conference Center shall be the same as set forth in Section 6.8 above.

6.11 APPLICATION COMPLETENESS

- A. The application process shall be set forth by the County Commissioners by resolution and shall be administered by the Land Use Department Staff. An application for Sketch Plan, PDP or FDP will be considered complete only if it is submitted in the required number and form, including all mandatory information. A complete submittal will consist of all submittal requirements for the current phase of the

process together with an index of reports previously submitted and on file with the Land Use Department.

- B. The completed application must be submitted on or before the filing deadline as set by Land Use Department Staff, along with the appropriate fee. The Land Use Department Staff shall make a determination of the application's completeness. If an application is determined to be incomplete, written notice shall be provided to the Applicant of the items needed to make the application complete and a deadline for submitting such information. Further processing of the application will not occur until the Applicant has submitted the omitted information. No additional material or handouts, to supplement or alter the Application, will be accepted from the Applicant after the filing deadline. Any material changes or alterations to the Application after the filing deadline may be cause for a continuance of any scheduled public hearings or meetings of the Planning Commission or the County Commissioners. The only Applicant materials that will be considered by the Planning Commission or the County Commissioners in making a decision will be those filed by the Applicant prior to the submittal deadline for that meeting.

6.12 AMENDMENT OF PLANNED UNIT DEVELOPMENT OR SUBDIVISION

After a Preliminary Development Plan (PDP), Final Development Plan (FDP) or Final Plat has been approved by the County Commissioners, it may be amended only in accordance with this Section.

A. GENERAL PROCESS AND SUBMITTAL REQUIREMENTS FOR ALL AMENDMENTS OR AMENDMENTS TO CORRECT A TECHNICAL ERROR/DEFECT

1. The Applicant shall submit the required number of copies of a completed application for an amendment or an amendment to correct a technical error/defect on a final plat, the non-refundable application fee, and any required supplemental data for the proposed amendment. The application shall include:
 - a. A written statement (narrative) giving the details of the proposed amendment and the reason(s) why the amendment(s) is necessary.
 - b. An original tax certificate for all lots, parcels or tracts involved, showing that no taxes are currently due or delinquent against the property.
 - c. An original title commitment or title policy, issued by a licensed Colorado title company, completed within sixty (60) days of submission, showing the names of all persons or entities having any right, title or interest in the land included in the application.
 - d. A plat showing the proposed amendment(s) and including all of the information and detail as required by Section 6.8 C (3).
 - e. Any supplemental data deemed necessary by the Land Use Staff to adequately review the request.

B. AMENDMENTS (OTHER THAN TECHNICAL ERRORS/DEFECTS).

1. **Other submittal requirements for an amendment to a Planned Unit Development (“PUD”) or subdivision:**
 - a. **Map(s) showing: i) all properties abutting upon, or directly across a street from the lot or subject property proposed to be amended; and ii) all adjoining properties; and iii) all adjacent properties; and iv) all properties within 500-feet from the affected or subject property. These properties are collectively referred to as “Affected Properties”.**
 - b. A list of names and mailing addresses of the owners of Affected

Properties who shall be referred to as “Affected Property Owners” for notification as required below. This information can be obtained from the County Assessor’s Office.

- c. A copy of the proposed notices to be sent to **Affected Property Owners**.

2. Notice to Affected Property Owners and On-Site Notice:

- a. After the Applicant has submitted an application for an amendment, the Applicant shall send a notice, in a form approved by Land Use Staff, to the **Affected Property Owners** advising of the nature of the proposed amendment and the Affected Property Owners’ right to submit comments in favor of, or in opposition to, the proposed amendment. Such notice shall request a response from the Affected Property Owners within thirty days from the date of mailing the notice. The Affected Property Owners responses shall be returned to the Land Use Department. This notice may be combined with the notice of public hearing required by Section 6.12 B.3.b below and proof of the notice shall be shown by Certificates of Mailing from the U.S. Postal Service, submitted to the Land Use Staff to complete the application prior to the public hearing before the Planning Commission or the Area Joint Planning Board.
- b. The Land Use Department shall incorporate the responses from the Affected Property Owners in any Staff Report submitted to the Planning Commission and the County Commissioners.
- c. **On-site notice of the pending application for plat amendment, in a form approved by the Land Use Department, shall be posted on the property where the amendment is proposed, and/or at a location to be determined by Land Use staff, at least 14-days prior to the date of the Planning Commission/Area Joint Planning Board public hearing.**

3. Public hearing and notice:

- a. The Land Use Department shall review the application for amendment for conformance with the provisions of this Code and shall determine if the application is complete. Upon a determination of application completeness, the Land Use Staff shall schedule a public hearing for the amendment on the next available agenda for the Planning Commission or the Area Joint Planning Board.
- b. Notice of such public hearing shall be published at the expense of the Applicant in a newspaper of general circulation within Ouray County

at least fourteen (14) days prior to the public hearing date. Written notice of the public hearing shall also be delivered or mailed, first class postage, prepaid, at least thirty (30) days prior to the public hearing to all Affected Property Owners, to any Homeowner's Association for the PUD or subdivision proposed to be amended and to any special districts that serve the PUD or subdivision. The Applicant shall submit to Land Use Staff, prior to the Planning Commission or the appropriate Area Joint Planning Board (Ridgway/Ouray) public hearing on the amendment, certificates of mailing from the U.S. Postal Service showing that notice has been sent to all Affected Property Owners at least 30 calendar days prior to the date of such hearing. The notices shall be given in a form approved by the Land Use Staff.

- c. At the public hearing, the Planning Commission or the Area Joint Planning Board shall review and consider the application for amendment, the comments and recommendations from any agency referrals, the expressed concerns of the Affected Property Owners, testimony from the public, and the requirements of this Section. The Planning Commission or the Area Joint Planning Board shall recommend approval, approval with conditions or modifications, or disapproval of the amendment in accordance with the criteria set forth in Paragraph 4 below. Planning Commission or the Area Joint Planning Board action shall be in the form of a motion as noted in the minutes and, if the amendment is formally recommended for disapproval or approval with conditions or modifications, the conditions or modifications shall be stated in clear and concise terms in the motion. The Planning Commission or the Area Joint Planning Board minutes, together with copies of all submissions by the Applicant and other information developed by the Planning Commission or the Area Joint Planning Board shall be forwarded to the County Commissioners.
- d. Upon receipt of the Planning Commission or the Area Joint Planning Board recommendation and accompanying materials, the County Commissioners shall at a legally noticed public hearing review the application for amendment. Notice of such public hearing shall be published at the expense of the Applicant in a newspaper of general circulation within Ouray County at least fourteen (14) days prior to the hearing date. At such public hearing, the County Commissioners shall consider the application, the recommendation of the Planning Commission or the Area Joint Planning Board, the comments and recommendations from any agency referrals, the comments and recommendations of the Affected Property Owners, testimony from the public, and the requirements of this Section. The County Commissioners shall, by resolution, approve, approve with conditions

or modifications, or disapprove the amendment in accordance with the criteria set forth in Paragraph 4 below. The County Commissioners shall state clearly, in writing, the grounds for approval or disapproval and any required conditions or modifications. No amendment shall be effective until a Mylar of the amended plat has been signed by all required parties, including the Chair of the County Commissioners, all fees have been paid and the amended plat recorded in the Office of the Ouray County Clerk and Recorder at the expense of the Applicant.

4. County Approval:

- a. Any amendment of a PUD or subdivision shall require a recommendation from the Planning Commission or Area Joint Planning Board and the approval of the County Commissioners, which approval shall be given only if the proposed amendment (1) is consistent with all requirements of this Section 6 and the underlying zoning standards set forth in Section 3 of this Code; and (2) includes improvements which are consistent with the provisions of Section 7 (Improvements Standards) and as may be required by the County Commissioners.
- b. In making a decision on any proposed amendment to a PUD or subdivision, the County Commissioners shall make the following findings:
 - (1) that the results of the comments of the Affected Property Owners have been duly considered and their issues addressed and/or mitigated;
 - (2) that the amendment is not contrary to the provisions of valid covenants, plats, or declaration of a PUD or subdivision based upon information supplied by the applicable Homeowner's Association;
 - (3) and shall make additional findings consistent with the provisions of C.R.S. §24-67-106, as amended from time to time:
 - (a) that the modification, amendment or change is consistent with the efficient development and preservation of the entire planned unit development or subdivision; and
 - (b) that the modification, amendment or change does not affect in a substantially adverse manner either the enjoyment of land abutting upon or across a street from the planned unit development or subdivision or the public interest; and
 - (c) is not granted solely to confer a special benefit upon any

person.

- c. The unanimous vote of all of the County Commissioners eligible to vote shall be necessary for an approval of an amendment to a PUD or subdivision.

C. TECHNICAL ERRORS OR DEFECTS IN A FINAL PLAT.

The requirements of Section 6.12.B shall not apply to amendments to correct a technical error or defect in a final plat. Once a complete application has been

submitted to the Land Use Staff requesting a correction of a technical error or defect on a final plat, such application shall be placed on an agenda for a regular County Commissioner meeting, for consideration at such meeting. The County Commissioners may approve the application if it is consistent with an approved PUD or subdivision PDP.

6.13 **OUTSIDE PROFESSIONAL ASSISTANCE**

The Planning Commission or the Area Joint Planning Board may, with prior approval of the County Commissioners, seek qualified outside professional assistance during its review process. The cost of such assistance shall be considered part of the County's expenses incurred in reviewing the development proposal and, as such, shall be chargeable to the Applicant.

6.14 **WILDLIFE PROTECTION MEASURES APPLICABLE TO THE NORTH MESA AND SOUTH SLOPE ZONES**

The North Mesa and South Slope Zones are located in important migration and habitat areas for a variety of wildlife, as measured by the migratory and other use of deer and elk and their natural predators. It is the goal of Ouray County to provide for the protection and preservation, in a state useable and necessary to wildlife, of these important migratory and other habitat areas. In order to attain this goal, all new Planned Unit Developments (“PUD”) and other subdivisions as *may* be approved pursuant to this Code may be required to:

- A. Dedicate wildlife migration corridors, centered, to the extent possible, on natural drainages. The specific size of the wildlife migration corridor will be based upon recommendations made by the Colorado Division of Wildlife. The dedication shall be in a form acceptable to the County and shall be recorded in the public records of Ouray County.
- B. Restrict new fencing and remove existing fencing on and adjacent to designated migration corridors to the extent practicable consistent with necessary agricultural management practices and other requirements of this Code. Any new or existing fencing located on or adjacent to a designated migration corridor must be in compliance with Colorado Division of Wildlife – *Wildlife Safe Fencing Guidelines*.
- C. Require that dogs or other domestic predators be fenced or kept indoors. Dog areas shall be located away from and outside of designated migration corridors.

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Section 7

IMPROVEMENTS STANDARDS

7.1 PURPOSE

These improvement standards establish requirements which are designed to promote the health, safety, convenience, order, prosperity and welfare of the present and future citizens of Ouray County and will insure adequate and convenient open spaces, public roads, and other forms of access, recreation, drainage facilities for protection against flood, and safe, potable water supplies and adequate sanitary disposal systems.

7.2 REQUIRED IMPROVEMENTS

The developer shall provide, construct, furnish or make available all the improvements described in this Code as they apply to the particular development.

A. Grading and Paving: All highways, streets and alleys shall be graded and paved or gravel surfaced to the widths and grades as described in Section 23 - Ouray County Road Standards. The developer shall improve any roads necessary or used to provide access from the development to a public road, whether within the development or off-site.

D. Retaining Walls: Retaining walls may be required whenever topographic conditions warrant, or where necessary to retain fill or cut slopes within the rights-of-way or slope easements. Retaining wall(s), subject to current Building Code/Standards.

E. Water Supply and Fire Protection: Provisions shall be made for such domestic water and fire protection as may be necessary to protect public health and property and as more specifically provided in Section 7.4 below.

