

OURAY MUNICIPAL CODE

- CHAPTER 7 -

LAND USE & DEVELOPMENT

Sections:

- 7-1 General Provisions
- 7-2 Definitions
- 7-3 Administration
- 7-4 Site Development Permits and Regulations
- 7-5 Zoning Regulations
- 7-6 Nonconformities
- 7-7 Subdivision Development Regulations
- 7-8 Planned Unit Developments (PUD)
- 7-9 Vested Rights
- 7-10 Condominiumization
- 7-11 Timeshares

7-1 General Provisions

A. Title and Short Title

Chapter VII of the Ouray City Code, as amended from time to time, may be cited as the Ouray Land Use Code or OLUC.

B. Authority

It is the intention of the City in adopting this Code to fully exercise all relevant powers conferred on it by the laws of the State of Colorado, including, but not limited to, the following:

1. Home Rule Municipality. All of the powers reserved to the City as a home rule municipality under Article XX of the Colorado Constitution.
2. State Enabling Legislation. All of the powers granted to the City by:
 - a. Colorado Revised Statutes, Title 29, Article 20, provisions of the Local Government Land Use Control Enabling Act of 1974.
 - b. Colorado Revised Statutes, Title 31, Article 12, provisions of the Municipal Annexation Act of 1965.
 - c. Colorado Revised Statutes, Title 24, Articles 65, 67, and 68, that provide for the review of areas and activities of state interest, authorize the planned unit development approach to land development and provide for the establishment of vested property rights.
 - d. Colorado Revised Statutes, Title 31, Article 23 that enables municipalities to adopt zoning regulations and subdivision requirements.
 - e. All Other Powers Authorized. All other powers authorized by statute or by common law for the regulation of land uses, land development and subdivision, including, but not limited to, the power to abate nuisances.

C. Purposes

The general purposes of the OLUC are as follows:

1. Promote and protect the public health, safety, and welfare;
2. Insure that new development bears its fair share of the cost of providing new improvements and services;
3. Establish uniform procedures and standards for all proposed development of land with the City of Ouray;
4. To facilitate adequate provisions for water, sewage, storm water, fire protection, schools, parks, open space, recreation, public utilities and other public and historical buildings;
5. To maintain the scenic beauty of the Ouray area;
6. To manage development that mitigates and minimizes hazards due to erosion, geologic conditions, flood, soil conditions, excessive slopes and other potential dangers to public health, safety and welfare;
7. Implement the goals, objectives and policies of City's Master Plan;
8. Preserve the neighborhoods and protect property values in Ouray;

9. Promote energy conservation, use of alternate energy sources, cluster development and other land use practices that result in reduced energy consumption;
10. To encourage the development of affordable housing and encourage the development of long-term rental housing;
11. Protect quality of air, cultural and natural resources;
12. To protect the City's water resources by maintaining the natural watershed, preventing accelerated erosion, reducing run off and consequent sedimentation, and eliminating pollutants introduced directly or indirectly into the City's streams;
13. To manage and regulate the density of land use and prevent demands on existing services and infrastructure that cannot be satisfied;
14. To enhance and provide for safe and efficient flow of vehicles and pedestrians; and
15. To otherwise plan for and regulate the use of land so as to provide for a planned and orderly use of land and encourage the most appropriate use of land throughout the City.

D. Rules of Interpretation

For purposes of interpretation of the OLUC, the rules set out in this Section shall be observed, unless such construction would be inconsistent with the manifest intent or purpose of the City as expressed in this Chapter. Words and phrases shall be construed according to the common and approved language, but technical words and phrases as may have acquired a particular meaning shall be understood according to such meaning.

1. Conflicting Provisions

- a. Whenever the requirements of the OLUC are in conflict with the requirement of another provision of the Ouray Municipal Code or any other rule, regulation, resolution or ordinance of the City, the requirements that are the most restrictive or impose a higher standard or requirements shall govern.
- b. The provisions of the OLUC are in addition to all other City ordinances, the law of the State of Colorado, the law of the United States, and applicable common law. The OLUC shall not supersede any private land use regulations in deeds or covenants that are more restrictive than this Code.

2. Provisions are Minimum Requirements

The intent and provisions of the OLUC shall be regarded as the minimum required for the protection of the public health, safety and welfare. They shall be liberally construed to further these purposes.

3. Computation of Time

The time within which an act is to be done shall be computed in accordance with the City's Home Rule Charter.

- a. Day. Day shall mean calendar day, including Saturdays, Sundays and legal holidays. Business day shall mean a day that the City offices are open to the public.
- b. Week. The word "week" shall mean seven (7) days.
- c. Month. The word "month" shall mean thirty (30) days.

d. Year. The word "year" shall mean 365 days.

4. Singular/Plural and Gender

The masculine includes the feminine, the singular the plural, and vice versa.

5. Shall/May

The word "shall" is mandatory. The word "may" is permissive.

6. Tense

Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable.

7. Liability

The OLUC, or any administrative act or failure to act, pursuant to the regulations contained herein, shall not create any liability on the part of the City or any officer or employee thereof.

E. Severability

If any part of the OLUC or the application or enforcement thereof to any person or circumstance is held invalid, the remainder of the OLUC and its application to other person or circumstances shall not be affected thereby.

7-2 Definitions

The following definitions apply throughout the OLUC, unless the context clearly requires otherwise.

Accessory Building means a detached subordinate building or structure, the use of which is incidental to that of the principal building or primary dwelling and which is located on the same lot or parcel with the principal building or dwelling.

Accessory Use means a use on the same lot or parcel with the principal use that is naturally and normally incidental to, subordinate to, necessary for, or devoted exclusively to the main use of the premises.

Alley means a public way of more than 10 feet but equal to or less than 16 feet in width permanently dedicated to and owned by the City.

Alteration means a change, addition, modification or rearrangement in the structural parts, or an enlargement or reduction, whether by extending on a side or by increasing or reducing in height, or the moving from one location or position to another, of any building or structure.

Applicant means any Person and the successors or assigns of any such Person applying for development approval pursuant to this Code.

Block means a parcel of land bounded on all four sides by streets or right-of-ways, or some other element such as public property, public easements, or open land.

Block Front means all of the lots whose frontage is on one side of a street between two intersecting streets.

Building means any structure used or intended for supporting or sheltering any use or occupancy.

Building Frontage means the lineal distance of the facade of a building measured along the lot frontage, which is occupied by a particular land use, measured from the edge of the building to the other edge of the building, or to the centerline of a wall separating uses.

City means the City of Ouray, Colorado, and shall include the Planning Commission, City Council, and an authorized officer or employee.

Commercial Motor Vehicle means any motor vehicle, trailer, or semi-trailer designed or used to carry freight, passengers for a fee, or merchandise, in the furtherance of any commercial enterprise which may have a sleeper unit that is not a primary purpose of the vehicle.

Commercial Use means a business or activity where services, goods or commodities are exchanged for money or are carried out for pecuniary gain.

Common Interest Community means real estate described in a declaration with respect to which a person, by virtue of such person's ownership of a unit, is obligated to pay for real estate taxes, insurance premiums, maintenance or improvements of other real estate described in a declaration.

Conditional Use means a use of land within any particular zoning district that is authorized only when and if a conditional use permit is granted therefor in accordance with procedures and requirements as set forth in this Code.

Condominium means a common interest community in which portions of the real estate are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of separate ownership portions.

Condominium Subdivision means the division of real property into individual airspace units and their appurtenant common elements.

Council means the City Council of the City of Ouray, Colorado.

Dedication means the intentional appropriation of land by the owner for some public use.

Density means the number of dwelling units permitted on any parcel of property planned for any development.

Development means any activity or any person-caused change to land or improvements thereon that changes the basic character or intensity of the use of such land or improvements. Development shall include but not be limited to construction, change in intensity or type of use of land, demolition, clearing, excavating, filing, grading, paving, mining, dredging or drilling.

Dwelling means a permanent building or portion thereof that contains a kitchen and is used as the private residence or sleeping place of one or more human beings, but not including temporary structures.

Accessory Dwelling means a dwelling unit that contains no less than 300 sq. ft. and no more than 1000 sq. ft. of floor area and is located on the same site as, but has a separate entrance from, a single-family or duplex dwelling.

Dwelling Unit means any permanent building or portion thereof, which consists of a room or suite of two (2) or more rooms used as a dwelling by one (1) family.

Multi-Family Dwelling means a building with three (3) or more dwelling units.

Single-Family Dwelling is a dwelling unit designed for and occupied exclusively by one (1) family.

Duplex means a building having two (2) dwelling units.

Family means eight (8) or fewer natural persons living together in a dwelling unit.

Floor Area means the sum of the horizontal areas of all floors in a building, as measured from the exterior face of exterior walls, or from the centerline of dividing walls, if appropriate. Garages, courts, decks and porches are to be included when covered by a roof. Subterranean basement areas with no exterior access or windows are excluded. For the purposes of calculating floor area, roof does not include any slated covering, pergola, or pervious covering.

Frontage means the front side of a lot abutting upon one (1) side of the street or avenue between two (2) lot lines, measured along the right-of-way line. For lots that do not abut a street or avenue, the frontage of the lot may be an alley if the lot abuts an alley. For lots that do not abut a street, avenue or alley, the frontage of the lot shall be the street or avenue that is in closest proximity to the lot.

Geologic Condition means a geologic phenomenon that may be adverse to land use as to constitute a threat to public health and safety or to property. This term includes but is not limited to avalanches, floods, landslides, rock falls, mudflows, debris flows, flooding, unstable or potentially unstable slopes, seismic effects, radioactivity, ground subsidence or presence of hazardous substances.

Government Buildings and Facilities means any building or facility owned and operated by the United States of America, the State of Colorado, the City of Ouray, or any agency or political subdivision thereof.

Ground Floor means the at-grade, ground floor, street-level floor or first floor of a building.

Home Occupation means any commercial use within a dwelling unit, an enclosed garage or accessory building that is carried on by the inhabitants of the property and that meets the standards of Section 7-5-J-2 of the OLUC.

Intermodal Shipping Container means a pre-fabricated, reusable, metal container designed and intended for transporting cargo on ocean-going ships, trains, or tractor trailers, also commonly called cargo containers, transport containers or marine cargo containers. Includes Conex and railroad cars.

Land means real property, including permanent improvements and usable air space.

Landowner means the owner in fee or any undivided interest in a given parcel of land.

Lodging Business means a lodging unit, hotel, motel, lodge, inn, bed and breakfast, or hostel used for temporary occupancy for sleeping purposes, rented on a short-term basis of less than thirty (30) consecutive calendar days, and excludes short-term rental as defined herein.

Lodging Unit is an individual unit or room, which may or may not include a kitchen, within a lodging business customarily rented on a short-term basis of less than thirty (30) days.