F. Sewage Disposal: Provisions shall be made for adequate sewage disposal either through on-site wastewater treatment systems (OWTS), connection to an existing system, or construction of a new system.

G. Trees and Landscaping: The developer may be required to install trees and/or other landscaping materials where existing vegetation has been destroyed by grading or other construction activities. Additional landscaping may be required to meet requirements of the Section 9 - Visual Impact Regulations.

Existing trees to be preserved shall be clearly marked prior to any grading or construction work and protected during construction of the development.

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Concrete curb and gutters may be required along all highways and streets in nonresidential areas of PUDs and along all highways and streets in residential areas of PUDs where, by virtue of clustering or other means, the density is four (4) or more dwelling units per net acre.¶

C. Sidewalks: Concrete sidewalks may be required as described in Section 7.3(E)(6) of this Code.¶

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(2) Establishment of a new water system. Any water system designed to serve twenty-five (25) people or fifteen (15) taps must be reviewed and approved by the Colorado Department of Health. The developer shall give such guarantee or shall post such bond as deemed necessary to insure installation of an adequate and safe system which would provide for water connection for each lot.¶

(3) Wells, springs and other water rights showing adequate evidence that a water supply which is sufficient in terms of quality, quantity and dependability will be available to insure an adequate supply of water for the type of development proposed. Such evidence may include, but shall not be limited to:¶

(a) Evidence of ownership (... [1])

Deleted: (d) Evidence that public or private water owners can and will supply water to the proposed development, stating the amount of water available for use within the development and the feasibility of extending service to (... [2])

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(1) Connection to sanitary sewer when available, in which case, a letter from the governing board of the sewer system shall be submitted, showing the ability of the system to handle sew (... [3])

H. **Fills:** All filling of lands shall be accomplished in accordance with the requirements and recommendations of the soils investigation report, required by Section 7.3(F).

I. **Drainage and Flood Control:** All necessary structures and facilities for storm water drainage and flood water control shall be provided as required in the provisions of the Flood Hazard Regulations (Section **10** of this Code) and as required and recommended by the PUD drainage plan, as required in Section 7.3(D), or as may otherwise be required by the County Engineer.

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J. **Underground Utilities:** Where feasible, all utility distribution facilities (including, but not limited to, electric, communication and cable television lines), installed in and for the purpose of supplying service to any development shall be placed underground, except equipment normally installed on the surface which is appurtenant to underground facilities, such as surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets, concealed ducts and similar items.

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The developer is responsible for compliance with the requirements of this Section and shall make the necessary arrangements for the installation of said facilities.

All underground facilities, sanitary sewers installed in access roads, or service roads, shall be constructed prior to the surfacing of such roads, or service roads. Service connections for all underground utilities and sanitary sewers shall be outside of any road right-of-way.

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K. **Signs:** Signs shall be designed and placed in accordance with County specifications as described in Section 8 of this Code.

L. **Subdivision Monumentation:**

(1) **Permanent Monuments:** Permanent survey monuments shall be set within all subdivisions in accordance with the provisions of Title 29, Article 51, Colorado Revised Statutes, as amended. At least two (2) permanent monuments shall be set in each block; they shall be within sight of each other and be readily accessible. These monuments may be either on the street centerline or on a line parallel to, and offset from the centerline and properly documented on the Final Plat. Permanent monuments shall be not less substantial than six (6) inch diameter concrete, twenty-four (24) inches long, or thirty (30) inch long No. 5 rebar steel, the upper twelve (12) inches of which are encased in concrete, with the exact point marked by a copper or brass pin two (2) inches long. The concrete monument shall be used in all street and surface areas. The top of the monument shall be six (6) inches below the finished pavement grade and shall be encased by a cast iron monument box and cover, set flush with the finished pavement and supported independently of the monument.

(2) Staking: In making the survey, the engineer or surveyor shall take all corners and angle points in the exterior boundary of the subdivision and all angle points and curve points in the right-of-way lines of all streets, alleys, easements or other lands to be dedicated for public use. Stakes shall be not further apart than one hundred (100) feet and not less substantial than three-quarter (3/4) inch iron pins eighteen (18) inches long, driven flush with the ground, the corner point being marked by a metal tag stamped with the registration number of the engineer or surveyor. All lot corners, angle points and curve points shall be staked with three-quarter (3/4) inch iron pins eighteen (18) inches long. Said stake shall be driven to a depth of not less than two (2) inches below the finished grade of the lot and shall be permanently monumented on the surface.

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(3) Inspection and Installation: All monuments shall be subject to the inspection and approval of the County and shall be installed prior to the issuance of any building permits for the subdivision.

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M. Off-Street Parking: Off-street parking shall be provided as specified in the building code (residential/commercial) as is currently adopted by the county.

Deleted: Parking shall be provided on the property for which it is needed in accordance with the following schedule. Parking requirements for buildings or developments containing more than one (1) unit shall be established by determining the required number of spaces for each separate use.

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7.3 DESIGN STANDARDS

A. Site Considerations

(1) Where steep land (10 percent slope or greater for the majority of lots), unstable land and areas having inadequate drainage or problems of such a nature as to endanger health, life or property exists, areas with such problems shall not be platted unless acceptable provisions are made by a registered engineer. Such plans must be approved by the County which shall judge the same by generally accepted principles of engineering adapted to the particular circumstances. All development in the subdivision shall be carried out in conformity with the plans as finally approved.

(2) Any land within the areas of special flood hazard shall not be subdivided on unless in compliance with the Ouray County Flood Hazard Regulations.

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(3) All new Planned Unit Developments and residential construction shall comply with Section 24 – Wildfire Mitigation Regulations, of this Code.

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(4) Existing features, whose preservation would add value to residential development or to the County as a whole, such as trees, watercourses, historic spots and similar irreplaceable assets, shall be included in the design of the PUD.

Deleted: No trees shall be removed from any PUD or any change in the grade of the land effected until the Preliminary Plan is approved by the County Commissioners. All trees on the plat intended to be retained shall be preserved and all trees, where required, shall be protected against change in grade.

(5) In all cases, materials used, preparation of base, methods of placing materials, workmanship, grading and tests of materials shall not be less than those standards required by the most recent standard specifications of the County, except where special provisions are required.

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(6) Once the Applicant has received approval of the Preliminary Development Plan (PDP), no construction (grading, trenching, or other disturbance of soils) shall commence until the Final Development Plan (FDP) has been approved and a PUD Construction Permit issued by the Land Use Department.

B. Easements for Public Utilities

Easements for public utilities, including but not necessarily limited to the placement of, installation of and/or access to drainage facilities, electrical lines, cable television lines, natural gas lines or other facilities, shall be shown and dedicated to the appropriate utility companies as necessary to provide said utilities. The width of the easement shall be as required by the utility company. In all cases, the developer shall consult with the utility company to see what is required for a particular development. Sanitary sewer easements shall be designed so that sewer lines flow under the road surface or between lots to avoid creating maintenance problems.

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... (1) Where Required: Alleys shall be required in the rear of all prospective commercial property, except where topography makes the use of alleys impractical. Such alleys, when required, may be dedicated to the County as public thoroughfares, at the discretion of the County.¶
¶
... (2) Minimum Width: Alleys shall be not less than twenty (20) feet wide.¶
¶
... (3) Alley Intersections: Where two alleys intersect, view triangles ten (10) feet in length, measured along the produced property lines from the point of intersection, shall be provided.¶

C. Drainage

(1) General Provisions

(a) All provisions for drainage and flood control shall be consistent with the Flood Hazard Regulations in Section 10 of the Code, and the standards adopted by the Colorado Water Conservation Board. Drainage control shall be designed to address at a minimum, a one hundred (100) year frequency storm for maximum periods of intensity for the entire drainage basin in which the subdivision is located, and shall be made in accordance with the approved Planned Unit Development Plan. Drainage structures and ditches shall be of a size and nature to carry the calculated storm water from such drainage areas as based on standard engineering principles. Where free fall of water occurs, satisfactory means shall be provided to prevent erosion of soil. Culverts shall have concrete head walls and wing walls where conditions require. All required drainage structures and facilities shall be designed by an engineer registered in the State of Colorado who is experienced in drainage and storm water detention structures.

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Deleted: ... (5) Pedestrian Ways: Non-motorized vehicle, pedestrian and/or equestrian pathways may be required across long blocks or where necessary to provide access to public areas. Where required, sidewalks, curbs and gutters shall be constructed of Class B concrete, as defined in the Colorado Division of Highways Standard Specifications. Standard vertical curbs shall be used on all returns at street intersections where curb and gutters are required.¶
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(b) Structures proposed within the areas of special flood hazard must meet all requirements of the Ouray County Flood Hazard Regulations (Section 10 of this Code).

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(c) Water supply systems and sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters. On-site waste water disposal systems shall be located so as to avoid impairment of them or contamination from them during or subsequent to flooding.

(d) The developer shall include in the covenants for the development provisions which prohibit the storage or processing of materials within the areas of special flood hazard that, in times of flooding, would be buoyant, flammable, explosive or potentially injurious to human, animal or plant life. The PUD Plan must be designed to prevent substantial solid debris being carried downstream by flood waters.

Deleted: one hundred (100) year flood plain

(e) No lands subject to periodic inundation by a one hundred (100) year flood shall be subdivided except in conformance with the provisions and requirements of the Ouray County Flood Hazard Regulations.

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(2) Mitigation Requirements

(a) Where a PUD is traversed by a watercourse, drainage way, channel, stream or irrigation ditch, there shall be provided an easement or drainage right-of-way conforming substantially to the lines of such watercourse and of such width and construction, or both, as will be adequate for the purpose. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow and maintenance.

(b) Where topography or other physical conditions make impractical the inclusion of drainage facilities within road rights-of-way, perpetual, unobstructed easements at least fifteen (15) feet in width for such drainage facilities shall be provided across property outside the road, right-of-way and with satisfactory access. Easements shall be indicated on the plat. Drainage easements shall be carried from the street to a natural watercourse or other drainage facility.

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(c) When a proposed drainage system will carry water across private land outside the PUD, appropriate drainage rights must be secured and indicated on the plat.

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(d) The developer shall dedicate, either in fee simple or by a drainage conservation easement, adequate land on both sides of existing watercourses to a distance to be determined by the County.

D. Filled Lands

Required fill shall be of suitable filling material and placed in such a manner as to insure that the finished elevation of all lots and roadway areas will be adequate to protect the development from flooding and has adequate provision for the passage of storm water run-off after settlement and compaction. Any fill in areas identified as Special Flood Hazard must comply with Section 10. No building or construction on filled land shall be commenced until satisfactory evidence has been submitted that the required elevation has been obtained and that the fill will provide a stable base for the construction proposed. Such evidence of satisfactory fill shall be submitted to the Land Use Department and County Engineer and the approval for construction of improvements upon said fill shall be granted by the County. Developer and/or landowner are responsible for obtaining any Federal permits as may be required.

7.4 Water Supply

a. No application for a development shall be approved unless the applicant has demonstrated that it has an adequate water supply. An application may be approved contingent upon the acquisition or construction of a proposed adequate water supply. Whether a proposed water supply is adequate will be determined in the sole discretion of the county, but must be sufficient for the total build-out of the proposed development in terms of quantity, quality, dependability, and availability, and may incorporate conservation measures and water demand management measures to account for hydrologic variability. An application may be approved contingent upon acquisition and construction of a proposed water supply.

b. An applicant for any permit to develop land shall provide the following information with respect to a proposed water supply:

1. Estimated water supply requirements for the proposed development.
2. A description of the water supply source or sources for the development.
3. If the source of water is a water supply provider such as an existing water conservancy district, special district, water authority, or other public or private water provider that supplies, distributes or otherwise provides water at retail, a letter confirming the availability of water from such source for the build-out requirements of the proposed development.
4. If the source of water is a new supply or through a new water provider, the applicant shall provide detailed information about the physical availability of the proposed water supply, legal entitlement or requirements to obtain legal entitlements to the water, physical and legal availability analysis during drought years, an

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 . . . D. Lots, Blocks and Sidewalks¶
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 . . . (1) Zoning Requirements: All lots shall conform to the requirements of the zoning district within which the development is located or to the lot approved with the Planned Unit Development within which the subdivision is located.¶
 ¶
 . . . The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with this Land Use Code and in providing driveway access to buildings on such lots from an approved street.¶
 ¶
 . . . (2) Lot Drainage: Lots shall be laid out so as to provide positive drainage away from structures. Individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.¶
 ¶
 . . . (3) Side Lot Lines: Side lot lines shall be as near as possible to right angles or radial to the street right-of-way line upon which the lot faces.¶
 ¶
 . . . (4) Double Frontage Lots: Except for corner lots, residential lots having double frontage shall not be approved, except where double frontage is necessitated by topographic or other physical conditions or where direct access to one of the streets is prohibited.¶
 ¶
 . . . (5) Block Length: Long blocks shall generally be encouraged and they shall be provided adjacent to main thoroughfares for the purpose of reducing the number of intersections; however, blocks shall not exceed twelve hundred (1,200) feet in length unless existing conditions justify a variation from this requirement, in which case, the Planning Commission may grant exception thereto.¶
 ¶
 . . . (6) Sidewalk Specifications:¶
 ¶
 . . . (a) Sidewalks eight (8) feet in width may be required along both sides of streets fronted by commercial properties.¶
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 . . . (b) Sidewalks five (5) feet in width may be required on both sides of all residential streets where residential densities will be equal to or exceed ... [5]

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estimate of the amount of water yield projected from the proposed water supply under various hydrologic conditions, storage requirements, conservation measures that may be implemented during times of shortage of either physical flow or legal availability, water demand management measures, if any, that may be implemented under various hydrologic conditions, and such other information as is necessary to establish that the proposed water supply is adequate for the build-out of the proposed development.

5. The information requested may be summarized in a letter prepared by a registered professional engineer with expertise in water rights or water supply development, or by a water supply expert such as a hydrologist stating that the water supply is adequate for build-out of the proposed development, and addressing the points in numbers 1-4 above.

7.5 Wastewater Management

Any applicant for a permit to develop lands, or for a building permit for a residential or commercial structure, shall demonstrate that the development or structure has adequate wastewater disposal in compliance with state law and regulations. In the instance of an individual wastewater system, an applicant shall demonstrate compliance with the state regulations for OWTS systems, as provided in Ouray County Board of Health Ordinance adopted

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(1) Connection to a public utility, in which case, a letter from the public utility company shall be submitted, showing its ability to serve the proposed subdivision and evidence indicating that a satisfactory agreement has been entered into for the installation of such service which shall provide water connection for each lot.

(2) Establishment of a new water system. Any water system designed to serve twenty-five (25) people or fifteen (15) taps must be reviewed and approved by the Colorado Department of Health. The developer shall give such guarantee or shall post such bond as deemed necessary to insure installation of an adequate and safe system which would provide for water connection for each lot.

(3) Wells, springs and other water rights showing adequate evidence that a water supply which is sufficient in terms of quality, quantity and dependability will be available to insure an adequate supply of water for the type of development proposed. Such evidence may include, but shall not be limited to:

(a) Evidence of ownership or right of acquisition of or use of existing and proposed water rights.

(b) Historic use and estimated yield of claimed water rights.

(c) Amenability of existing rights to a change in use.

(d) Evidence that public or private water owners can and will supply water to the proposed development, stating the amount of water available for use within the development and the feasibility of extending service to that area.

(e) Evidence concerning the potability of the proposed water supply for the development. Such evidence must take into account that some water source areas in Ouray County produce water with undesirable substances not included in State water quality standards. Ouray County may impose requirements in addition to those of the State for potable water.

(1) Connection to sanitary sewer when available, in which case, a letter from the governing board of the sewer system shall be submitted, showing the ability of the system to handle sewage from the proposed development and evidence that a satisfactory agreement has been entered into for connection to the system.

(2) Individual Sewage Disposal Systems or community septic tank systems or other approved sewage disposal systems will be permitted, provided that detailed plans shall be submitted to the County. Any system with a design capacity of two thousand (2,000) gallons per day or more must also have the site application approved by the Colorado Department of Health. No construction shall be commenced upon any such systems until the same has been approved in writing by the County and the Colorado Department of Health, provision has been made for future operation and maintenance, and the developer has given such guarantee or posted a bond as deemed necessary to insure the installation of proper facilities within the proposed development.

NO.	USE	NUMBER OF PARKING SPACES REQUIRED
1.	Single and two-family dwellings	2 per dwelling unit
2.	Multi-family dwellings 1 bedroom 2 bedroom 3 bedroom Each additional bedroom over three	1.5 per unit 2.0 per unit 2.5 per unit 2.5 per unit plus 0.5 spaces per additional bedroom
3.	Hotel, Motel	
4.	Mobile Home Park	2 per mobile home, plus 1 for each 200 square feet of gross floor area (GFA) of any permanent structures

12.	Golf Courses(?)	3 for each golf hole
13.	Churches	1 for each 4 seats (in the principal assembly area)

16.	Elementary, Junior High and Private Schools (non-commercial)	2 for each classroom or parking required for auditorium, whichever is greater.
17.	Senior High School	4 per classroom and parking for any auditorium
19.	<p>Parking spaces for uses not listed above shall be determined based on the following considerations:</p> <ul style="list-style-type: none"> (a) The design capacity of the proposed facility. (b) An overall plan for concentration or concentrations of parking with appropriate consideration of designed landscaping and relationship to surroundings; (c) Trade-offs or alternative use of parking areas by uses which occur during different hours, days or seasons. 	

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[7.3]

D. Lots, Blocks and Sidewalks

(1) Zoning Requirements: All lots shall conform to the requirements of the zoning district within which the development is located or to the lot approved with the Planned Unit Development within which the subdivision is located.

The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with this Land Use Code and in providing driveway access to buildings on such lots from an approved street.

(2) Lot Drainage: Lots shall be laid out so as to provide positive drainage away from structures. Individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.

(3) Side Lot Lines: Side lot lines shall be as near as possible to right angles or radial to the street right-of-way line upon which the lot faces.

(4) Double Frontage Lots: Except for corner lots, residential lots having double frontage shall not be approved, except where double

frontage is necessitated by topographic or other physical conditions or where direct access to one of the streets is prohibited.

(5) Block Length: Long blocks shall generally be encouraged and they shall be provided adjacent to main thoroughfares for the purpose of reducing the number of intersections; however, blocks shall not exceed twelve hundred (1,200) feet in length unless existing conditions justify a variation from this requirement, in which case, the Planning Commission may grant exception thereto.

(6) Sidewalk Specifications:

(a) Sidewalks eight (8) feet in width may be required along both sides of streets fronted by commercial properties.

(b) Sidewalks five (5) feet in width may be required on both sides of all residential streets where residential densities will be equal to or exceed four (4) units per gross acre.

(c) Sidewalks or pathways of a width acceptable to the Planning Commission may also be required through the center of long blocks, to connect cul-de-sacs and/or to provide access to school, park, playground and river and/or lake areas.

(d) County Road Standards show the location and dimension of sidewalks relative to the various street cross-sections.

(e) Sidewalks may be eliminated on one or both sides of streets where the Planning Commission finds that the topography of the development, or other considerations, make them impractical or undesirable.

Section 8 SIGN REGULATIONS

PURPOSE

Signs are necessary for advertising, providing directions, way-finding, and information, and should be designed to meet the intended purpose. The purpose of these regulations is to provide reasonable opportunity to allow the necessary uses of signs while protecting the natural beauty and aesthetic attributes of the county, and avoiding excessive proliferation of signs.

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PERMITTED SIGNS

Signs permitted in designated zones are as follows: ~~except that flashing, blinking, animated, LED/LCD, or florescent signs shall not be permitted in any zone.~~

Deleted: The following signs shall be permitted by right in the designated zones, except that flashing, blinking, animated or roof signs shall not be permitted in any zone. All signs erected in a public right-of-way by a public agency responsible for controlling or directing traffic shall be exempt from the provisions of this Section.

COLONA ZONE:

Signs for permitted and ~~pre-existing (legal) non-conforming commercial, industrial and retail establishments may be allowed as follows:~~

On-site signs advertising goods and/or services for sale or rent ~~are limited to a maximum of thirty-two (32) square feet of signage and not more than 2 signs/faces.~~ Signs may be free-standing or attached to a structure. (ie. wall sign) Wall signs shall not extend more than five (5) feet beyond the exterior wall to which they are attached. Limit is two surfaces per business. Any surface of a structure advertising business, goods and/or services shall be considered a sign. ~~Free-standing signs shall not exceed six (6) feet in height. Roof-mounted signs are prohibited.~~

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ALL ZONES:

Signage permitted in all zones shall conform to the lighting standards of Section _____ to protect "dark skies" in the county.

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Off-site signs for seasonal advertising and directional purposes to farming and ranching activities and uses, including road side produce stands, shall not measure more than twelve square feet, and may be free standing, but may not be permanently affixed to or in the ground. The top of the sign may be no more than four feet from the ground. No lights, illumination, or neon or reflective paint may be used in conjunction with the signs. Any writing or designs on the sign may be in black, white and/or one other color. No more than three signs ~~are~~ permitted, and each surface used as a sign counts as one sign, even if multiple surfaces are connected (front and back of a sign, each with information, counts as 2 surfaces). Signs may not be attached to any other existing signs, traffic control equipment, public utilities or trees. Signs may be attached to fences or fence posts. Any signs on areas _____ adjacent to State Highways 550 or 62, as

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defined at 2 CCR 601, et seq., must comply with state statutes and applicable regulations of the Colorado Department of Transportation. Signs may not be placed in the traveled portion of the right of way of a County road; such signs may be removed by the County. Signs placed in the right-of-way may be removed by the County when deemed necessary for maintenance or safety.

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SIGNS ALLOWED BY USE

Real estate signs:

Real estate signs advertising a property for sale or rent shall not exceed two (2) feet by three (3) feet each in size. Properties occupying a corner lot may have one (1) sign on each street, but shall be spaced no closer than three hundred (300) feet between signs. Real estates signs off-site from the property being advertised are limited to one sign not to exceed two (2) feet by three (3) feet in size, plus one directional sign not to exceed two (2) feet by three (3) feet in size. Placement of such signs must be with permission of the landowner of the placement location.

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Temporary banners or signs advertising an open house are permitted, but must be removed at the end of the event. In no event shall such signs be placed for more than forty-eight (48) hours.

Signs in excess of 2x3 advertising for sale, lots or properties, may be permitted upon application to and approval by the Land Use staff. The size of such sign, design and duration of placement shall be determined at the discretion of the Land Use staff.

Home Occupation:

Signs are not permitted for uses defined as Home Occupation.

Home Business, Bed and Breakfast Operations, Churches, Commercial Equestrian, Commercial Outdoor Recreation, Guest Ranches, Livery/Horse Rental, Wildlife Rehabilitation Facilities, Public Service Facilities, Sand and Gravel Operations:

One (1) on-site (free-standing or wall-mounted) sign advertising the home use may be allowed. In no instance shall off-premise signage be allowed. The sign shall be no greater than six (6) square feet in area, shall not be illuminated and shall be no higher than eight (8) feet high from existing grade to the top of the sign.

Property Owner Signs:

Property owner signs posted on properties indicating warnings or prohibitions on hunting, fishing or trespassing shall not exceed two hundred fifty (250) square inches each in size.