Long Term Rentals means any rental or lease of property, dwelling unit, or part thereof, for thirty days or more.

Lot means a measured portion of a subdivision intended as a unit for transfer of ownership, lease, or for development, or a parcel of real property designated by a separate and distinct number or letter on a plat filed with the Ouray County Clerk and Recorder, or when not platted in a recorded subdivision, a parcel of real property held under separate ownership or capable of being conveyed to a separate owner without being subject to the City's Subdivision Regulations.

Lot Area means the total horizontal area within the lot lines of a lot.

Front Lot Line means the property line parallel to the street or avenue. On corner lots the front shall be the line contiguous to a street, as opposed to an avenue. For lots that are not contiguous to a street or avenue, but contiguous to an alley, the front lot line means the property line parallel to the alley. For lots that are not contiguous to a street, avenue or alley, the front lot line means the property line parallel to the street or avenue in closest proximity to the lot.

Rear Lot Line means the property line opposite the lot front.

Lot Side means any property line other than the front or the rear lot line.

Master Plan means the Ouray Community Plan adopted pursuant to C.R.S. §[31-23-206](#), as amended from time to time.

Manufactured Home has the meaning as defined in Chapter [6](#) of the Ouray City Code.

Maximum Building Site Coverage Percentage means the area covered by all buildings (including porches, carports, decks, garages and cantilevered features (not including roof eave overhangs)) divided by the area of the site with both calculated in the horizontal plane.

Maximum Building and Impervious Surface Site Coverage means the area covered by buildings including porches, carports, decks, garages and cantilevered features (not including roof eave overhangs), and impervious surfaces, such as concrete or asphalt pavement, divided by the area of the site, all calculated in the horizontal plane.

Maximum Building Height is measured vertically from the highest point of the building, excluding any chimneys, to the average grade of the building, halfway between the lowest and highest ground elevations of the building.

Maximum Site Coverage means the area covered by all buildings including porches, carports, decks, garages and cantilevered features (not including roof eave overhangs) divided by the area of the site with both calculated in the horizontal plane.

Mixed Use means a development that contains at least a minimum of 500 square feet of non-residential space in each dwelling unit.

Mobile Home has the meaning as defined in Chapter [6](#) of the Ouray City Code.

Mobile Home Park means a parcel of land under single ownership that has been planned and improved for the placement of two or more mobile homes for dwelling or sleeping purposes, whether or not a fee is charged for use of the property.

Modular Home has the meaning as defined in Chapter [6](#) of the Ouray City Code.

Open Space means land uncovered by structures, streets, parking or driveways and typically maintained in its natural state.

Nonconforming lot of record means a lot or other parcel of land on record with the office of Clerk and Recorder for Ouray County which as the result of the adoption of dimensional regulations contained within this Chapter fails to meet the minimum lot area for the Zoning District in which it is located.

Nonconforming lot or parcel means a lot or parcel of land which as the result of the adoption of dimensional regulations contained within this Chapter fails to meet the minimum dimensional requirements for the Zoning District in which it is located.

Nonconforming structure means a structure which was originally constructed in conformity with zoning and building code or ordinances in effect at the time of its development, but which no longer conforms to the dimensional or other requirements imposed by the Chapter for the Zoning District in which it is located.

Nonconforming use means the use of land or a building or structure which was originally established in conformity with the zoning and building code or ordinances in effect at the time of its development, but which is no longer allowed as a permitted or conditional use under the regulations imposed by this Chapter for the Zoning District in which it is located.

Parcel means lot, as defined herein.

Parking Space means a surfaced area, enclosed or unenclosed, 10 feet by 20 feet and reserved for the parking or storage of one (1) motor vehicle.

Permitted Use means a use of land within any particular zoning district that is authorized as a matter of right so long as all other requirements of this Code are met.

Person means a natural person, association, firm, partnership, corporation, joint venture, club, trust or other organization acting as a group or unit, or the manager, lessee, agent, servant, officer or employee of any of them.

Planned Unit Development means an area of land, controlled by one or more landowners, to be developed under unified control or unified plan of development for a number of dwelling units, commercial, educational, recreational, or industrial uses, or any combination of the foregoing, the plan for which does not correspond in lot size, bulk, or type of use, density, lot coverage, open space, or other restrictions in this Code.

Plat means a printed instrument that is a land survey depicting all or a portion of a land area in two dimensions.

Property Line means a line delineating a property, or portion of land, from another property, right-of-way, easement, etc. and documented by a recorded survey or plat.

Public Utility Service Facilities means transmission and storage facilities, including but not limited to pipes, lines, mains, wires, transformers, valves, and other related appurtenances for petroleum products, electricity, water, sewage, drainage, telephone, internet, wireless and cable television which are necessary to provide service to customers, but does not include building, offices, and production or generation facilities.

Recreational Vehicle (RV) means a vehicular or portable unit mounted on a chassis and wheels, which either has its own motive power or is mounted on or drawn by another vehicle, such as travel trailers, fifth wheel trailers, camping trailers, or motor homes, but excluding truck campers. A recreational vehicle is not designed or intended for use as a permanent dwelling or sleeping place, but is to provide temporary living quarters for recreational, camping, or travel use.

Recreational Vehicle (RV) Park means a parcel of land on which RVs, either occupied or intended to be occupied on a short-term or seasonal basis for dwelling or sleeping purposes, are located and infrastructure, utilities and facilities are located, regardless of whether or not a charge is made for such accommodations.

Setback means the minimum horizontal distance allowed between a lot line and any exterior part of a building, including decks, covered porches, and other appendages located above ground level other than the roof.

Short-Term Rental (STR) means the use of a dwelling unit, or any part thereof, for remuneration, for less than thirty (30) consecutive calendar days.

Site means the contiguous lots, tracts, and parcels of property associated with any use.

Site Coverage means that portion of a lot or parcel that is covered by buildings, measured where the exterior wall meets the foundation, including cantilevered features, but excluding roof eaves, uncovered decks and patios.

Site Specific Development Improvement Agreement means a written contract between the City and the site specific development application in which the Applicant agrees to pay for curb, gutter and sidewalk associated with a site specific development permit.

Slope means an inclined ground surface which is expressed as a ratio of vertical distance to the horizontal distance, or rise over run.

Street means a public or private way, other than alley, that affords the principal means of access to abutting property.

Major Streets are those public streets which collect traffic from minor streets or which permit the relatively rapid and unimpeded movement of traffic from one part of the community to another.

Minor streets are public streets used primarily for direct access to properties abutting the right-of-way. Minor streets carry traffic having a specific origin or destination and do not carry thru traffic.

Private streets are streets not owned by the City.

Structure means anything constructed, installed or erected which requires location on the ground or is attached/supported by something on the ground, inclusive of buildings, signs, roads, walkways, berms, fences and/or walls greater than six feet (6') in height, tennis courts, swimming pools and the like, but excluding poles, lines, cables or similar devices used in the transmission or distribution of public utilities.

Subdivision means the division of any land into two (2) or more lots, parcels, tracts, plats, sites or separate interests, or such other division, for the purpose, whether immediate or future, of sale or transfer of ownership, or for building or other development, or for the creation of streets or other rights-of-way. Subdivision shall also mean the consolidation, aggregation, and reconfiguration of lots. Unless otherwise specified, the term subdivision does not apply to any of the following divisions of land:

1. Created by order of a court of competent jurisdiction in this state or by operation of law, provided that the City is given notice of and an opportunity to participate in any judicial proceedings prior to the entry of any such court order;
2. Created separate but undivided interests in a tract of land such as joint tenancy, tenancy in common, tenancy in entirety, trust, lien mortgage, deed of trust or other security interest, unless such separate interests apply to less than all of the tract;
3. Which create cemetery lots;
4. Which create an interest in oil, gas, minerals or water which is severed from the surface ownership or real property; or
5. Which create a utility easement or an easement unrelated to the use of the surface estate.

Subdivision Improvements Agreement means a written contract between the City and a subdivider providing for and describing conditions of approval for the subdivision. It shall, at a minimum, set forth construction specifications for required public improvements, provide dates for completion of the improvements, and identify the terms and conditions for the acceptance of the improvements by the City. It shall also provide for such financial assurance as necessary to insure the proper and timely installation of improvements.

Subdivision Plat means a map of certain described land prepared by a registered land surveyor in accordance with Section [7-7](#) as an instrument for recording of real estate interest with the County Clerk.

Sketch Plan means a map of a proposed subdivision or other development, drawn and submitted in accordance with Section [7-7](#) of the OLUC to evaluate feasibility and design characteristics at an early stage in the planning.

Preliminary Plat means the map of a proposed subdivision and supporting materials, drawn and submitted in accordance with Section [7-7](#) of the OLUC to permit review of detailed engineering and design.

Final Plat means the final map, drawn and submitted in accordance with Section [7-7](#) of the OLUC as an instrument for recording of real estate interest with the County Clerk.

Substantial Conformity means there is no variation from preliminary plat, other than minor changes in the size of lots, or location of lot lines, easements or streets. Any change in types or numbers of land uses, any variance in residential density, any change in location of a public right-of-way in excess of five feet (5') or any variation of a dimensional limitation in excess of five percent (5%) shall not be included in the definition of Substantial Conformity.

Subterranean means any portion of the structure or building in which less than one foot of the foundation wall is exposed.

Time Sharing means interval estate, time share estate, or timespan estate as such are defined in C.R.S. [§38-33-110](#), as may be amended, or any other similar concept of property ownership involving either interval ownership or fractional fee interest as may be determined by the City Council. Time Sharing shall also include time share or time share interest, but not a time share license or use.

Use means a specified activity or purpose for a property, building, residence, facility or other structure for which it is intended, designed, platted, arranged, and occupied.

Variance generally means a grant of relief from the literal requirements of this Code which permits activity in a manner that would otherwise be prohibited by this Code.