Directional Signs:

Directional signs, for the purpose of directing persons to public, commercial or cultural facilities shall be installed and maintained by the entity requiring such sign. Such signs shall be erected on public property and shall conform to a distinctive standard design acceptable to the County Commissioners.

Subdivision Signs:

Subdivision signs, for the purpose of identifying subdivisions may be posted at the main entrance of subdivisions of 3 or more lots to direct the public and emergency response.

Each such sign will be required to meet the following criteria: 1) located to be easily visible from the main road from a distance of 100 feet, 2) setback off of roadways to prevent obstructing views at intersections and to allow use of established right-of-ways for utilities, and road maintenance, 3) constructed of materials that are compatible with the natural surroundings, 4) indirect night lighting may be allowed with low wattage light sources that are not visible or create a traffic hazard, consistent with Section 27 of this Code, 5) Maximum sign faces shall be two (2) at a maximum of thirty-two (32) square feet per face. The top of the sign shall be no higher than 10 feet above ground level, 6) sign support shall compliment the overall sign theme and constructed to withstand typical weather conditions including winds.

House or Business Number Signs:

All houses or business number signs shall have lettering at least 3 inches high and be of a block style, painted with a reflective paint, or of a reflective design and construction (polished metal, plated, chromed), readable for a distance of 100 feet. House number signs will not be lower than three feet or higher than seven feet and located conspicuously and easily identifiable from the adjacent road or drive. Signs shall be located off the roadway only far enough to not obstruct utility easements and road maintenance.

Subdivision Road Signs:

Each approved subdivision shall be required to erect road signs which meet the following criteria:

Road signs shall have block style lettering at least two (2) inches high and preferably be painted with reflective paint that can be read from at least 100 feet.

Signs at intersections shall be placed at the northeast corner or northwest corner if not a four-way intersection.

Sign setback shall be a minimum of five (5) feet off the driven road surface but not more than fifteen (15) feet.

Location of utilities shall be considered in sign placement.

Signs within a subdivision or throughout an area shall have a common design.

Sign height shall not be higher than seven (7) feet or lower than five (5) feet above the driven road surface.

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Signage for Non-Conforming Uses:

Signs for pre-existing, non-conforming uses, which were in existence prior to the adoption of this Code, may be maintained. If an existing non-conforming sign is replaced, it shall then conform to the sign standards contained in this Code.

SIGN MAINTENANCE

All signs shall be maintained and kept in good repair by the owner of the property on which the sign is erected, or in the case of off-site signs, by the person erecting the sign.

All signs erected on public property shall be maintained and kept in good repair by the entity requiring such sign.

If a sign is found to be in disrepair, the owner or entity requiring such sign shall be given written notice by the County to repair or remove the sign within thirty (30) days. If such sign is not repaired or removed within thirty (30) days, the County will remove the sign at the expense of the owner or entity requiring such sign. Signs in the County right-of-way shall be assumed to be abandoned and the County may remove such signs without notice.

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. . . 3. . . Sign setback will be a minimum of five feet off the driven road surface but not more than 15 feet. ¶
. . . 4. . . Location of utilities shall be considered in sign placement. ¶
. . . 5. . . Signs within a subdivision or throughout an area shall have a common design. ¶
. . . 6. . . Sign height will not be higher than 7 feet or lower than 5 feet above the driving surface of the road. ¶
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Section 16

PENALTIES AND VIOLATIONS

**DELETE THIS SECTION – IT HAS BEEN MOVED TO SECTION 19 –
ADMINISTRATION AND ENFORCEMENT**

Section 17

EXCEPTIONS, EXEMPTIONS AND VARIANCES PROCEDURES AND CRITERIA

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17.1 EXCEPTIONS:

The Board of County Commissioners may grant exceptions to this Code, including non-conforming parcels, buildings or structures.

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17.2 EXEMPTION FROM DEFINITION OF SUBDIVISION:

In addition to the exemptions from the definition of subdivision set forth in Section 22 of this Code, the Board of County Commissioners may, by resolution, exempt from this definition any division of land if the Board of County Commissioners determines that said division is not within the purpose of this Code

Deleted: An application for an exception shall be made by a verified petition of the subdivider, stating fully the grounds of the application and the facts relied upon by the petitioner. In the case of an application for exceptions which relates to a Planned Unit Development, the petition shall be filed with the preliminary development plan.

17.3 PROCEDURE:

A. An application for an exception shall be made by a verified petition of the landowner, stating fully the grounds of the application and the facts relied upon by the petitioner. In the case of an application for exception which relates to a Planned Unit Development, the petition shall be filed with the preliminary development plan.

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B. An Application for an exemption from the definition of "subdivision" shall be made by a verified petition of the landowner, stating fully the grounds of the application and the facts relied upon by the petitioner.

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C. An Applicant shall pay the requisite fees at the time of filing the application.

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D. An Applicant for either an exemption or an exception will mail postcards, available from the Land Use Office, stamped and addressed to all adjacent landowners, as determined by the Land Use staff. The postcards will contain sufficient pertinent information about the application to provide notice to the adjacent landowners, including information about how to file comments either in support or opposition to the application.

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E. Before being heard by the Board of County Commissioners, the application shall be reviewed, and a recommendation made by, : 1) the appropriate Joint Planning Board in the case of an application for an exception or exemption located within an Urban Growth Management Area or an Area of Influence or 2) the County Planning Commission, as provided by the Ouray County Land Use Code.

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F. In the event a recommendation is requested and the appropriate Joint Planning Board or County Planning Commission fails to make a recommendation on the

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application as soon as possible, but within sixty (60) days after such referral, the Board of County Commissioners may proceed to make a finding thereon. The Joint Planning Board or Planning Commission may recommend approval or the Board of County Commissioners may grant an exception or exemption only upon a finding of all of the facts under either set of criteria contained in subparagraphs A and B herein below as follows:

1. The applicant/landowner has conveyed real property to the County, subsequent to the effective date of the resolution adopting this provision, for easements, public rights-of-way, or for other public projects or public purposes, which results in a division of the said property not occurring as a result of any legal proceeding including, but not limited to, an eminent domain action or inverse condemnation. The granting of the request will not increase the density, that is otherwise allowed by the underlying zoning, by more than one additional unit of density.

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or;

2. a. There are special and unusual circumstances or conditions affecting the property and;

- b. The exception or exemption improves the condition of Ouray County as envisioned in the Ouray County Master Plan or, at a minimum, has no net negative impact and;

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- c. The granting of the exception or exemption will not be detrimental to the public welfare or demonstrably injurious to other property rights and;

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- d. Granting the request will be consistent with and secure the objectives of this Code and shall be in accordance with any applicable intergovernmental agreements affecting land use or development and;

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- e. Granting the request will not increase the density otherwise allowable in the underlying zone, unless the applicant provides proof satisfactory to the full Board that: 1) this requirement is impractical for the particular request and; 2) the granting of the request will provide substantial benefits for the general public, in which case this requirement must be waived with a unanimous vote of the Board members present and eligible to vote The granting of the request will not increase the density, that is otherwise allowed by the underlying zoning, by more than one additional unit of density and;

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- f. In the case of an exception or exemption which would create more than one additional lot, all of the Site Requirements and Site Development Standards contained in Section 6.9 of this Code shall be met, unless otherwise modified by the Board of County Commissioners pursuant to a Development Agreement. Such exception or exemption shall be governed

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by a binding Development Agreement approved by the Board pursuant to Section 25 of this Code and;

g. Any new parcel created shall not create nonconformity or increase the degree of nonconformity of an existing structure as it relates to setback requirements and;

h. All proposals for the development of parcels created shall conform to other applicable provisions of this Code including, but not limited to, access, except as specifically allowed by this Section and;

i. Proposed parcel boundaries and development shall be suitably located and sized with respect to the physical characteristics of the land, the character of the neighborhood, and the County’s goals of preserving agricultural and forestry lands and;

j. Exceptions and exemptions shall not be approved solely for convenience of construction or the creation of a new lot or parcel for development or resale purposes.

For the purposes of this Section 17, the Joint Planning Board or County Planning Commission’s failure either to make a recommendation or to recommend approval shall constitute a recommendation for denial. The Board of County Commission’s failure to grant or approve the request for an exception or exemption shall be deemed to constitute denial of the request.

17.4 VARIANCES-

A request for a variance can be made to the requirements for visual impact as provided for in Section 9 with a recommendation (either to grant or deny a variance) from the Visual Appeals Committee, or from any other requirement of this Code, including setback. Variances are heard as an appeal to the Board of Adjustment, as provided by statute, C.R.S. 30-28-118, and as set forth below.

17.5 APPEALS TO THE BOARD OF ADJUSTMENT

A. The Board of Adjustment may make special exceptions, approve variances, interpret zoning maps, or similar questions, as provided by C.R.S. 30-28-117, according to the procedures herein. Appeals to the Board may be taken by any person aggrieved by his inability to obtain a building permit or by the decision of the land use administrator or other employee of the county made in the course of the administration or enforcement of the zoning resolution and land use code. No appeal may be taken from the enforcement of the building code or building use violations prosecuted pursuant to C.R.S. 30-28-124(1)(b). The Board may hear matters in which the appellant alleges that there is an error in application of the zoning code, whether an error in interpretation or in

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application, or matters in which the Board is asked to approve a special exception or variance from the zoning code, or to interpret the zoning code. Variances from the provisions of the land use code may be requested by the applicant and granted by the Board where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions or other extraordinary and exceptional situations or conditions of such piece of property, the strict application of a provision of the land use code would result in peculiar and exceptional hardship upon the owner of such property, provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the land use code. Any variance granted in accordance with this provision shall expire three years from the date on which it is granted unless the activity, construction or use for which it is requested has taken place. The concurring vote of all three members is required in order to reverse any order, determination, decision or action of the land use administrator or other county employee, or in order to decide in favor of the appellant on requests for a special exception or variance.

B. Time for Appeal: An appellant must appeal any unfavorable decision of the land use administrator or other county employee within thirty (30) days of such action. An appeal is commenced by filing a written request for a hearing and providing the grounds for the appeal, including the pertinent facts, the decision being appealed, the provisions of the land use code being challenged, and the reasons alleged for the decision being in error, or the grounds for a variance or special exception. The Chairman shall call a meeting for the purpose of public hearing to review the appeal within forty-five (45) days of the filing of the appeal, or at such later date as is agreeable to the appellant and the Board. In the case of appeal from a provision of Section 9, the appellant will ask for an advisory opinion from the visual impact review committee prior to filing an appeal with the Board, and the time for filing an appeal to the Board will not begin tolling until the advisory opinion from the visual impact committee has been received.

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C. Fee: A fee will be charged for an appeal to the Board of Adjustment to cover administrative costs associated with an appeal of a land use staff decision. There is a different fee for a variance application which covers staff time in reviewing and preparing a staff report and recommendation to the Planning Commission and the Board of Adjustment. The fees are as set forth in the Ouray County Land Use Fee schedule, which is amended from time to time. See Resolution 2011-019, and any subsequent amendments.

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D. Appeals from the Board of Adjustment: Any person aggrieved and who is not satisfied by the decision of the Board may commence an action in the district court for Ouray County, or as otherwise provided by law and the rules of civil procedure.

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E. Procedures: Notice of any hearing of the Board shall be published at least ten (10) days prior to the date of the hearing. Any property subject to a hearing shall also be posted with notice of the hearing by the appellant at least ten (10) days prior to the hearing. The Board shall act in strict accordance with all of the other applicable laws of the State of Colorado and the applicable land use regulations of the County of Ouray. An appellant shall be provided opportunity to fully present his case to the Board and to rebut the case presented by the land use staff, administrator or other county employee

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whose decision, action, or lack of action is being appealed. The public shall also be afforded an opportunity to comment at the public hearing, although the testimony and comments of members of the public may be limited at the discretion of the Chair to a reasonable amount of time, with three (3) minutes being considered the minimum reasonable amount of time which may be allowed for comments from a member of the public. All appeals to the Board shall be in writing.