Yard means the portion of a lot which does not have a structure located thereon and which is unobstructed from ground to the sky. (Source: Ordinance No. 7, 2021; Ordinance No. 4, 2019; Ordinance No. 7, 2016; Ordinance No. 6, 2015; Ordinance No. 5, 2015; Ordinance No. 3, 2014)

7-3 Administration

A. Administration and Enforcement

1. The OLUC shall be administered and enforced by a Land Use Official, Building Official or other such authorized person as designated by the City Administrator.
2. The City may deny any building permit, occupancy permit, other permit or license, or approval of any property that is in violation of any decision pursuant to the OLUC or the provisions of the OLUC.
3. The City is empowered and directed to inspect and examine the use, occupation or development of land for which a development permit, license or approval has been issued to determine, from time to time, whether any use, occupation, development or activity is in violation of any of the provisions of this Code or of any permit issued or required pursuant to this or other applicable regulations.
4. Should access or entry to any land or premises be refused upon request by the Land Use Official or other duly authorized person, the City may seek a search warrant from the Municipal Court permitting entry upon such land or premises for purposes of making inspections or carrying out other duties as authorized under the Ouray Municipal Code.
5. All provisions of the OLUC must be fulfilled and adhered to by Applicants seeking approval and authorization of the applicable sections of this Code. Failure to fulfill these requirements may result in the denial of building, development or other permits, and the authorization to improve, construct, occupy, subdivide or utilize certain properties, buildings and facilities. Additionally, all conditions specified in development approvals must be adhered to and completed in accordance with the approval conditions. It shall be unlawful for any person to subdivide any land within the City of Ouray whether by sale, conveyance, gift, delivery or recording of a plat, deed, or other legal instrument or by any other means except in accordance with the provisions of this Chapter.
6. Any action which reduces the area of any site, lot or tract in violation of the minimum dimensional requirements of the OLUC is unlawful.
7. All violations of the OLUC, including the terms of any approval issued pursuant to this code, and any subdivision plat restrictions, are hereby declared to be a nuisance and may be abated in any lawful manner.
8. The City may maintain an action in any court of competent jurisdiction to enjoin any violation of the OLUC, including terms and conditions specified in development approvals.
9. It is unlawful to violate any of the provisions of the OLUC, or the terms of any approval entered pursuant to this code. Any person convicted of such a violation may be punished by a fine of not more than One Thousand Dollars (\$1,000.00) or by imprisonment in jail not exceeding ninety (90) days or by both such fine and imprisonment. Each day any violation continues shall constitute a separate offense.
10. All remedies provided for in this section are cumulative, are not exclusive, and shall be in addition to any other remedies provided by law.

B. Fees

1. Fees for applications and review processes required by the OLUC will be set by the City Council by resolution. Fees and fee structures shall be reviewed every three years. Fees and fee structures may be modified at any meeting of the City Council.

2. Resolutions establishing application fees will attempt to establish fair and equitable fees to recover the average costs of all expenses, including staff time, associated with the administration of the OLUC.
3. The Applicant will also be required to pay for actual, reasonable costs incurred by the City, for legal fees, postage, notice and publishing costs, map costs, other professional service consultants or review agencies which charge for their review, together with wages and associated payroll costs for contract employees. The City shall send an invoice to the Applicant monthly as such costs are incurred. Each invoice shall be due 30 days after its date. Such invoice sent prior to the next formal decision by the City must be paid prior to that decision. Invoices not paid prior to that decision shall be cause to deny the application or table the decision until the fees are paid. Bills not paid by the due date shall accrue interest at the rate of 1-1/2% per month or part thereof. No plat shall be recorded, improvements accepted, lien released, building permit issued, tap approved, or other approval action taken until all fees then due are paid to the City. Such fees may be certified to the County Treasurer for collection as delinquent charges.
4. Upon positive recommendation of the Planning Commission, the City Council may by motion and without additional notice of hearing authorize refunds or waive development review application fees. Council may authorize refunds or waivers of fees only in cases of hardship to the Applicant or economic benefit to the community or other unique circumstances.

7-4 Site Development Permits and Regulations

A. Purpose

The purpose of this Section is to establish site development standards applicable to site permits. All development subject to this Section shall comply with the standards of this Section and with the City's construction standards. Site planning is required to ensure that all sites within the community are designed, arranged and developed in a safe, consistent and efficient manner. The arrangement of functions, uses and improvements should reflect the natural capabilities and limitations of the site, as well as the characteristics and limitations of the adjacent property or properties. These standards are developed so every project consistently adheres to the same standards.

B. Site Activities Requiring Permit

A permit is required for the following activities:

1. Non-residential construction.
2. Addition to an existing residential building that increases the gross floor area by more than 25%.
3. Residential construction for two or more units.
4. Grading, fill or excavation involving 300 cubic yards or more.

Construction for one single-family residence will be reviewed through the building permit process and shall comply with provisions in §7-4-D.

C. Procedure and Site Development Plans

1. Preapplication Conference

- a. Prior to filing a site development application, the Applicant shall confer with the City's Community Development Department and/or staff appointed by the City Administrator to obtain information and guidance as to the City's development procedures and standards.
- b. The purpose of the conference is to permit informal review of development concepts before substantial commitments of time and money are made in the submission of an application, so the Applicant may decide how best to proceed in accomplishing the intended activity.
- c. The preapplication conference shall not be used as a design service by the Applicant. The Applicant shall be responsible for preparing an application that contains sufficient information to enable the City to determine its conformance with the OLUC.
- d. Content of Conference. Items to be discussed during the preapplication conference may include, but not be limited to, the following:
 - i. Applicant's Proposal. The Applicant shall provide a written description of the proposed development, accompanied by a survey, site plan or other map illustrating the site's boundaries, and the Applicant's concepts.

1. Preliminary Evaluation. The Applicant may request that the City provide a preliminary evaluation of the project's conformance with the OLUC. The City may provide a verbal, preliminary evaluation during the conference or in writing within 15 business days thereafter.

2. No Reliance Provided. The preliminary evaluation, and all other comments made by the City's staff during the preapplication conference shall not be

deemed to provide the Applicant with assurance or reliance as to the outcome of the formal development review process.

ii. Review Procedure

The City Staff shall explain the procedures and review standards that apply to the proposed site development, including which decision-making body or bodies will review the application, whether public notice is required and the sequence of actions and approximate time required to complete the development review process.

2. Submission of Site Development Application

Applicants shall complete an application, including the required plans and reports detailed in this section, provide evidence of ownership, and pay all necessary fees. Compliance with all applicable provisions of this section is a prerequisite for approval of any site development permit.

3. Initial Review of Application

The City Staff should review the required contents of the application when submitted.

a. Completeness Review. Within seven business days of receipt of application, City Staff shall determine whether the application is complete.

i. If the application is not complete, City Staff shall notify the Applicant in writing and shall take no further action on the application until the deficiencies are remedied. If the application is complete, the City Staff shall notify the Applicant in writing and affix the date of the application acceptance thereon.

ii. A determination that an application is complete shall not constitute a determination that it complies with the substantive standards of OLUC or those of other City regulations.

4. Action on Application for Site Development Permit and Time limits

a. Time limitations.

i. Ninety-Day Time Period. All decisions on site development applications shall be made within 90 calendar days of a determination of application completeness (Section 7-4-C-3), as limited by subsections of section ii.

ii. Calculation of Time Periods for Issuance of Decision. In determining the number of days that have elapsed after the City has notified the applicant that the application is complete for processing, the following periods shall be excluded:

a. Any period during which the applicant has been requested by the City to correct plans, perform required studies, provide additional required information, or otherwise requires the applicant to act. The period shall be calculated from the date the City notifies the applicant of the need for additional information until the date all the requested information has been provided to the City;

b. Any period during which an environmental impact statement is being prepared;

c. Any extension of time mutually agreed upon, in writing, by the applicant and the City.

b. Failure to Meet Time Limit.

If the City is unable to issue its decision within the time limits provided in this chapter, it shall provide written notice of this to the project applicant. The notice shall include a statement of reasons why the time limits have not been met and an estimated date for issuance of a final decision. The City is not liable for damages due to the City's failure to make a final decision within the time limits established in this chapter.

c. Procedure for corrections.

- i. Following a determination of application completeness (Section 7-4-C-3) the City may make a determination in writing that some information is incorrect or that additional information is required. The applicant shall have up to 60 calendar days to submit corrected information.
- ii. Within 14 calendar days of receiving corrected information, the City shall determine whether the information, plans, or other review materials are now correct and sufficient for further review. If the corrections are incomplete or if additional information is required, the City shall so notify the applicant in writing.
- iii. If an applicant either refuses in writing to submit additional information or does not submit the required information within 60 calendar days, the application shall be canceled without providing a refund.

5. Transfer, Expiration and Extension of Permits

- a. Permits granted pursuant to this Section shall only be valid until the date of expiration stated in the permit. Transfers may be permitted upon application on forms approved by the City. Transfers shall only be approved if the terms of the original permit remain in effect.
- b. City staff may grant an extension of a permit upon a request by the Applicant if the project for which the permit has been issued is substantially complete at the time of the request for extensions is made and such request for an extension is made in writing prior to expiration of the permit. Under no circumstances shall an extension exceed three months from the date of the approval of the extension.
- c. City Staff shall issue a decision on an application for an extension or transfer in writing within ten (10) days of the date of the request for extension by the Applicant. If the decision is a denial, the reasons for the denial shall be stated in the decision.
- d. Following approval of a site development plan, requests for amendments may be filed with the City and shall be reviewed in accordance with the criteria and procedures in this Section.

6. Review and Appeals

- a. Any decision by City staff of a site development permit, decision of extension or decision of a transfer of a permit may be appealed to Planning Commission.
- b. Any request of review of City Staff's decision to the Planning Commission must be submitted to the City in writing on forms approved by the City, no later than ten (10) days from the date of decision.
- c. No later than forty-five days after the date of request for review, the Planning Commission shall review the Staff decision.

D. Development Standards

1. Minimum Application Contents

a. Single Family and Duplex Dwelling Units

These uses require the completion of a site development plan drawn to scale (not less than 1":40' scale) detailing clearly the location of structures and required improvements listed below:

- i. Existing and proposed structures located on the site.
- ii. Installation of new, or repair of damaged, curb, gutter and sidewalk along abutting streets, except in subdivisions where it is not required by current subdivision regulations.
- iii. Driveways and required off-street parking spaces, including landscaped areas, and maneuvering areas adequate to meet all applicable requirements. When six or more spaces are required, the required parking and maneuvering areas shall be paved.
- iv. Site drainage adequate to avoid damage or adverse effects to improvements, structures and property on and off the site, including adjacent properties.
- v. All existing and proposed landscaping, including trees, shrubs and groundcover subject to the minimum requirements found in Subsection 7-4-D-2-h.
- vi. Sidewalks and other provisions for pedestrians.
- vii. Above and below ground utilities.
- viii. All outdoor lighting fixtures, which shall be shielded so that the light source is not directly visible off the premises.

b. Multi-Family Dwelling Units, Lodging and Non-Residential Uses

These uses require the completion of a site development plan drawn to scale (not less than 1":40' scale) detailing clearly the location of structures and required improvements listed below:

- i. Existing and proposed structures located on the site.
- ii. Installation of new, or repair of damaged, curb, gutter and sidewalk along abutting streets, except in subdivisions where it is not required by current subdivision regulations.
- iii. Required off-street parking spaces, including landscaped areas, and maneuvering areas adequate to meet all applicable requirements. When six or more spaces are required, the required parking and maneuvering areas shall be paved.
- iv. Site drainage adequate to avoid damage or adverse effects to improvements, structures and property on and off the site, including adjacent properties.
- v. In addition to the minimum standards contained in Subsection 7-4-D-2-h, landscaping shall meet the following requirements:
 1. At least 50% of the linear frontage of the site abutting public street rights-of-way to a minimum width of 15 feet shall be landscaped, except to the extent such area is or will be lawfully covered by buildings, unless the City approves an alternative plan as more effectively presenting a landscaped view from the abutting street rights-of-way; and

2. Inclusive of the above frontage requirement, landscaping shall be required in at least 20% of that part of the site not covered by buildings on sites proposed for residential use and at least 10% of that part of the site not covered by buildings on sites where non-residential uses will occupy more than 50% of the property, except for properties in the C-1 zoning district along Highway 550 between Fourth and Ninth Avenues.
 3. Such landscaping shall consist of trees, shrubs, and ground covers, and may include up to a maximum of 20% coverage in inert materials such as decorative paving stones, lava rock, pea gravel, etc., except to the extent such area is lawfully covered by a building.
- vi. In addition, parking areas with 25 or more spaces or more than one aisle, shall incorporate landscaped islands disbursed throughout the parking with areas totaling a minimum of 6% of the parking area.
 - vii. Driveways, culverts and curb cuts.
 - viii. All outdoor lighting fixtures shall be shielded so that the light source is not directly visible off the premises.
 - ix. Sidewalks and other provisions for pedestrians.
 - x. Trash collection and snow storage areas.
 - xi. Above and below ground utilities.
- c. Supplemental Site Development Standards for Properties on Highway Corridors
- Any property that is adjacent to the right-of-way line of Highway 550 and north of the intersection of Highway 550 with Skyrocket Creek as shown on the Official Zoning Map is also subject to Supplemental Site Development Standards listed below and must be detailed on the site plans:
- i. Exterior mechanical equipment, including electrical transformers, shall either be incorporated in the overall form or design of the building or screened from view from any street by materials consistent with the landscaping of the property, the style of the main building, any applicable Code adopted by the City in Chapter [6](#) of the City Code, and to protect the public health, safety and welfare.
 - ii. Refuse collection containers and areas shall be screened from view from any street or residential area by materials consistent with the landscaping and building.
 - iii. Landscaping shall be installed and maintained to a minimum depth of 15 feet along 100% of the frontages adjacent to U.S. Highway 550, excluding driveways and sidewalks.
 - iv. Landscaping shall be installed and maintained to a minimum depth of 15 feet along a minimum of 25% of the secondary street frontages, excluding driveways and sidewalks.
 - v. The regulations of this Subsection shall apply to the entire building, lot, parcel or contiguous lots or parcels which constitute a single site, when any part thereof is contiguous to the right-of-way of U.S. Highway 550 or secondary street segments described above.

d. Excavation, Fill or Grading Involving 300 Cubic Yards or More

These excavations require the submission of items listed below:

- i. A site development plan drawn to scale (not less than 1":40' scale) detailing clearly the nature and extent of the proposed excavation, fill or grading, including finished slopes, retainage and drainage details.
- ii. Details of estimated quantities and type of material export or import. This requirement may require an engineers' estimate if deemed necessary in the development standards or by staff.
- iii. Details on excavation plans showing access routes and types of equipment to be utilized, hours of operation, and any anticipated impact to City streets.
- iv. Engineered plans for structural retainage features.
- v. Evidence of a storm water retention plan and permit, or other State or Federal requirement, if applicable and required by staff.
- vi. Details on seeding, revegetation and erosion control plans.

2. Additional Submission Requirements

a. Identification and Mitigation of Hazards and Geologic Conditions

- i. The City of Ouray is a mountain community with inherent hazards and geologic conditions that must be planned for and managed accordingly. These hazards or geologic conditions include but are not limited to forest fires, rock fall, flooding, mud and debris flows and avalanches. The City requires that any site development or activity involve the identification and mitigation of hazards and/or geologic conditions.
- ii. An Engineering Geology Report (EGR) prepared by a registered professional engineer or a qualified geologist shall be required on properties that satisfy any of the following criteria:
 1. Identified as hazard areas in State of Colorado Special Publication 30, except as modified by LOMRs issued by FEMA dated November 9, 1998 and December 9, 2005,
 2. The property or adjacent areas to the property have been subject to significant events within the past 20 years, or
 3. Properties proposed for development that have slopes of 3 horizontal feet to 1 vertical foot or greater.
- iii. Where hazards and/or geologic conditions are identified in the EGR that could adversely affect the site development or activity, the developer must take the steps necessary to mitigate the hazards and/or geological conditions.
- iv. An EGR shall include an adequate description of the hazards or geologic conditions of the site, conclusions and recommendations regarding the effect of hazards and/or geologic conditions on the proposed site development or activity, an opinion of the adequacy for the intended use of sites to be developed, as affected by hazards and/or geologic conditions. The EGR must also provide detailed construction and maintenance

plans for each mitigation measure. It shall be the responsibility of the Applicant to identify and mitigate natural hazards according to guidelines set forth by the State of Colorado in Special Publication 6, Guidelines and Criteria for Identification and Land-Use Controls of Geologic Hazard and Mineral Resources Areas. The Applicant may also refer to the Colorado Geologic Survey's Engineering Geology Report Guidelines in order to provide an adequate EGR as required by this Code. However, nothing in the Engineering Geology Report Guidelines shall have control over this Code or the determination by the City of the adequacy of the submitted EGR.

- v. The City reserves the right to refer the EGR to a professional engineer or qualified geologist or to the Colorado Geological Survey or similar agency for review.
- vi. If the Applicant does not submit an EGR, the Applicant must provide an explanation written and certified by a professional engineer or qualified geologist stating the reasons for the failure to submit the Report. The City reserves the right to submit the application to an engineer to determine whether an EGR is required. Failure to submit an EGR where the City determines one is required shall be grounds for denial of a permit application.
- vii. The property owner will indemnify, defend and save harmless the City, its agents, officers and employees from and against any and all liability, expenses including defense costs and legal fees, and claims for damages of any nature whatsoever, including bodily injury, death, or property damage arising from or connected with any activity related to these hazards and mitigation measures. A release signed by the property owner on forms approved by the City shall be recorded with the Ouray County Clerk and Recorder.

b. Soils Engineering Reports

The Applicant may be required to submit a soils report that includes data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures and foundation systems, design criteria for corrective measures, including buttress fills. When necessary, an engineer's opinion on adequacy of the intended use of the sites to be developed as affected by soils engineering factors, including stability of slopes and drainage conditions shall be provided.

c. Excavation and Grading

- i. An engineered design plan may be required when site conditions make it necessary. That plan shall detail adequate provisions made for safety, drainage, control of erosion, revegetation, and protection of adjacent property, utilities and streets.
- ii. Engineered plans are required for excavation, grading or fill on slopes of 3 vertical feet to 1 horizontal foot or steeper, or involving more than 5,000 cubic yards. Plans shall be stamped by a Colorado registered engineer, and shall be designated as "engineered grading." The engineered grading plan shall be accompanied by a Soils Engineering Report and Engineering Geology Report as detailed in this section and also include:
 - 1. Project site including property lines and areas beyond to the extent necessary to address off site impacts, structures, streets, driveways and parking lots.
 - 2. Existing and proposed site contours at two foot intervals.
 - 3. Retaining walls, terraces or other retaining structures.

iii. All other grading shall be designated "regular grading" and can be shown on the site development plan, unless the City determines that special conditions or hazards exist, in which case grading shall conform to the requirements for engineered grading.

d. Drainage

i. Drainage systems may be necessary depending upon the site. The requirement for a drainage system will be determined by City Staff. The site plan shall detail all developed and pass-thru drainage details and include all drainage improvements, including those designed to address snow and storm drainage, which can be severe under certain conditions. Design of all drainage improvements shall conform to the City of Ouray Specifications and Design Standards for Infrastructure Construction and the Drainage Master Plan when the Plan identifies recommendations or criteria for drainage improvements. City staff may also require drainage improvements if development impacts are created that are not addressed in this and other City codes or policies.

ii. A drainage plan by a professional engineer may be required when natural or existing drainage patterns off site are altered, when concentration of flow off site is proposed, when large impervious surfaces such as parking lots are proposed, or if an adjacent property could be affected by drainage from the Applicant's property. The criteria for a plan prepared, signed and stamped by a Colorado licensed engineer is as follows:

1. Detail all project site property lines and areas beyond to the extent necessary to address off site impacts, structures, streets, driveways and parking lots.
2. Show existing and proposed site contours at two foot intervals.
3. Show location of all natural drainage channels and water bodies and existing and proposed drainage easements.
4. Show type, size and location of existing and proposed drainage structures.
5. The drainage system shown in plan view with estimated cubic feet per second flow for the designated 25, 50 and 100-year storms.

e. Fencing

Fences will be reviewed to ensure they are not detrimental to public safety and do not adversely affect adjacent property. Fences shall not be constructed or maintained that create a traffic hazard by obstructing the view.

i. Proposed fences equal to or greater than six (6) feet in height shall be shown on the site development plan. Where the fence is the only improvement, an abbreviated site plan may be submitted that shows only the location of the fence on the site and fence height. Fences higher than six (6) feet shall be considered a structure and shall comply with required Building Code criteria and all required setbacks.

ii. Fences with a height of less than six (6) feet may be placed anywhere on the parcel.

iii. Fences that create a threat to public safety such as barbed wire and electric fences are prohibited.

f. Bufferyards and Screening

Adequate separation will be required between adjoining uses to ensure there are no incompatibilities or differences in character, and to ensure that screening is provided to reduce off-site impacts such as undesirable views, lighting and noise.

- i. Proposed bufferyards and screening shall be shown on the site development plan.
- ii. All parking lots containing 10 or more spaces shall be separated from City rights-of-way and abutting residential use properties by a landscaped bufferyard no less than five feet in width.
- iii. All commercial outdoor storage shall be screened so that it cannot be seen from any highway, street or avenue, nor from any abutting residential uses or zones. No outdoor storage shall be placed or maintained in a required front yard setback.
- iv. Screening may consist of any combination of fences, walls, berms or landscaping as long as it is adequate to achieve its intended purpose and provides year-round screening. Screening in excess of six feet in height, except landscaping, shall comply with setback requirements.

g. Pedestrian Improvements

Every principal structure shall have safe and convenient pedestrian access to a public street or road. Provisions should be made for providing access to public open space or trail systems. Wherever feasible, new site development shall integrate pedestrian ways, trail and/or bicycle paths with existing and planned pedestrian facilities on adjoining properties. Where sidewalks already exist in the vicinity of the new site development, it shall be the Applicant's responsibility to provide sidewalks in the new development. When a Master Pedestrian Way Plan is developed by the City, proposed pedestrian ways in new site development shall conform to the Pedestrian Master Plan. The City may require recommendations for pedestrian ways contained in the Pedestrian Master Plan to be implemented by the developer.

h. Landscaping

All site developments must provide landscape improvements for the purposes of complementing the natural landscape and retaining the sense of a mountain environment; improving the general appearance of the community and enhancing its aesthetic appeal; preserving the economic base; improving the quality of life; delineating and separating use areas; increasing the safety, efficiency and aesthetics of use areas and open space; screening and enhancing privacy; conserving energy; abating erosion and stabilizing slopes; deadening sound; and preserving air and water quality.

A Landscape Plan shall be completed and detail the site showing all natural and man-made features of the site. Proposed landscaping shall be shown on the site development plan or on a separate landscaping plan and shall meet the following standards:

- i. Existing and proposed landscaping features should be identified as to location, common name, botanical name, and size.
- ii. Groundcover must be adequate to ensure that dust cannot blow from the property and that the soil is stabilized to ensure that erosion is kept to a minimum. Vegetative ground covers should be identified as to name and location.

- iii. Fences, walls, terraces, paving, berms and all other man-made structures shall be identified as to location, materials and height.
- iv. A minimum of one tree per 2,000 square feet of gross lot area, except in the C-1 District between 4th and 9th Avenues, shall be provided.
- v. Trees shall have a minimum caliper of 1-1/2" for deciduous and five foot minimum height for coniferous species. Trees should be located so that they will not infringe on solar access and views of adjoining properties or block vehicular sight lines to public streets.
- vi. Retention of existing trees and ground cover on the property is encouraged. These will be counted towards the minimum standards.
- vii. Xeriscape landscaping and drip irrigation are encouraged.
- viii. Landscaping of public rights-of-way may extend to the curb line of adjacent City owned right-of-way consistent with a permit pursuant to Chapter [13](#) of the Ouray Municipal Code.

i. Radiation Survey

Radiation surveys may be ordered at the discretion of the City. Such surveys shall conform with current standards and procedures identified by the Colorado Department of Health, Environmental Protection Agency, the Atomic Energy Commission and/or other designated agencies.

j. Standards for Parking and Maneuvering

Parking shall be designed and intended to be occupied by a parked automobile. Each space shall contain 200 sq. ft. in area and measuring 20' by 10', exclusive of maneuvering and roadway space. Standards for vehicular maneuvering are contained in the City's Specifications and Design Standards for Infrastructure Construction.

k. Snow Storage

Snow accumulation occurs within the City and all development must plan for and manage this occurrence. All site development and activities must provide for on-site snow storage in conjunction with the following criteria:

- i. For planning purposes, one (1) square foot of snow storage space is generally necessary for each three (3) square feet of public or private land to be cleared except public streets.
- ii. Such snow storage areas should be graded so drainage for these areas drains away from adjacent residential building sites.
- iii. Site Developments should not be designed so that snow storage will be solved by hauling snow off site.
- iv. Snow storage should not interfere with intersection views, traffic or signage.
- v. Snow storage shall not be located on wetlands, unless otherwise agreed by the City.

E. Administration and Enforcement

1. No certificate of occupancy shall be issued until the required improvements are constructed and approved by the City in compliance with the approved plans or secured for completion within 6 months, and a recordable maintenance covenant running with the land on forms provided by the City is executed, approved by the City, and recorded.
2. All required improvements and landscaping shall be installed and maintained in good repair and safe condition. Violation of this provision is hereby declared to be a nuisance which may be abated by the City in any lawful manner.
3. Certain site constraints may dictate that grade for curb, gutter and sidewalk cannot be established by the City, or immediate construction is impractical. In these instances a Site Specific Development Improvement Agreement, binding the property to pay for such improvements or other security may be accepted by the City in lieu of immediate construction of the curb, gutter or sidewalk.
4. The City Administrator is authorized to issue supplemental regulations to implement, interpret and administer these provisions and to provide detailed standards and specifications, consistent herewith.

F. Variances

An Applicant may apply for a variance from the requirements of Subsection 7-4-D. Such application shall be reviewed by the Planning Commission pursuant to the provisions of this Subsection.

1. Review of Application

Staff will review the application and notify the applicant of completeness within 15 days of submittal. Complete applications will be reviewed by Planning Commission within 45 days of staff's determination of completeness. Additional review time will be required for applications requiring professional review.

2. Public Hearing

- a. Public notice that the Planning Commission will conduct a public hearing to consider the application for a variance shall be posted at City Hall fifteen (15) days prior to the hearing and published once not less than twelve (12) days prior to the hearing.
- b. At the scheduled hearing, the Applicant and other interested parties may appear and present such evidence and testimony as they may desire. The Planning Commission may limit testimony and evidence which is cumulative and is not required to follow any set procedure during the hearing, nor to strictly follow the Rules of Evidence as applied by the Courts. However, the City may adopt any rules of procedure it deems necessary. The hearing shall be tape recorded or otherwise electronically recorded. The Applicant, or other interested party may, if he desires, have the hearing recorded by a court reporter, at his expense.

3. Action by Planning Commission

A variance may be granted from the requirements of Section 7-4-D by the Planning Commission, if it determines after a public hearing that all of the following criteria are met:

- a. The variance is requested for an addition to an existing building or construction of a purely accessory structure.
- b. The variance will not adversely affect the public health, safety or welfare.
- c. A variance will be generally consistent with the purpose, goals, objective and policies of the Master Plan.

- d. The addition or structure will have a de minimus effect on traffic, parking and drainage.
- e. The variance requested is the minimum variance that will afford relief.
- f. The variance will not result in development incompatible with other property or buildings in the area and will not affect or impair the value, use or development of other property.
- g. Literal interpretation and enforcement of the terms and provisions of this Section would deprive the Applicant of rights commonly enjoyed by other parcels in the same area and would cause the Applicant unnecessary hardship, as distinguished from mere inconvenience. In determining whether an Applicant's right would be deprived, the Planning Commission shall consider whether either of the following conditions apply:
 - i. There are special conditions and circumstances which are unique to the parcel, building or structure, which are not applicable to other parcels, structures or buildings in the same zone district and which do not result from the actions of the Applicant; or
 - ii. Granting the variance will not confer upon the Applicant any special privilege denied by the Master Plan and the terms of this Section to other parcels, buildings or structures in the same area.

G. Revisions to Site Development Approvals.

A site development approval may be revised for small additions and minor revisions or minor new construction with a Limited Amendment. Staff may approve a limited amendment for a site development application if the following criteria are met:

- 1. The amendment maintains the design intent or purpose of the original proposal;
- 2. The amendment does not change vehicular access points or increase anticipated peak hour vehicle trips by more than five percent;
- 3. The site area is not expanded and gross floor area is not increased by more than five percent;
- 4. The amendment results in no major adverse environmental or land use impacts;
- 5. All conditions of the prior approval are met.

H. Site development review approvals shall terminate five years from the effective date of approval unless a Building Permit has been issued. The approval of the site development review may be extended for up to one year at the discretion of staff upon written notification filed with the City within the last six months before the five-year approval period has expired.

(Source: Ordinance No. 9, 2015; Ordinance No. 7, 2015; Ordinance No. 5, 2015)

7-5 Zoning Regulations

A. Purpose

This Section divides the City into Zoning Districts of such number, shape and area, of such common unity of purpose or use as are deemed most suitable to effectively accomplish the intent of the City's Master Plan. To manage land development, each Zoning District has a stated purpose, uses permitted by right, uses permitted by conditional use permits, dimensional limitations, and off-street parking requirements. All development within each Zoning District shall be consistent with the stated purpose for the Zoning District.

This Section also contains street and utility design requirements, landscaping and illumination standards, and short term rental restrictions that are applicable to land development as provided.

B. Establishment of Zoning Districts

In order to carry out the provisions of these zoning regulations, the City of Ouray is hereby divided into zoning districts as follows:

1. Parks – Developed: P-1
2. Parks – Conservation: P-2
3. Residential: R-1
4. Residential – High Density: R-2
5. Commercial: C-1
6. Commercial – Industrial: C-2

C. Zoning Map and Boundaries:

1. The boundaries of the districts set out in this Section are shown on the 2021 Revised Zoning Map of the City, as adopted by Ordinance No. 12 (SERIES 2021), as may be amended from time to time and is made part of this Code.
2. A copy of the Official Zoning Map, as amended from time to time, shall be maintained in the City Clerk's office available for public inspection.
3. Amendments to the Official Zoning Map may be made by an ordinance enacting a revised map or by an ordinance amending portions of the Official Zoning Map by specifying the description of the property to be rezoned. Amendments to the Official Zoning Maps shall be governed by the procedures in Section 7-5-I.
4. The regulations for the various districts provided for in this Section shall apply within the boundaries of each, as such district is indicated on the Official Zoning Map.
5. The district boundaries, as shown on the Official Zoning Map, shall be construed to follow the center lines of streets or alleys, to follow platted lot lines or the lines of undivided parcels of property, or to follow the city limits, whenever a boundary is shown as approximately in the vicinity of such lines. The scale of the map may determine distances.

D. Dimensional Requirements

Table 7-5-D summarizes the dimensional limitations applicable to all development in each of the City's zone districts. Table 7-5-D should be used in conjunction with the dimensional limitations for each zone district, found in Section 7-5-E, which illustrate the dimensional limitations for each zone district.