The criteria for approval of variances and special exceptions shall be as provided in C.R.S. 30-28-118(2)(c).

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In the event a recommendation is requested and the appropriate Joint Planning Board or County Planning Commission fails to make a recommendation on the application as soon as possible within sixty (60) days after such referral, the Board of County Commissioners may, however, proceed to make a finding thereon. The Joint Planning Board or Planning Commission may recommend approval or the Board of County Commissioners may grant an exception or exemption only upon a finding of all of the facts under either set of criteria contained in subparagraphs A and B herein below as follows:¶

¶
The applicant/landowner has conveyed real property to the County, subsequent to the effective date of the resolution adopting this provision, for easements, public rights-of-way, or for other public projects or public purposes, which results in a division of the said property not occurring as a result of any legal proceeding including, but not limited to, an eminent domain action or inverse condemnation. The granting of the request will not increase the density, that is otherwise allowed by the underlying zoning, by more than one additional unit of density.¶

¶
or; ¶

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B. . 1. There are special and unusual circumstances or conditions affecting the property and;¶

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The exception or exemption improves the condition of Ouray County as envisioned in the Ouray County Master Plan or, at a minimum, has no net negative imp... [1]

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or;

B. 1. There are special and unusual circumstances or conditions affecting the property and;

The exception or exemption improves the condition of Ouray County as envisioned in the Ouray County Master Plan or, at a minimum, has no net negative impact and;

The granting of the exception or exemption will not be detrimental to the public welfare or demonstrably injurious to other property rights and;

Granting the request will be consistent with and secure the objectives of this Code and shall be in accordance with any applicable intergovernmental agreements affecting land use or development and;

Granting the request will not increase the density otherwise allowable in the underlying zone, unless the applicant provides proof satisfactory to the full Board that: 1) this requirement is impractical for the particular request and; 2) the granting of the request will provide substantial benefits for the general public, in which case this requirement

must be waived with a unanimous vote of the Board members present and eligible to vote. The granting of the request will not increase the density, that is otherwise allowed by the underlying zoning, by more than one additional unit of density and;

In the case of an exception or exemption which would create more than one additional lot, all of the Site Requirements and Site Development Standards contained in Section 6.9 of this Code shall be met, unless otherwise modified by the Board of County Commissioners pursuant to a Development Agreement. Such exception or exemption shall be governed by a binding Development Agreement approved by the Board pursuant to Section 25 of this Code and;

Any new parcel created shall not create nonconformity or increase the degree of nonconformity of an existing structure as it relates to setback requirements and;

All proposals for the development of parcels created shall conform to other applicable provisions of this Code including, but not limited to, access, except as specifically allowed by this Section and;

Proposed parcel boundaries and development shall be suitably located and sized with respect to the physical characteristics of the land, the character of the neighborhood, and the County's goals of preserving agricultural and forestry lands and;

Exceptions and exemptions shall not be approved solely for convenience of construction or the creation of a new lot or parcel for development or resale purposes.

For the purposes of this Section 17, the Joint Planning Board or County Planning Commission's failure either to make a recommendation or to recommend approval shall constitute a recommendation for denial. The Board of County Commission's failure to grant or approve the request for an exception or exemption shall be deemed to constitute denial of the request.

Section 18

FEES

**DELETE THIS SECTION – IT HAS BEEN MOVED TO SECTION 19 –
ADMINISTRATION AND ENFORCEMENT**

Section 19

ADMINISTRATION AND ENFORCEMENT

19.1 ENFORCEMENT:

This Code shall be enforced in a manner consistent with the provisions of Article 67 of Title 24, Article 20 of Title 29 and Article 28 of Title 30 of the Colorado Revised Statutes, as amended. The Land Use Administrator shall be the County Building Official and the County Zoning Enforcement Officer and shall be responsible for enforcement unless otherwise designated by the Board of County Commissioners.

19.2 CONSTRUCTION, ALTERATION, OR DEMOLITION OF BUILDINGS:

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It is unlawful to erect, construct, reconstruct, demolish, or alter any building or structure in violation of this Code, or any amendment hereto adopted or enacted by the Board of County Commissioners. Any person, firm or corporation violating this Code or any amendment hereto is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than \$100.00 or imprisonment in the county jail for not more than ten (10) days, or by both such fine and imprisonment. Each day during which such illegal erection, construction, reconstruction or alteration continues shall be deemed a separate offense.

19.3 USE OF BUILDINGS, STRUCTURES OR LAND:

It is unlawful to use any building, structure or land in violation of this Code, or any amendment hereto adopted or enacted by the Board of County Commissioners. Any person, firm or corporation violating this Code or any amendment hereof is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than \$100.00 or by imprisonment in the county jail for not more than ten (10) days, or by both such fine and imprisonment each day during which such illegal use of any building, structure or land continues shall be deemed a separate offense.

Whenever a county zoning official (including, but not limited to, the land use administrator, building official, zoning enforcement officer or county attorney) has personal knowledge of any violation of this Section 16.2, he shall give written notice to the violator to correct such violation within thirty (30) days after the date of such notice. If the violator fails to correct the violation within such 30 day period, the zoning official may request that the sheriff of the County issue a summons and complaint to the violator, stating the nature of the violation with sufficient particularity to give notice of such charge to the violator. The summons and complaint shall require that the violator appear in County Court at a definite time and place stated therein to

answer and defend the charge. One copy of the summons and complaint shall be served upon the violator by the sheriff in the manner provided by law for the service of a criminal summons. One copy each shall be retained by the sheriff and the County zoning official, and one copy shall be transmitted by the sheriff to the Clerk of the County Court.

19.4 TRANSFER OF INTERESTS:

Any person who transfers legal or equitable title or sells any subdivided land before a final plat for such subdivided land has been approved by the Board of County Commissioners and recorded or filed in the office of the County Clerk and Recorder, is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than \$1,000.00 nor less than \$500.00 for each parcel of or interest in subdivided land which is sold. All fines collected shall be credited to the general fund of the County. No person shall be prosecuted, tried or punished under this paragraph unless the indictment, information, complaint or action for the same is instituted prior to the expiration of eighteen (18) months after the recordation or filing in the office of the County Clerk and Recorder of the instrument transferring or selling such subdivided land.

19.5 WITHHOLDING OF PERMIT:

In addition to all other penalties specified for violation of this Code, the County shall withhold building permits, mobile home permits, individual sewage disposal permits and any other permits which may be necessary for the habitation or development of any parcel of land which has been transferred in violation of this Code.

19.6 ACTIONS TO ENJOIN:

In addition to any other penalty specified herein, the County may bring an action to enjoin any developer from selling developed land before a final plat for such developed land has been approved by the Board of County Commissioners and may institute an injunction, mandamus, abatement or other appropriate action or proceeding to prevent, enjoin, abate or remove any unlawful erection, construction, reconstruction, alteration of use of any parcel of land.

19.7 PRIVATE ACTION:

All provisions of an final development plan for a Planned Unit Development shall run in favor of the residents, occupants and owners of the Planned Unit Development but only the extent expressly provided in the plan and in accordance with the terms of the plan and, to that extent, said provisions, whether recorded by plat, covenant, easement or otherwise, may be enforced at law or in equity by residents, occupants or owners acting individually, jointly or through an organization dedicated in the plan to act on their behalf. However, no provisions of the plan shall be implied to exist in favor of residents, occupants and owners except as to those portions of the plan which have been finally approved by the County.

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19.8 NOTICE OF VIOLATION:

In addition to all other penalties specified for violation of this Code, the County may record in the office of the Ouray County Clerk & Recorder, a Notice of Violation, which shall constitute constructive notice to the general public that no permit which may be necessary for habitation or development shall issue from the County on any parcel of land which has been transferred in violation of this Code.

Prior to recordation of the Notice of Violation, the affected landowner(s) shall be entitled to a thirty (30) day notice of intent to record Notice of Violation sent certified mail, return receipt requested to said landowner(s)' last known address as shown by County records. Upon written objection by the Landowner(s) filed in the office of the Ouray County Land Use Administrator, within the aforementioned thirty day period, Notice of Violation shall not be recorded pending administrative review by the Ouray County Land Use Administrator, which review shall take place within ten days of receipt of the aforementioned written Objection. Following administrative review of the written objection and all other circumstances surrounding the alleged violation of this Code, if the Land Use Administrator finds that there has been a violation of the Code, the Notice of Violation shall be recorded forthwith as provided herein. The affected landowner(s) may appeal the Land Use Administrator's finding of violation to the Ouray County Board of Zoning Adjustment. Should the Board of Zoning Adjustment reverse the finding of the Land Use Administrator, the County shall forthwith record a revocation or withdrawal of the Notice of Violation, which was previously recorded.

Compliance with the notice provisions of this Section shall not be a condition precedent to the County's enforcement of the provisions of this Code. Failure of the County to comply with the notice provisions of this Section shall not be deemed to constitute a waiver by the County of any violation of this Code.

19.9 Any failure by the County to enforce any provision of this Code shall not subject the County to any direct or indirect civil liability therefrom.

19.10 FEES:

Fees relating to this Code shall be assessed in accordance with a uniform schedule which is set by resolution of the Board of County Commissioners and which shall be passed at any regular meeting of the Board or special meeting which is called for the specific purpose of adopting such

fees. Notice that a fee schedule or amendment thereof is to be considered by the Board of County Commissioners shall be published in the official County newspaper at least fourteen (14) days prior to such consideration. The fee schedule shall be designed to fully compensate the County for all costs incurred or anticipated to be incurred in connection with the matter for which the fee is to be assessed.

A current fee schedule may be requested from the Land Use Staff.

19.11. SITE DEVELOPMENT PERMITS:

A. The provisions of this Section 19.2 shall apply to the construction of single-family dwelling units on parcels located within Ouray County, except construction proposed on lots previously approved by Ouray County as part of a Planned Unit Development, Final Development Plan or combined Preliminary/Final Development Plan approved by the Board of County Commissioners in accordance with Section 6 of this Code, or a Final Subdivision Plat approved as part of a Development Agreement approved pursuant to Section 25 of this Code. In conjunction with and prior to approval and issuance of a building permit, a landowner wishing to construct a single-family dwelling unit must obtain a Site Development Permit from Ouray County. The Board of County Commissioners hereby delegates to the Ouray County Land Use Administrator the authority to review and approve or approve with conditions or deny all applications for Site Development Permits in Ouray County. All decisions of the Land Use Administrator shall be based upon the requirements set forth in Section 19.2.C below. Any decision of the Land Use Administrator pursuant to the authority delegated herein may be appealed as provided in Section 19.6.D of the Ouray County Land Use Code.

B. Applications for Site Development Permits shall be submitted in writing to the Land Use Office Staff, together with the applicant's acknowledgment of assessment of all processing, impact and other fees that are or may be required to be assessed by this or other Sections of the Ouray County Land Use Code as the Code may be amended from time to time. The County shall collect and the applicant shall pay all such applicable fees and assessments, at the time and in the manner that payment of those fees and assessments is required by this Code. The applicant shall use an application form approved by and provided by Ouray County. The County shall approve, approve with conditions or deny the application.

C. Ouray County shall approve and issue a Site Development Permit upon a demonstration by the applicant and to the satisfaction of the County that all of the following criteria have been met:

- (1) Road access, potable water and sewage disposal will be available and meet

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all applicable provisions of the Ouray County Land Use Code.

(2) The proposed site development will not unreasonably impact significant wildlife habitat, wetlands and riparian areas.