Land Use & Development | 7-5 Zoning Regulations

Dimensional Requirements: Table 7-5-D. For purposes of this table, site area shall not include slopes greater than 3 vertical to 1 horizontal

	Parks Developed (P1)	Park Conservation (P2)	Residential (R1)	Residential High Density (R2) South of Skyrocket	Residential High Density (R2) North of Skyrocket	Commercial District (C1)	Commercial District – Industrial (C2) South of Skyrocket	Commercial District – Industrial (C2) North of Skyrocket
Minimum Lot Area	Not applicable	Not applicable	7,100 s.f.	7,100 s.f.	7,100 s.f.	3,500 s.f.	7,100 s.f.	7,100 s.f.
Maximum Density	Not applicable	Not applicable	3,500 s.f./D.U. 790 s.f./I.U.	2,370 s.f./D.U. 790 s.f./I.U.	3,550 s.f./D.U. 1,183 s.f./I.U.	Not applicable	3,550 s.f./D.U. 1,183 s.f./I.U.	3,550 s.f./D.U. 1,183 s.f./I.U.
Minimum Front Setback	As determined by Planning Commission pursuant to Section 7-5-E-1-c	As determined by Planning Commission pursuant to Section 7-5-E-2-c	On blocks where building front setbacks vary, the minimum front setback shall be equal to the average of the existing setbacks on the block front or 15 ft., whichever is less. All other blocks: 15 ft.	On blocks where building front setbacks vary, the minimum front setback shall be equal to the average of the existing setbacks on the block front or 15 ft., whichever is less. All other blocks: 15 ft.	On blocks where building front setbacks vary, the minimum front setback shall be equal to the average of the existing setbacks on the block front or 15 ft., whichever is less. All other blocks: 15 ft.	Average of the existing building front setbacks or 5 ft., whichever is less, except: No minimum setback for lots on or within the Ouray Commercial Historic District and for lots on U.S. Highway 550, between 9th Avenue and Mill site, the front setback equal to the average of the existing building front setbacks along the same block or 10 feet, whichever is less.	On blocks where building front setbacks vary, the minimum front setback shall be equal to the average of the existing setbacks on the block front or 15 ft., whichever is less. All other blocks: 15 ft.	On blocks where building front setbacks vary, the minimum front setback shall be equal to the average of the existing setbacks on the block front or 15 ft., whichever is less. All other blocks: 15 ft.
Minimum Side Setback	As determined by Planning Commission pursuant to Section 7-5-E-1-c	As determined by Planning Commission pursuant to Section 7-5-E-2-c	5 ft.	5 ft.	5 ft.	5 ft., except: No minimum setback for lots on or within the Ouray Commercial Historic District	5 ft.	5 ft.
Minimum Rear Setback	As determined by Planning Commission pursuant to Section 7-5-E-1-c	As determined by Planning Commission pursuant to Section 7-5-E-2-c	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.
Maximum Roof Eaves	Not applicable	Not applicable	Extend no more than 1 ft., into the required setback, never extend beyond property line	Extend no more than 1 ft., into the required setback, never extend beyond property line	Extend no more than 1 ft., into the required setback, never extend beyond property line	Extend no more than 1 ft., into the required setback, never extend beyond property line	Extend no more than 1 ft., into the required setback, never extend beyond property line	Extend no more than 1 ft., into the required setback, never extend beyond property line
Minimum Floor Area	Not applicable	Not applicable	Must comply with current Building Code adopted by City	Must comply with current Building Code adopted by City	Must comply with current Building Code adopted by City	Must comply with current Building Code adopted by City	Must comply with current Building Code adopted by City	Must comply with current Building Code adopted by City
Maximum Floor Area	Not applicable	Not applicable	Ouray Local and National Historic District: 10% greater than the average of other structures on the block front or 4,260 sq. ft., whichever is less. All other properties: 4,260 sq. ft.	Ouray Local and National Historic District: 10% greater than the average of other structures on the block front or 4,260 sq. ft., whichever is less. All other properties: 10,650 sq. ft.	Ouray Commercial Historic District and Fronting Highway 550: 9,585 s.f. per 25 feet of frontage on Highway 550 of the lot on which the building is located. All other properties: 9,585 sq. ft.	Ouray Commercial Historic District and Fronting Highway 550: 9,585 s.f. per 25 feet of frontage on Highway 550 of the lot on which the building is located. All other properties: 9,585 sq. ft.	15,000 sq. ft.	15,000 sq. ft.
Maximum Site Coverage	5%	5%	30%	50%	40%	90%	50%	40% for residential use 50% for mixed use 60% for commercial use
Maximum Building Impervious Surface Site Coverage	Not applicable	Not applicable	80%	80%	80%	100%	80%	80% for any use
Maximum Height	20	10	30	35	35	35	35	35
Maximum Size for Accessory Buildings	Not applicable	Not applicable	Accessory Use to Single Family Dwelling: 600 sq. ft.	Accessory Use to Single Family Dwelling: 600 sq. ft.	Accessory Use to Single Family Dwelling: 600 sq. ft.	Not applicable	Accessory Use to Duplex: 600 sq. ft. Accessory Use to Multi-Family Dwelling: 800 sq. ft.	Accessory Use to Duplex: 600 sq. ft. Accessory Use to Multi-Family Dwelling: 800 sq. ft.

E. Zone District Purposes and Standards

1. Parks Developed District – P1

a. Purpose

The purpose of the Parks-Developed District (P-1) is to utilize and preserve open space.

b. Permitted Uses

- i. Agriculture open space
- ii. Forests Parks, including only those structures necessary for park activities
- iii. Conservation areas
- iv. Scenic areas
- v. Historic preserves
- vi. Street and highway landscaping and beautification
- vii. Tree planting
- viii. Bird and animal sanctuaries
- ix. Public utility service facilities
- x. Uses accessory to these permitted uses

c. Dimensional Requirements

- i. As designated on Table 7-5-D
- ii. Building Setback Requirements

As determined by the Planning Commission and based upon the natural terrain, parcel boundaries, roads, building color, ridge lines and preservation of the area.

d. Parking

All uses shall provide adequate off-street parking as required by the Planning Commission.

2. Parks Conservation District – P2

a. Purpose

The purpose of Parks-Conservation District (P2) is to preserve, in its natural state, certain designated park areas that have not been developed, except to allow parking or public water facilities.

b. Permitted Uses

- i. Public Utility Service Facilities
- ii. Parking Lots
- iii. Public sanitation facilities
- iv. Public water facilities

- v. Open Space
- c. Dimensional Requirements
 - i. As designated in Table 7-5-D
 - ii. Building Setback Requirements

As determined by the Planning Commission and based upon the natural terrain, roads, building color, ridge lines and preservation of the area.

- d. Parking

All uses shall provide adequate off-street parking as required by the Planning Commission.

3. Residential District – R1

- a. Purpose

The purpose of Residential District (R-1) is to accommodate non-transient residential development in single family dwellings and duplexes.

- b. Permitted Uses

- i. Any use allowed in P-1
- ii. Single-family dwellings
- iii. Duplexes
- iv. Home occupations which meet the criteria of Subsection 7-5-J-2
- v. Public schools
- vi. Churches

- c. Performance Standards

- i. Single Family Dwellings shall not be mobile homes, modular homes or manufactured housing or homes, as those terms are defined in Chapter [6](#) of the Ouray Municipal Code.
- ii. Visible roof surfaces shall be made of non-reflective material.
- iii. No building shall be located within 10 feet of another building. This restriction is only applicable to buildings used for or intended to be used for residential purposes.

- d. Dimensional Requirements

- i. As designated in Table 7-5-D
- ii. Building Setback Requirements

1. Front Setback. The minimum front setback shall be equal to the average of the existing building front setbacks on the block front, or fifteen (15) feet, whichever is less. In calculating the average of the existing building front setbacks, staff shall exclude buildings in which the setback distance was determined erroneously, and staff may exclude buildings if they determine inconsistencies exist.

2. Side setback shall be five (5) feet.
3. Rear setback shall be five (5) feet.
4. Roof eaves shall not extend more than one (1) foot into the required setback, and shall never extend beyond the property line.

iii. Floor Areas

1. Minimum floor area shall be compliant with the current applicable Code as adopted by the City pursuant to Chapter [6](#) of the Ouray Municipal Code.
2. Maximum floor area
 - A. On properties within the boundaries of the Ouray Local and National Historic District as shown on Official Zoning Map, the maximum floor area gross shall not be more than 10% greater than the average floor area of primary structures on lots located on the block front or 4,260 sq. ft., whichever is less. Accessory buildings or structures shall be excluded from the average floor area calculation.
 - B. On properties not within the boundaries of the Ouray Local and National Historic District, maximum floor area gross shall be 4,260 sq. ft.

e. Required Parking

- i. Two off-street parking spaces per Dwelling Unit.
- ii. For churches, one parking space per every 8 seats.
- iii. For schools, one parking space per classroom.
- iv. One of the required off-street parking spaces may be satisfied by utilizing that portion of the public right-of-way adjacent to the subject property not utilized for roadway or pedestrian purposes.

4. Residential District – High Density – R2

a. Purpose

The purpose of the Residential District – High Density (R-2) is to accommodate transient, part-time or permanent residential development in a density greater than envisioned for R-1.

b. Permitted Uses

- i. Any use allowed in R-1.
- ii. Lodging Businesses, including accessory bars, taverns and restaurants, when they are located within the Lodging Business building or accessory buildings and are intended to serve the Lodging Business' customers.
- iii. Short Term Rentals.
- iv. Timeshares subject to the provisions of Section [7-11](#).
- v. Multi-Family Dwellings.

c. Conditional Uses

Any use determined by the Planning Commission to be compatible with Subsection (a) above and that substantially meets the criteria in Section 7-5-F, but that is not listed in Subsection (b).

d. Performance Standards

- i. Single Family Dwellings and Multi Family Dwellings may be modular homes but not manufactured housing or homes or mobile homes as those terms are defined in Chapter [6](#) of the Ouray Municipal Code.
- ii. Single Family Dwellings and Multi Family Dwellings must be built in compliance with Chapter [6](#) of the Ouray Municipal Code.
- iii. Single Family Dwellings shall be:
 1. Not less than 24 feet in width and 32 feet in length;
 2. Installed on an engineered permanent foundation; and
 3. With brick, wood or cosmetically equivalent exterior siding.
- iv. Visible roof surfaces shall be made of non-reflective material.
- v. No building shall be located within 10 feet of another building. This restriction is only applicable to buildings used for or intended to be used for residential purposes.

e. Dimensional Requirements

- i. As designated in Table 7-5-D
- ii. Building Setback Requirements
 1. Front Setback. The minimum front setback shall be equal to the average of the existing building front setbacks on the block front, or fifteen (15) feet, whichever is less. In calculating the average of the existing building front setbacks, staff shall exclude buildings in which the setback distance was determined erroneously, and staff may exclude buildings if they determine inconsistencies exist.
 2. Side setback shall be five (5) feet.
 3. Rear setback shall be five (5) feet.
 4. Roof eaves shall not extend more than one (1) foot into the required setback, and shall never extend beyond the property line.
- iii. Floor Areas
 1. Minimum floor area shall be compliant with the current applicable Code adopted by the City pursuant to Chapter [6](#).
 2. Maximum floor area
 - A. On properties within the boundaries of the Ouray Local and National Historic District, as shown on Official Zoning Map, the maximum floor area gross shall not be more than 10% greater than the

average floor area of primary structures, on lots located on the block front, or 4,260 sq. ft., whichever is less. Accessory buildings or structures shall be excluded from the average floor area calculation.

B. For all other properties not within the boundaries of the Ouray Local and National Historic District, the maximum floor area shall be 10,650 sq. ft.

f. Required Off-Street Parking

- i. Two off-street parking spaces per dwelling unit.
- ii. For churches, one parking space per every 8 seats.
- iii. For schools, one parking space per classroom.
- iv. For Lodging Businesses, one parking space shall be required for each room available for sleeping purposes.
- v. For Multi-Family Dwellings, two spaces for each dwelling unit.
- vi. One of the required off-street parking spaces may be satisfied by utilizing that portion of the public right-of-way adjacent to the subject property not utilized for roadway or pedestrian purposes.