(3) If the site development is proposed to be located within areas subject to the effects of any chemical or geological hazard, including, but not limited to, avalanche/snow slide, rock fall areas, landslide, potentially unstable slopes, slopes greater than 30 percent, alluvial fans, talus slopes, Mancos shale, faults, expansive soils or ground subsidence, the applicant shall provide evidence sufficient to demonstrate to the satisfaction of the County, that such hazards have been avoided or otherwise adequately mitigated such that the proposed site development may be conducted in a safe manner. The County, where reasonably necessary, may require that recognized experts be employed and special studies be done and submitted before a building permit will issue affecting lands which may contain a geological, wildfire, flood or other hazard, and which may affect persons using the land in question or abutting or otherwise affected lands. The cost of employing such experts and drafting such special reports shall be paid by the applicant. The County is not required to accept the findings or conclusions of any experts or special reports.

(4) All applicable impact and other fees and assessments have been assessed and paid as required by this Code.

(5) If the site development is proposed to be located within areas where irrigation occurs or impacts any irrigation structures, including but not limited to ditches and head gates, the applicant shall demonstrate that any impacts have been adequately mitigated to allow historic water flow to continue.

D. All applicants for a site development permit shall be required to sign a statement acknowledging that Ouray County is overall a rural county located in rough and difficult terrain with a limited transportation network and County services may be unavailable or service may be untimely in some or all areas of the County. Approval of a site development permit or any other permit or approval does not constitute and shall not be considered as conferring any guarantee or expectation of the provision of any County service.

E. Upon issuance of a site development permit the Land Use Staff shall submit the permit to the Office of the Ouray County Clerk and Recorder for recordation. Any amendment to the approved site development permit shall require additional County approval.

F. Upon demonstration that the permit is in compliance with all conditions and

criteria, as set forth above, the Site Development Permit shall be approved for a period of three (3) years. Renewal of the permit may be granted for additional successive three (3) year terms providing that the permit is in compliance with all conditions and criteria, as set forth above.

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19.12. BUILDING PERMITS:

Building permits shall be issued in accordance with procedures set forth in the Uniform Building Code, as adopted by Ouray County. No building shall be erected, occupied, moved or structurally altered until a permit therefor has been issued by the County Building Inspector and no permit shall be issued unless the proposal is in full accordance with this Code, except in those instances where a lawful variance has been granted by the Board of Zoning Adjustment. All applications for permits shall be accompanied by a drawing showing the location of all improvements in relation to the lot and indicating the height of all structures. No building permit shall be issued within a Planned Unit Development approved after the date of adoption of this Code without prior approval of the architectural control committee or other internal enforcement body approved under Section 9.8 of this Code.

The County Building Inspector, where reasonably necessary, may require that recognized experts be employed and special studies be done and submitted before a building permit will issue affecting lands which may contain a geological, wildfire, flood or other hazard, and which may affect persons using the land in question or abutting or otherwise affected lands. The cost of employing such experts and drafting such special reports shall be paid by the applicant. The zoning enforcement officer is not required to accept the findings or conclusions of any experts or special reports.

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19.13. CERTIFICATE OF OCCUPANCY:

No new building shall hereinafter be occupied or used without a Certificate of Occupancy, which has been issued by the County Building Inspector. Such certificate shall be issued within five (5) days after the officer has been notified of the building's completion and after a final inspection has been made to determine conformance with the provisions of this Code.

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19.14 RECORDS:

All building permits, application records, records of inspection and certificate of occupancy records shall be kept on file in the office of the County Building Inspector and shall be available for inspection by the public.

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19.15. PLANNING COMMISSION:

A. Establishment: There is hereby established a planning commission which shall be known as the Ouray County Planning Commission.

B. Appointment of Members: In accordance with the bylaws of Ouray County, the membership of the Planning Commission shall be five persons, appointed by the Board of County Commissioners for staggered three-year terms. The members of the Planning Commission shall be full-time residents of Ouray County and shall also be owners of real property within Ouray County. The Board of County Commissioners may also, at its discretion, appoint any associate members to the Planning Commission to serve in place of any member of the Commission who may be absent from the County, ill, who may have any financial or personal interest in any matter brought before the Commission or who may be otherwise unable to function or serve in his appointed capacity as a member of the Planning Commission. Any member may resign from the Planning Commission upon sending written notice of such resignation to the Chairman of the Board of County Commissioners.

C. Powers and Duties: The Planning Commission shall have such powers and duties as proscribed by law.

19.16 BOARD OF ADJUSTMENT:

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A. Establishment: The Board of Adjustment consists of three members, plus two alternate members, appointed by the Board of County Commissioners. All further references to the Board of Adjustment in this Section shall be made to the “Board”.

B. Members: Not more than one of the members and one of the associate members may also be members of the Planning Commission. The members shall serve without compensation for service on the Board. Each member shall serve for three (3) years, but may be reappointed for multiple terms. The terms of the members shall be staggered so that the term of one member will expire each year. Any member of the Board may be replaced or removed for cause by the Board of County Commissioners upon written charges and after a public hearing. Vacancies shall be filled for any vacancy whether due to removal, resignation, death, or unexcused absence from three consecutive meeting by the Board of County Commissioners for the remainder of the term. An alternate member may take the place of a member on a temporary basis in the event that a regular member is temporarily unable to act due to absence from the county, illness, interest in a case before the Board, or for any other cause.

C. Meetings: The Board shall be held at the call of the Chairman as necessary to review and hear appeals and matters in its jurisdiction. The Chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses at hearings by

application to the district court. At each meeting, the Board shall keep minutes, showing the votes of each member, or the absence of a member from voting, and all other official actions taken.

D. Officers: The Board shall select, at the beginning of each calendar year, a Chairman who shall preside at all meetings, a Vice-Chairman, who shall preside at meetings in the absence of the Chairman, and a Secretary, who shall be responsible for the minutes of the meetings and completeness of the hearings records. The Secretary's duties may be delegated to a county employee.

19.17 Visual Impact Review Committee:

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A. Establishment. The advisory visual impact review committee consists of five (5) members who shall be appointed by the Board of County Commissioners. All further references in this Section to the Visual Impact Review Committee shall be to the Committee.

B. Membership: Members of the Committee shall serve, without compensation, and shall be appointed for three (3) year terms, provided that the terms shall be staggered to ensure continuity on the Committee. The Board of County Commissioners may adjust the term of any member when appointed for the purpose of ensuring continuity. At least three (3) of the members shall be design professionals, either actively practicing or retired. One member shall also be a member of the Planning Commission. The Planning Commission shall recommend one of its members to the Board of County Commissioners for such appointment. Members serve at the pleasure of the Board of County Commissioners. Vacancies may be filled as necessary and for such terms as provided above.

C. Officers: The Committee shall, at its first regular meeting of each calendar year, elect a Chair, a Vice-Chair, and a Secretary to serve for the calendar year. The Chair shall preside at meetings, and the Vice-Chair shall perform the duties of the Chair in the absence of the Chair. The Secretary shall keep minutes of the meetings of the Committee.

D. Purpose: The purpose of the Committee shall be to hear requests for interpretation of Section 9 and to provide advisory comments to the Board of Adjustment in the event of an

appeal to the Board of Adjustment. The comments and advice of the Committee are not binding on the Board of Adjustment, nor are any decisions of the Committee final agency action or an action of Ouray County.

E. Procedure: A meeting for the purpose of reviewing a request for interpretation of Section 9 shall be held within thirty (30) days of receipt of such request. The meetings of the Committee shall be published or publicly noticed at least two (2) days in advance of the meeting. Members of the public may be heard at any meeting at the discretion of the Chair. All comments or interpretations of the Committee shall be provided in writing to the person requesting such interpretation, as well as to the Board of Adjustment and shall be provided within ten (10) days of conclusion of the meeting to review the request for interpretation.

19.18. JOINT PLANNING BOARDS:

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A. Establishment: There are hereby established a Ridgway Area Joint Planning Board and a Ouray Area Joint Planning Board to act as recommending bodies to the Ouray County Board of County Commissioners. The Joint Planning Boards will review specific development applications for properties located within the Ridgway Area of Influence, Ridgway Urban Growth Management Area, the Ouray Area of Influence and the Ouray Urban Growth Management Area.

B. Appointment of Members: The Ridgway Area Joint Planning Board and the Ouray Area Joint Planning Board shall consist of a total of eight (8) members. Membership shall be as follows:

1. The eight (8) members of the Ridgway Area Joint Planning Board shall consist of the five (5) members of the Ouray County Planning Commission and three (3) members selected by the Ridgway Town Council from the Ridgway Town Planning Commission or if no Planning Commissioners are available shall select three (3) persons who reside within the limits of the Town of Ridgway. The Ouray County Board of County Commissioners shall approve or reject any or all of the names submitted by the Ridgway Town Council.

2. The eight (8) members of the Ouray Area Joint Planning Board shall consist of the five members of the Ouray County Planning Commission and three (3) members selected by the Ouray City Council from the City of Ouray Planning Commission or if no Planning Commissioners are available shall select three (3) persons who reside within the limits of the City of Ouray. The Ouray County Board of County Commissioners shall approve or reject any or all of the names

submitted by the Ouray City Council.

3. The terms of the Joint Planning Boards' members shall be as follows:

a. From the Ouray County Planning Commission, membership shall coincide with their appointed terms.

b. The members appointed from each municipality shall serve for staggered three-year terms.

4. The Board of County Commissioners, at the request of the Ouray County Planning Commission or the Town of Ridgway or City of Ouray, may also, at its discretion, appoint any associate members to each of the Planning Boards to serve in place of any member of the Board who may be absent from the County, who is ill, who may have any financial or personal interest in any matter brought before the Commission or who may be otherwise unable to function or serve in his appointed capacity as a member of the Planning Commission.

5. Any member may resign from the Planning Boards upon sending written notice of such resignation to the Chairman of the Board of County Commissioners.

C. Powers and Duties: The Ridgway Area Joint Planning Board and the Ouray Area Joint Planning Board will be considered Ouray County advisory boards. The Joint Planning Boards shall review those applications for development as outlined under Section 3.5 of this Code. The Joint Planning Boards will not have the authority to adopt a master plan pursuant to Section 30-28-106(1) of the Colorado Revised Statutes.

SECTION 2

ZONING DISTRICTS

*** REVISIONS SHOWN IN YELLOW ***

2.1 PURPOSE OF ZONING PROVISIONS

The zoning provisions that follow have been adopted to achieve the purposes set forth in Section 1. The intent of the Ouray County zones is to achieve on balance across the zones, the overall goal of the Ouray County Master Plan: To allow gradual, long-term population and economic growth in Ouray County in a manner that does not harm the County’s irreplaceable scenic beauty, wildlife, air and water resources, and other environmental qualities and that does not unduly financially burden the County’s residents or its governments in providing services. This overall goal includes, in alphabetical order, specific goals for agricultural lands, county/municipal relationships, economic development, housing, natural resources, rural character, tourism, transportation, utilities, visually significant areas, and wildlife and plant habitats. The specific intent of each of the zones that follow shall be read in conjunction with the combination of the Master Plan’s overall and specific goals, and provide general guidance with regard to specific uses within each zone.

2.2 ZONING DISTRICTS, MAPS AND BOUNDARIES

The zoning districts established by the Code have been, and will be, identified on the basis of the physical character of the County combined with the pertinent information about existing land use and ownership patterns and the needs of a stable and growing economy.

All Zones shall be designated on the “Official Zoning Map of Ouray County” which is on file in the records of the Ouray County Clerk and Recorder. A copy of the map is attached to this Code and, in the event of any conflict between the copy of the map of file in the County records, the latter shall be conclusively deemed to prevail.

2.3 USES BY RIGHT AND SPECIAL USES

In each zone there are uses permitted by right and special uses which may be allowed on a site specific basis through a permitting process. These uses have been determined in each zoning district according to the unique characteristics of that district. Uses allowed by right are allowed automatically, although construction of new structures may require a development permit and a building permit pursuant to Sections _____ of this Code. Permits for special uses may be requested according to the procedures in Section _____. Grant or denial of special use permits is discretionary, and may also be granted subject to terms and conditions to assure compatibility of the special use with surrounding land uses. The criteria for approval of a special use are more specifically explained in Section _____.

2.4 USES NOT LISTED

Upon application, or on its own initiative, the Board of County Commissioners may by resolution add to either the uses by right or by special permit listed for a zoning district based on these criteria:

- A. Such use is appropriate to the physiographic and general environmental character of the zone to which the use is added.
- B. Such use is compatible with other permitted uses in the zone and does not create any more offensive noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences, or more traffic, hazards, or alterations to the zone than the minimum amount normally resulting from the other uses permitted in the zone.

2.5 ESTABLISHMENT OF ZONES

Ouray County is hereby divided into eight (8) zones, as follows:

- A. Alpine
- B. Colona
- C. High Mesa
- D. North Mesa
- E. Public Lands
- F. South Mesa
- G. South Slope
- H. Valley

2.6 RESIDENTIAL DENSITY

Maximum residential densities for each Zone shall be as follows:

Alpine Zone	1 Dwelling Unit per 35 Acres
Colona Zone	7 Dwelling Units per Acre *
High Mesa Zone	1 Dwelling Unit per 35 Acres
North Mesa Zone	1 Dwelling Unit per 6 Acres *
South Mesa Zone	1 Dwelling Unit per 6 Acres *
South Slope Zone	1 Dwelling Unit per 6 Acres *
Valley Zone	1 Dwelling Unit per 35 Acres

****Through an approved Planned Unit Development Application process.***

2.7 CONSTRUCTION, MAXIMUM BUILDING AND STRUCTURE HEIGHT

In all zone districts, the maximum height of a building or other structure shall not exceed thirty-five (35) feet, unless a height of less than thirty-five (35) feet is required within an approved PUD, or as otherwise provided in a special use permit.

Construction of structures in all zones may have additional requirements, including setbacks, as provided elsewhere in this Code. Property owners should consult with Land Use staff concerning applicability of other requirements before commencing design or construction.

2.8 ZONES.

A. Alpine Zone.

The intent of the Alpine Zone is to preserve the natural beauty, wildlife habitat, and recreational, historic and archeological values of high altitude areas and manage the County's natural resources in a manner that is both environmentally sound and protects private property rights, while allowing mining, agriculture, forestry, recreation, and limited low density residential and resort/conference center development.

(1) Uses Allowed by Right:

- (a) Underground mining subject to state and federal permitting and conditions set forth in Section _____ of this Code.
- (b) Accessory uses and structures to any other use by right and any permitted use.
- (c) Farming/Ranching.
- (d) Home occupation.
- (e) Non-commercial camping
- (f) Non-commercial logging
- (g) Single-family dwelling unit (maximum density of one unit per 35 acres) on parcels not previously approved by Ouray County as part of a Planned Unit Development (PUD).

(2) Uses Allowed by Special Use Permit

- (a) Bed and breakfast
- (b) Cemetery
- (c) Church
- (d) Commercial camping
- (e) Commercial equestrian activity
- (f) Commercial logging
- (g) Commercial outdoor recreation use – day use
- (h) Governmental facility
- (i) Guest ranch
- (j) Home business
- (k) Livery or horse rental
- (l) All mineral extraction and processing operations except those allowed by right
- (m) Oil and gas exploration and facilities
- (n) Public park or wildlife preserve
- (o) Public utility

- (p) Sand and gravel operation
- (q) School
- (r) Temporary use

(3) Planned Unit Development

- (a) Resort/Conference Center PUD

(4) Minimum Lot Size

- (a) All uses, except as otherwise provided for in this Code - thirty-five (35) acres.
- (b) Special uses – as established by Section ____ of this Code

(5) Required Setbacks: All structures shall be located at least twenty-five (25) feet from any property lines unless approved otherwise in a PUD. With the exception of lots and parcels that have an area of two (2) acres or less, the minimum setback for structures shall be ten (10) feet from the side and back property lines and twenty-five (25) feet from the front property line. No structure may be closer than one hundred (100) feet from the centerline of U.S. Highway 550 or Colorado Highway 62, if visible from such highways.

B. Colona Zone

The intent of the Colona Zone is to maintain an area of high-density residential development (one unit per 6,000 square feet) and commercial activity.

(1) Uses Allowed by Right:

- (a) Single-family dwelling units.
- (b) Accessory Uses and Structures.
- (c) Home Occupation.

(2) Uses Allowed by Special Use Permit:

- (a) Church.
- (b) Commercial use.
- (c) Government facility.
- (d) Home Business.
- (e) Multi-family dwelling.
- (f) Oil and gas exploration and facilities.
- (g) Public service facility.
- (h) School.

(3) Planned Unit Development: Regular PUD (maximum density of 7 units per acre).

(4) Minimum Lot Size: Lot size shall not be less than fifty (50) feet by one hundred twenty (120) feet. Larger lot sizes may be required to meet requirements for adequate sewage disposal.

(5) Floor-to-Lot Ratio: For all uses, maximum floor-to-lot ratio shall not exceed 1:1.

(6) Required Setbacks: All structures shall be at least twenty (20) feet from any street or highway right-of-way (except alleys) and at least ten (10) feet from all other property lines.

C. High Mesa Zone

The intent of the High Mesa Zone is to encourage agricultural production , preserve areas for wildlife migration and habitat, and scenic, historical and archeological values, and to allow low density residential development that does not adversely impact the significant vegetative, wildlife, historic, archeological and scenic values of the Zone.

(1) Uses Allowed By Right:

- (a) Farming/ranching.
- (b) Single family dwelling unit (maximum density of one unit per 35 acres) on parcels not previously approved by Ouray County as part of a Planned Unit Development.
- (c) Non-commercial logging.
- (d) Accessory uses and structures that are accessory to any other use by right and any permitted use.
- (e) Home occupation.
- (f) Non-commercial camping.

(2) Uses Allowed by Special Use Permit:

- (a) Bed and breakfast.
- (b) Cemetery.
- (c) Church.
- (d) Commercial camping.
- (e) Governmental facility.
- (f) Guest ranch.
- (g) Home Business.
- (h) Mineral Operation.
- (i) Oil and gas exploration and facilities.
- (j) Public park or wildlife preserve.
- (k) Public service utility.
- (l) Public utility.
- (m) Sand and gravel operation.
- (n) School.

- (o) Temporary use.
- (3) Minimum Lot Size:
 - (a) Single family dwellings – thirty-five (35) acres.
 - (b) Planned unit developments, as established by Section ____ of this Code.
 - (c) Special uses – as established by Section ____ of this Code.
- (4) Required Setbacks: All structures shall be located at least twenty-five (25) feet from any property lines, unless a greater setback is required within an approved PUD.

D. North Mesa Zone.

The intent of the North Mesa Zone is to preserve areas for wildlife mitigation and habitat and allow up to six acre residential density (medium density) that is not impacted by geological hazards.

- (1) Uses Allowed by Right:
 - (a) Single family dwelling units (maximum density of 1 unit per 35 acres.
 - (b) Accessory uses and structures that are accessory to any other use by right and any permitted use.
 - (c) Home occupations.
 - (d) Farming/ranching.
 - (e) Non-commercial camping.
- (2) Uses Allowed by Special Use Permit:
 - (a) Bed and breakfast.
 - (b) Cemetery.
 - (c) Church.
 - (d) Governmental facility.
 - (e) Guest ranch.
 - (f) Home business.
 - (g) Oil and gas exploration and facilities.
 - (h) Public park or wildlife preserve.
 - (i) Public service facility.
 - (j) Public utility.
 - (k) Sand and gravel operation .
 - (l) School.
 - (m) Temporary use.

(3) Planned Unit Development:

- (a) **Limited PUD (maximum - one unit per 13 acres).**
- (b) **Regular PUD (maximum - one unit per 6 acres).**

(4) Minimum Lot Size:

- (a) Single family dwelling (outside of a PUD) thirty-five (35) acres.
- (b) Planned unit developments – as established by Section ___ of this Code.
- (c) Special uses – as established by Section ___ of this Code.

(5) Required Setbacks: All structures shall be located at least twenty-five (25) feet from any property lines unless a greater setback is required within an approved PUD.

E. **Public Lands Zone:**

Only lands that are NOT owned by Federal or State entities are subject to this Zone and regulations. The intent of the Public Lands Zone is to preserve and protect private lands that are not publicly owned and managed by Federal or State entities in the Zone from future development, thereby providing visual and recreational enjoyment for the County's present and future residents as well as for visitors.

(1) Uses Allowed by Right:

- (a) Farming/ranching.
- (b) Non-commercial camping.
- (c) Underground mining.

(2) Uses Allowed by Special Use Permit:

- (a) Commercial camping when administered by State and Federal agencies.
- (b) Commercial logging.
- (c) Governmental facility.
- (d) Oil and gas exploration and facilities.
- (e) Public park and wildlife preserve.
- (f) Public serviced facility.
- (g) Public utility.

(3) Minimum Lot Size: Thirty-five (35) acres.

(4) Required Setbacks: All structures shall be located at least twenty-five (25) feet from any property lines.

F. **South Mesa Zone:**

The intent of the South Mesa Zone is to allow medium density and, where appropriate, high density (including commercial) development if all appropriate infrastructure is available. The purpose is to meet the overall Master Plan goal of allowing gradual, long-term population and economic growth without harming the County's irreplaceable environmental qualities and unduly burdening the County residents or governments.

(1) Uses Allowed by Right:

- (a) Single-family dwelling units (maximum density of one unit per thirty-five (35) acres).
- (b) Accessory uses and structures that are accessory to any other use by right and any permitted use.
- (c) Home occupations.
- (d) Non-commercial camping.

(2) Uses Allowed by Special Use Permit:

- (a) Bed and breakfast.
- (b) Church.
- (c) Commercial uses (as allowed in approved planned unit developments).
- (d) Governmental facility.
- (e) Home business.
- (f) Oil and gas exploration and facilities.
- (g) Public park.
- (h) Public service facility.
- (i) Public utility.
- (j) Sand and gravel operation.
- (k) School.
- (l) Temporary use.

(3) Planned Unit Development:

- (a) Limited PUD (maximum - one unit per 13 acres).**
- (b) Regular PUD (maximum - one unit per six acres).**

(4) Minimum Lot Size:

- (a) Single-family Dwellings (outside a PUD) – thirty-five (35) acres.
- (b) Planned unit developments – as established by Section ___ of this Code.
- (c) Special uses – as established by Section ___ of this Code.

G. South Slope Zone:

The intent of the South Slope Zone is to preserve areas for wildlife migration and allow up to six acre residential development (medium density) that is not impacted by geologic hazards.

(1) Uses Allowed by Right:

- (a) Single-family dwelling units (maximum density one unit per thirty-five (35) acres. (*Unless otherwise approved in a County PUD process???)
- (b) Accessory uses and structures that are accessory to any other use by right and any permitted use.
- (c) Farming/ranching.
- (d) Home occupation.
- (e) Non-commercial camping.

(2) Uses Allowed by Special Use Permit:

- (a) Bed and breakfast
- (b) Governmental facility
- (c) Home business.
- (d) Oil and gas exploration and facilities.
- (e) Public park and wildlife reserve.
- (f) Public service facility.
- (g) Public utility.
- (h) Temporary use.

(3) Planned Unit Development:

- (a) Limited PUD (maximum - one unit per 13 acres).**
- (b) Regular PUD (maximum - one unit per 6 acres).**

(4) Minimum Lot Size:

- (a) Single-family dwellings (outside a PUD) thirty-five (35) acres.
- (b) Planned unit developments – as established by Section __ of this Code.
- (c) Special uses – as established by Section __ of this Code.

(5) Required Setbacks:

All structures shall be located at least twenty-five (25) feet from any property lines unless a greater setback is required within an approved PUD.