5. Commercial District – C1

a. Purpose

The purpose of the Commercial District (C-1) is to encompass the commercial business district of Ouray. It is intended to accommodate retail, office, service-based businesses, residential and institutional uses consistent with a conventional business district.

b. Permitted Uses

- i. Any use allowed in R-1 or R-2.
- ii. Retail shops.
- iii. Professional and business offices.
- iv. Financial Institutions.
- v. Restaurants, bars, taverns, or other establishments serving food and/or alcoholic beverages.
- vi. Theaters.
- vii. Government buildings and facilities.
- viii. Private and fraternal clubs.
- ix. Crafting of art, collectibles, handicrafts, etc. for sale on the premises provided that no more than 50% of the premises is utilized for this purpose.
- x. Outdoor Displays of Merchandise in compliance with the requirements of Chapter [13](#) and Section 7-5-J-9 of the Municipal Code.

c. Conditional Uses

Conditional uses include those compatible with a mixed use shopping and residential area, and any use determined by the Planning Commission to be consistent with Subsection (a) above and that substantially meets the criteria in Section 7-5-F but not listed in Subsection (b).

d. Performance Standards

i. Compliance with Chapter [6](#) of the Ouray Municipal Code.

ii. Single Family Dwellings shall be:

1. Not less than 24 feet in width and 32 feet in length;
2. Must be installed on an engineered permanent foundation; and
3. With brick, wood or cosmetically equivalent exterior siding.

iii. Any building on a lot located within the Ouray Commercial Historic District as shown on Official Zoning Map may not have more than 75% of the building's ground floor level devoted to a residential dwelling unit or residential spaces or uses accessory thereto.

iv. Any buildings located on lots that front on U.S. Highway 550 and located within the Ouray Commercial Historic District between 5th and 8th Avenues may not devote any portion of the ground floor facade facing U.S. Highway 550 to residential dwelling units or spaces or uses accessory thereto, except for residential entryways.

v. Visible roof surfaces shall be made of non-reflective material.

e. Dimensional Requirements

i. As designated in Table 7-5-D

ii. Building Setback Requirements

1. Front setback

A. There is no minimum front setback for buildings located within the Ouray Commercial Historic District.

B. There shall be a front setback equal to the average of the existing building front setbacks along the same block or ten (10) feet, whichever is less on buildings located on lots that front U.S. Highway 550, between 9th Avenue and south boundary of Sampler Mill site as shown on the Official Zoning Map.

C. There shall be a front setback equal to the average of the existing building front setbacks along the same block or five (5) feet, whichever is less, on all other buildings, not subject to the Subsections above, located within this district.

2. Side setback

A. There is no minimum side setback for buildings located on lots within the Ouray Commercial Historic District.

B. There shall be a side setback of five (5) feet on all other buildings located on lots within this district, not subject to Subsection 7-5-E-5-e-ii-2-A.

3. Rear Setback

Rear setback shall be five (5) feet.

4. Roof Eaves

Roof eaves shall not extend more than one (1) foot into the required setback, except where there is no required setback, but under no circumstance, ever extend beyond the property line.

5. Building to Building Setback

No building shall be located within 10 feet of another building except for buildings located within the Ouray Commercial Historic District and buildings not used for residential purposes.

iii. Floor Areas

1. Minimum floor area shall be compliant with the currently applicable Code adopted by the City pursuant to Chapter [6](#) of the Ouray Municipal Code.

2. Maximum floor area

A. On properties within the boundaries of the Ouray Commercial Historic District and fronting U.S. Highway 550, the maximum floor area shall be 9,585 sq. ft. per 25 ft. of U.S. Highway 550 frontage for the lot on which the building is located.

B. On all other properties within the C-1 district, the maximum floor area shall be 9,585 sq. ft.

f. Required Off-Street Parking

i. No off-street parking is required for buildings that front U.S. Highway 550 between 4th and 9th Avenues, and those lots that front 4th through 9th Avenues within one-half block of U.S. Highway 550, except Lodging Businesses and residences that must provide one space for each lodging or dwelling unit.

ii. If necessary to preserve historic buildings, off-street parking requirements may be considered by the Planning Commission. Dedicated on-street parking may be authorized by City Council within the C-1 District, pursuant to Section [13-1](#) of the Ouray Code, for Lodging Businesses in historic buildings, which are listed in the National Register of Historic Places or as a contributing structure to the Ouray Historic District and located on lots that front U.S. Highway 550 or on the intersecting Avenues within one-half block of U.S. Highway 550. Planning Commission shall make a recommendation to City Council regarding an application to waive off-street parking requirements or dedicate on-street parking.

iii. As a condition of either waiving off-street parking requirements, or of providing designated on-street parking, the property owner must properly execute, on forms approved by the City, a recordable covenant providing that any repairs or modifications

to the building will comply with the United States Secretary of the Interior's Standard for Historic Preservation Projects and detailing any required maintenance of the parking spaces.

6. Commercial – Industrial District – C-2

a. Purpose

This district encompasses lands along the Uncompahgre River and Highway 550 in the northern portion of the City of Ouray. It creates areas for housing, retail and wholesale businesses, tourist and auto oriented uses, storage, light manufacturing and industrial activities. Each use will be required to mitigate its particular negative impacts determined to exist so as to provide for the reasonable enjoyment of adjacent properties.

b. Permitted Uses

- i. Any use allowed in R-1, R-2 or C-1 Districts
- ii. Recreational facilities
- iii. Auto service stations and repair shops
- iv. Auto sales
- v. Builder supply yards and lumber yards
- vi. Cabinet and carpentry shops, machine and welding shops
- vii. Warehouses and wholesale distributors
- viii. Storage Units
- ix. Fruit, Vegetable, Cider and Honey Sales subject to the limitations of Chapter [3](#) of the Municipal Code
- x. Gravel crushing and screening operations with an approved Conditional Use Permit
 1. City-operated gravel crushing and screening operations shall be permitted but exempt from the conditional use permit requirement. When conducting its gravel crushing and screening operations, the City will attempt, when possible, to limit vibration, noise, and adverse hours of operation that might affect adjacent properties.

c. Conditional Uses

- i. Conditional uses include those compatible with a mixed use shopping and residential area, and any use determined by the Planning Commission to be consistent with Subsection (a) above and that substantially meets the criteria in Section 7-5-F but not listed in Subsection (b).
- ii. Intermodal Shipping Containers are allowed in the C-2 zone district as a conditional use for accessory storage to a permitted use with the following minimum conditions:
 - a. Shipping containers shall be screened from public ways;
 - b. Shipping containers shall not be used as living space;

- c. Shipping containers shall not be stacked;
 - d. The primary use must be established on the site prior to allowing the secondary use of a shipping container;
 - e. Shipping containers shall be painted a solid color to remove advertising or text.
 - f. Shipping containers shall meet the dimensional standards of the C-2 Zone District.
- iii. Intermodal Shipping Containers are prohibited for storage use or as a building material in all other zone districts in the City except as expressly authorized for construction storage as set forth herein.
- d. Performance Standards
 - i. All industrial or manufacturing operations must be conducted entirely within an enclosed building, fenced or bermed area from which no unreasonable noise or vibration is generated, or from which no dust, smoke, fumes, gas, noxious odors or other objectionable atmospheric effluent is emitted, as is consistent with an industrial area.
 - ii. Any outdoor storage must be enclosed within walls, privacy fence, or shrubbery, which visually screens the area from the street or adjacent property.
 - iii. Compliance with Chapter [6](#) of the Ouray Municipal Code.
 - iv. Single Family Dwellings shall be:
 - 1. Not less than 24 feet in width and 32 feet in length;
 - 2. Installed on an engineered permanent foundation; and
 - 3. With brick, wood or cosmetically equivalent exterior siding.
 - v. Visible roof surfaces shall be made of non-reflective material.
- e. Dimensional Requirements
 - i. As designated in Table 7-5-D.
 - ii. No building shall be located within 10 feet of another building.
 - iii. Building Setback Requirements
 - 1. Front Setback. The minimum front setback shall be equal to the average of the existing building front setbacks on the block front, or fifteen (15) feet, whichever is less. In calculating the average of the existing building front setbacks, staff shall exclude buildings in which the setback distance was determined erroneously, and staff may exclude buildings if they determine inconsistencies exist.
 - 2. Side setback
Side setback shall be five (5) feet.
 - 3. Rear setback

Rear setback shall be five (5) feet.

iv. Roof eaves shall not extend more than one (1) foot into the required setback, and shall never extend beyond the property line.

v. Floor Areas

1. Minimum floor area shall be compliant with the currently applicable Code adopted by the City pursuant to Chapter [6](#) of the Ouray Municipal Code.

2. Maximum floor area shall be no more than 15,000 sq. ft.

f. Parking

i. All retail or service businesses shall provide two (2) square feet of off-street parking for each square foot of floor area dedicated to the use.

ii. All manufacturing or warehousing businesses shall provide one (1) parking space per employee.

iii. Lodging Businesses and residential uses shall provide one (1) parking space per lodging unit or two spaces per dwelling unit.

F. Conditional Uses

Conditional uses are those land uses that are generally compatible with the permitted uses in a zone district, but that require site-specific review of their location, design, intensity, density, configuration, and operating characteristics, and that may require the imposition of appropriate conditions, in order to ensure compatibility of the use at a particular location and mitigate its potentially adverse impacts.