H. Valley Zone:

The intent of the Valley Zone is to protect and preserve visually significant and sensitive areas of Ouray County, maintain its overall rural character, and/or encourage the continued use of the lands for agricultural productivity.

(1) Uses Allowed by Right:

- (a) Farming/ranching.
- (b) Single-family dwelling units (maximum density of one unit per 35 acres).
- (c) Accessory uses and structures that are accessory to any other use by right and permitted use.
- (d) Non-commercial camping.

(2) Uses Allowed by Special Use Permit:

- (a) Bed and breakfast.
- (b) Cemetery.
- (c) Church.
- (d) Commercial equestrian activity.
- (e) Commercial outdoor recreation – day use.
- (f) Governmental facility.
- (g) Guest ranch.
- (h) Home business.
- (i) Livery or horse rental operation.
- (j) Oil and gas exploration and facilities.
- (k) Public service facility.
- (l) Public utility.
- (m) Sand and gravel operation.
- (n) School.
- (o) Temporary use.
- (p) Wildlife rehabilitation facility.
- (q) Historical museum.

(3) Minimum Lot Size:

- (a) All uses except as otherwise provided for in this Code – thirty-five (35) acres.
- (b) Planned unit developments – as established by Section __ of this Code.
- (c) Special uses – as established by Section __ of this Code.

(5) Required Setbacks: All structures shall be located at least fifty (50) feet from any property lines unless otherwise approved in a PUD. With the exception of lots and parcels that have an areas of two (2) acres or less, the minimum setbacks for structures shall be ten (10) feet from the

side and back property lines and twenty-five (25) feet from the front property line. No structure may be closer than one hundred (100) feet from the centerline of U.S. Highway 550 or Colorado Highway 62.

2.9 OVERLAY DISTRICTS

A. Intent and purpose: Due to continued growth pressures, there is an increased desire for coordination between the Municipalities and the County to promote the efficient use of services and protection of open lands, agricultural lands, alpine lands and community identities. It is therefore the intent and purpose of the Overlay Districts to establish districts and create a process to jointly review development on unincorporated property surrounding the Town of Ridgway and the City of Ouray.

B. Definitions:

1. Area of Influence (AOI). An area of unincorporated land wherein development or use of land has an impact upon the adjoining municipality.

2. Urban Development. Development that conforms to the standards of moderate and high density residential, commercial/industrial or tourist land use categories, which is typical to urbanized areas. Urban development also includes the types of services that are generally required to support that development such as central potable water, storm water systems, central sanitary sewer systems, quick-response fire and police protection, urban level street design and maintenance, parks and recreation programs, open space and undeveloped parks, urban level retail and commercial development and other similar services that are typically provided by cities and towns.

3. Urban Growth Management Area (UGMA). An area of unincorporated land adjacent to a municipality in which urban development may be allowed when annexed by the municipality. The Urban Growth Management Area includes an area sufficient to provide for ten to twenty-five years of anticipated and desirable urban growth and development for the adjacent municipality.

C. Establishment of Overlay Districts: The following Overlay Districts are hereby established:

1. The Ridgway Urban Growth Management Area.
2. The Ridgway Area of Influence
3. The Ouray Urban Growth Management Area
4. The Ouray Area of Influence

D. Overlay Districts: All Overlay Districts shall be designated on the “Official Zoning Map of Ouray County” which is on file in the records of the Ouray County Clerk and Recorder. A copy of the map is attached to this Code and in the event of any conflict

between the copy and the map on file in the County records, the latter shall be conclusively deemed to prevail.

E. District Uses and Requirements.

1. Within the Ridgway Area of Influence and the Ouray Area of Influence, the following uses are allowed:

a. All uses allowed by right shall be permitted within the underlying Zone(s), as stated under Section 3 of this Code.

b. Uses allowed by special use permit and Planned Unit Developments within the underlying Zone, as stated under Section 3 of this Code, may be permitted, upon review and approval of the Board of County Commissioners. Said uses shall follow the process as contained herein.

2. Within the Ridgway Urban Growth Management Area and the Ouray Urban Growth Management Area, the following uses are allowed:

a. All uses allowed by right shall be permitted within the underlying Zone(s), as stated under Section 3 of this Code.

b. Uses allowed by special use permit within the underlying Zone, as stated under Section 3 of this Code, except Home Businesses, may be permitted, upon review and approval of the Board of County Commissioners. Said uses shall follow the process as contained herein.

F. Development Review – Urban Growth Management Area. Applications for planned unit developments, special use permits, exemptions from the definition of subdivision, variances and rezoning shall first be considered for annexation by the adjoining municipality prior to submittal of an application to the County Land Use Office.

1. The municipalities will consider all petitions for annexation of lands within the adjoining UGMA and will not decline to annex such property except for good cause. For the purposes of this Section, good cause includes, without limitation, the following:

a. Extension of one or more municipal services to the area would place an unreasonable economic burden on the existing users of such service or upon the future residents or owners of property in the area itself.

b. The area is not contiguous to the municipality's existing boundaries.

c. The development proposal fails to meet the criteria for inclusion and annexation in the initial growth boundary outlined within the municipality's master or comprehensive plan.

2. If the municipality declines an annexation proposal within the UGMA, the Applicant/Developer may then submit a completed application to the Ouray County Land Use Office. Depending upon the request, the application shall include all information and documentation as set forth and outlined under the various sections of this Code. In addition, the application shall also include a written denial of annexation from the respective municipality.

G. Development Review – Area of Influence. Applications for planned unit developments, special use permits, exemptions from the definition of subdivision, variances and rezoning shall be submitted to the Ouray County Land Use Office and shall follow the requirements, standards and processes as set forth and outlined under the various sections of this Code.

H. Joint Planning Boards. Applications for planned unit developments, special use permits, exemptions from the definition of subdivision, variances and rezoning located within an Urban Growth Management Area or an Area of Influence shall be reviewed by a Joint Planning Board, rather than the Ouray County Planning Commission, and the Joint Planning Board shall make a recommendation to the Board of County Commissioners.

1. When a request is located within the Ridgway Urban Growth Management Area or the Ridgway Area of Influence, the Ridgway Area Joint Planning Board shall review the application.

2. When a request is located within the Ouray Urban Growth Management Area or the Ouray Area of Influence, the Ouray Area Joint Planning Board shall review the application.

Section 20

ZONING AND LAND USE CODE AMENDMENTS

Formatted: Bullets and Numbering

20.1 GENERAL PROCEDURE:

Amendments to this Code, rezoning and any zone district amendment shall be in accordance with the statutes of the State of Colorado, with report and recommendations from the Planning Commission to the Board of County Commissioners required prior to the adoption of any such amendment.

20.2 PROCEDURES:

The following shall apply to all requests for rezoning initiated by private landowners or their authorized agents for property in which they have an interest. Citizen initiated rezoning of lands in the County shall follow Colorado State Law governing such actions.

A. REZONING:

(1) A petition for amendment to this Code by which the zoning classification of a parcel is changed shall be submitted to the Planning Commission through the Land Use Administrator.

(2) After receipt of the Rezoning petition for amendment to this Code, the Commission shall set a public hearing date and shall publish notice of said hearing at the expense of the petitioner in a newspaper of general circulation at least fifteen (15) days prior to the hearing date. In addition, the petitioner shall send notice, by certified mail, return receipt requested, of the public hearing to all owners of property within one thousand, two hundred (1,200) feet of the boundaries of the property which is the subject of the petition for the proposed Rezoning, at least fifteen (15) days before the public hearing before the Planning Commission. Notice by mail shall be deemed complete upon mailing to the last known address of said owners as shown in the records of the Ouray County Assessor. Further, the petitioner shall cause to be placed a sign or signs in conspicuous location(s) on the subject property, not less than fifteen (15) days prior to said hearing, stating the change request and the date, time, and place of the hearing. The Land Use Administrator shall determine the number and location of the signs to be posted. The petitioner shall present proof satisfactory to the County that all notices required by this section have been made or sent.

(3) After the public hearing, the Planning Commission shall submit a report and recommendation on the proposed Rezoning to the Board of County Commissioners.

(4) The Board of County Commissioners shall set a public hearing on the Rezoning request and shall publish notice of the hearing at the expense of the petitioner in a newspaper of general circulation at least fifteen (15) days prior to the hearing date. After the public hearing before the Board of County Commissioners, the Board shall proceed with the Rezoning request as prescribed by law for the consideration of passage of any resolution of the County and after consideration of the Rezoning request under the standards as set out in Section 20.3 hereof.

B. LAND USE CODE AMENDMENTS:

(1) Any amendment to this Code may be initiated by the County, ~~or~~ by private citizens or by a private or public entity. A written request for amendment shall be submitted to the Planning Commission through the Land Use Administrator, along with any required processing fee as may be set by the Board of County Commissioners. Any proposed Land Use Code amendments shall be drafted in a form consistent with the organizational format and style of this Code.

(2) After receipt of a properly drafted written request for amendment to this Code, the Planning Commission shall set a public hearing date and shall publish notice of said hearing at the expense of the petitioner in a newspaper of general circulation at least fifteen (15) days prior to the hearing date.

(3) After the public hearing, the Planning Commission shall, as soon as reasonable and practicable, submit a report and recommendation on the proposed amendment to the Board of County Commissioners.

(4) The Board of County Commissioners shall set a public hearing date on the proposed Code amendment and shall publish notice of the hearing at the expense of the applicant in a newspaper of general circulation at least fifteen (15) days prior to the hearing date. After the public hearing before the Board of County Commissioners, the Board shall, as soon as reasonable and practicable, make its decision on the proposed amendment as prescribed by law for the consideration of passage of any resolution of the County.

20.3 STANDARDS TO CHANGE THE ZONING CLASSIFICATION OF AN AREA:

Amendments to this Code may be adopted whereby the zoning classification of an area is changed only if all of the following conditions exist:

A. The area in question abuts an existing district having the zoning classification desired; and,

- B. The request is consistent with and in furtherance of the stated intent and purposes of the Land Use Code and with the Ouray County Master Plan; and
- C. The request is consistent and compatible with the community character and surrounding land uses within the area for which the request is being proposed; and
- D. The request would not have a material adverse effect on the surrounding area; and
- E. The request will not result, unless mitigated, in demands on public facilities and services that strain or exceed the capacity of such facilities and services, including but not limited to transportation facilities, sewage facilities, water supply, parks, drainage, schools, fire districts and emergency medical services; and
- F. The proposed or planned use of the parcel to be rezoned is feasible and not disallowed under the Ouray County Land Use Code. In order to aid its consideration of this criteria, the County may require that the applicant make a disclosure of the proposed or planned use of the parcel to be rezoned, including, where necessary, preparation and provision of a PUD preliminary/final plat and plan.

20.4 SUBMITTAL REQUIREMENTS FOR REZONING

- A. For Rezonings a legal description of the land area to be rezoned ~~or~~ along with a sketch map to scale showing the boundaries of the area to be rezoned which indicates the current zoning or designation for all areas adjacent to the area proposed to be rezoned. The map shall also identify all parcels for rezoning. The map shall be at a scale of at least 1 inch = 20 feet, or other scale approved by the Land Use Administrator. The map shall identify ownership on all parcels. The application and/or petition shall also include consent of all owners of record for the parcel(s) which are the subject of the application and/or petition.
- B. A statement indicating the requested new zone district and justification for the rezoning , as well as an explanation of how the rezoning complies with the standards in Land Use Code Section 20.
- C. A description of uses proposed in the area to be rezoned, along with a description of land uses and buildings within one thousand two hundred (1,200) feet in all directions.
- D. A time schedule for any contemplated new construction or uses.
- E. A description of the effect that the rezoning would have on uses of adjacent properties in the area proposed to be rezoned on the County generally.

Section 21

REPEAL/RE-ENACTMENT

DELETE THIS SECTION – PERTAINS TO 1986 ENACTMENT – OUTDATED