1. Procedure

An Applicant requesting conditional use approval shall follow the procedures outlined below.

a. Preapplication conference. Attendance at a preapplication conference is mandatory for an Applicant intending to submit an application for conditional use permit.

b. Submit Application. The Applicant shall submit a complete application on forms supplied by the City with all application fees and containing the following materials:

i. A Site plan;

ii. Other information to show compliance with the zoning district in which the conditional use is being proposed;

iii. List of property owners within 300 feet of the property which is the subject of the application; and

iv. Proof of mailing to property owners as required by Section 7-5-F-1-e.

c. Staff Review. Staff will review the application and notify the applicant of completeness within 15 days of submittal. Complete applications will be reviewed by Planning Commission within 45 days of staff's determination of completeness. Additional review time will be required for applications requiring professional review.

d. Public Notice. Public notice that the Planning Commission will conduct a public hearing to consider the application for a conditional use shall be posted at City Hall fifteen (15) days prior to

the hearing and published once not less than twelve (12) days prior the hearing. A sign shall be posted by City Staff in a conspicuous place on said premises not less than five (5) days before said hearing. The Applicant shall send notice of the hearing by certified mail to all property owners within three hundred (300) feet of the property, at the address in the Ouray County Assessor's records that is the subject of the application no less than fifteen (15) days prior to the hearing.

e. Conduct of Hearing

- i. At the public hearing, the Applicant and other interested parties may appear and present such evidence and testimony as they may desire. The Planning Commission may limit testimony and evidence that is merely cumulative and is not required to follow any set procedure during the hearing, nor strictly follow the Rules of Evidence as applied by the Courts. However, the City may adopt any rules of procedure it deems necessary. The hearing may be tape recorded or otherwise electronically recorded. The Applicant, or other interested party may, if they desire, have the hearing recorded by a court reporter, at their expense.
- ii. The hearing may be continued from time to time as necessary.
- iii. The burden is on the Applicant in all cases to establish that all applicable criteria for any action are met and that required notice was given to property owners. Planning Commission shall not take action on an application if there was a failure to give notice, by mail or publication, or to post notice on the property. Upon notification of such a failure, Planning Commission may, at its discretion, continue the public hearing to an appropriate date.

f. Action by Commission

- i. The Planning Commission may approve, approve with conditions or deny the application. Conditional uses for the various zoning districts shall be permitted only if the Planning Commission determines, following a public hearing, that the following criteria are met with respect to the type of use requested by the Applicant:
 1. The use will not be contrary to the public health, safety, or welfare;
 2. The use is consistent with the purposes, goals, objectives and standards of the City's Master Plan;
 3. The use complies with all other applicable requirements of the zone district in which it is proposed to be located;
 4. The location, size, design, and operating characteristics of the proposed conditional use minimizes adverse effects, including visual impacts, impact on pedestrian and vehicular circulation, parking, trash, service delivery, noise, light, vibrations and odor on surrounding properties;
 5. The use is compatible with existing uses in the area and other allowed uses in the zoning district;
 6. The use is consistent with the purpose of the zoning district in which it is proposed to be located; and

7. The use will not have an adverse effect upon other property values or the use of adjacent properties.

ii. The burden shall be on the Applicant to show that these criteria have been met. If the Planning Commission determines that such criteria have not been met, the application shall be denied. The application may be approved upon conditions or limitations that the Planning Commission determines are necessary in order to ensure that the applicable criteria are met.

iii. The Planning Commission shall announce its decision within 35 days of the conclusion of the public hearing. Any decision on a Conditional Use Permit application shall be in writing by Resolution. The decision of the Planning Commission with respect to an application for a Conditional Use shall be final, subject only to review by certiorari in the courts. The City shall also have the right to appeal any such decision to the courts. Upon the filing of an appeal or request for review in the courts, the City shall cause a transcript of any tape recording of the hearing to be made and certified to the court, and the party filing such appeal or such review shall pay the City the reasonable cost incurred in producing such transcript, unless such party has a transcript produced by a court reporter at his expense.

g. Issuance and Termination of the Permit

i. If the Planning Commission approves or approves with conditions the application for the conditional use, City Staff shall issue a conditional use permit. If applicable, the conditional use permit shall include all conditions on the permit approved by the Planning Commission.

ii. A conditional use permit shall automatically terminate upon a change in the permittee or majority change in the ownership of a permittee, if the permittee is an entity. No conditional use permits, including those permits issued prior to the adoption of this Code, shall terminate upon conveyance of the property unless the permittee also changes as described in this subsection. If the conditional use is discontinued for 12 consecutive months, the permit shall terminate immediately.

iii. If the terms of a conditional use permit are violated by the holder of the permit, upon a referral from City Staff, Planning Commission shall hold a public hearing on the alleged violation. The public hearing shall be held in conformity with the public hearing provisions of this Section.

G. Variances

Variances are deviations from the dimensional requirements, design or performance standards and other provisions of the OLUC, not related to use of the property, that would not be contrary to public interest when, owing to special circumstances or conditions, the literal enforcement of the provisions of this Chapter would result in undue and unnecessary hardship. Variances shall only be granted in accordance with the terms of this Subsection.

1. Procedure

An Applicant requesting variance approval shall follow the procedures outlined below.

a. Preapplication conference. Attendance at a preapplication conference is mandatory for an Applicant intending to submit an application for variance application.

b. **Submit Application.** The Applicant shall submit a complete application on forms supplied by the City with all application fees and containing the following materials:

- i. A Site plan and
- ii. Other information to show compliance with Section 7-5-G-1-f.

c. **Staff Review.** Staff will review the application and notify the applicant of completeness within 15 days of submittal. Complete applications will be reviewed by Planning Commission within 45 days of staff's determination of completeness. Additional review time will be required for applications requiring professional review.

d. **Public Notice.** Public notice that the Planning Commission will conduct a public hearing to consider the application for a variance shall be posted at City Hall fifteen (15) days prior to the hearing and published once not less than twelve (12) days prior to the hearing. A sign shall be posted by City Staff in a conspicuous place on said premises not less than five (5) days before said hearing. Applicant shall bear the cost of publication.

e. **Conduct of Hearing**

- i. At the public hearing, the Applicant and other interested parties may appear and present such evidence and testimony as they may desire. The Planning Commission may limit testimony and evidence that is merely cumulative and is not required to follow any set procedure during the hearing, nor strictly follow the Rules of Evidence as applied by the Courts. However, the City may adopt any rules of procedure it deems necessary. The hearing may be tape recorded or otherwise electronically recorded. The Applicant, or other interested party may, if they desire, have the hearing recorded by a court reporter, at their expense.
- ii. The hearing may be continued from time to time as necessary.
- iii. Planning Commission shall not take action on an application if there was a failure to give notice, by publication or to post notice on the property. Upon notification of such a failure, Planning Commission may, at its discretion, continue the public hearing to an appropriate date.

f. **Action by Commission**

The Planning Commission may approve, approve with conditions or deny the application, continue the public hearing, or remand it to the Applicant with instructions for modification or additional information or action. Planning commission may approve a variance if it finds that all of the following criteria are met:

- i. The grant of variance will be generally consistent with the purposes, goals, objectives and policies of the City's Master Plan and the OLUC;
- ii. The grant of variance is the minimum variance that will make possible the reasonable use of the parcel, building or structure; and
- iii. Literal interpretation and enforcement of the terms and provisions of the OLUC would deprive the Applicant of rights commonly enjoyed by other parcels in the same zoning district and would cause the Applicant unnecessary hardship, as distinguished from mere inconvenience. In determining whether an Applicant's rights would be

deprived, the Planning Commission shall consider whether either of the following conditions apply:

1. There are special conditions and circumstances that are unique to the parcel, building or structure, that are not applicable to other parcels, structures or buildings in the same zone district and that do not result from the actions of the Applicant; or
 2. Granting the variance will not confer upon the Applicant any special privilege denied by the City's Master Plan and the terms of the OLUC to other parcels, buildings or structures, in the same zone district.
- iv. The burden shall be on the Applicant to show that these criteria have been met. If the Planning Commission determines that such criteria have not been met, the application shall be denied. The application may be approved upon conditions or limitations which the board determines are necessary in order to insure that the applicable criteria are met. Such conditions or limitations shall be provided to the Applicant and interested parties, in writing, as part of the decision.
- v. No variance shall be granted with less than four (4) concurring votes of the Planning Commission.
- vi. The Planning Commission shall announce its decision within 35 days of the completion of the hearing. Any decision on a variance application shall be in writing by Resolution. The decision of the board with respect to an application for a variance shall be final, subject only to review by certiorari in the courts. The City shall also have the right to appeal any such decision to the courts. Upon the filing of an appeal or request for review in the courts, the City shall cause a transcript of any tape recording of the hearing to be made and certified to the court, and the party filing such appeal or such review shall pay the City the reasonable cost incurred in producing such transcript, unless such party has a transcript produced by a court reporter at his expense.
- g. Expiration and Extension of Variances
- i. Expiration. All variances shall expire 12 months from the date of issuance if no building permit has been issued to establish the variation authorized, or if the variation does not require a building permit, unless the variation is established, ongoing, and in operation. Such time period shall not be altered by transfer of ownership.
 - ii. Extension. Upon written request, the Planning Commission may grant an extension of the variance for a period not to exceed six months for good cause shown. No request for an extension shall be considered unless a written application requesting the extension is submitted to the Community Development Director prior to the date the variance is to expire. The variance shall be deemed extended until the Planning Commission has acted upon the request for extension. Failure to submit an application for an extension within the time limits established in this section shall render the variance null and void. In considering an extension to a variance, Planning Commission shall follow the procedure herein for approving an initial application.
- h. Appeals.
1. An appeal of a variance by the Planning Commission may be made to District Court within 28 days of the decision.

2. The appeal shall be filed in writing with the City of Ouray within five (5) days of filing with the District Court.

H. Appeals

1. An appeal of a staff interpretation or administration of the provisions of the OLUC or staff action, including a determination that an application is incomplete, may be made to the Planning Commission.
2. The appeal must be filed in writing within ten (10) days of the decision in question. An appeal shall be decided by Planning Commission. No public hearing on an appeal shall be required.
3. Any decision by the Planning Commission on an appeal shall be final, subject only to judicial review.
4. An interpretation by staff, staff action or determination shall be affirmed, modified or reversed.
5. No appeal shall be granted with less than four (4) concurring votes of the Planning Commission.

I. Rezoning

1. Procedure

Rezoning may be requested or initiated by the City, the Planning Commission, or the owner of any legal or equitable interest in the property or his representative. Rezoning requests shall follow the procedures outlined below.

- a. Preapplication conference. Attendance at a preapplication conference is mandatory for an Applicant intending to submit an application for rezoning.
- b. Submit Application. The Applicant shall submit a complete application on forms supplied by the City with all application fees and containing the following materials:
 - i. A Site plan;
 - ii. Other information to show compliance with Section 7-5-I-1-f; and
 - iii. A list of all property owners within 300 feet of property being proposed for rezoning.
 - iv. No fee or formal application is required for action initiated by the City or Planning Commission.
- c. Staff Review. Staff will review the application and notify the applicant of completeness within 15 days of submittal. Complete applications will be reviewed by Planning Commission within 45 days of staff's determination of completeness. Additional review time will be required for applications requiring professional review.
- d. Public Notice. Public notice that the reviewing body will conduct a public hearing to consider the application for rezoning shall be posted at City Hall fifteen (15) days prior to the hearing and published once not less than twelve (12) days prior the hearing. A sign shall be posted by City Staff in a conspicuous place on said premises not less than five (5) days before said hearing. Applicant shall bear the cost of publication. No less than fifteen (15) days prior to the hearing, the Applicant shall send notice of the hearing by certified mail to all property owners within 300 feet of the property, at the address in the Ouray County Assessor's records, that is the subject of the application.
- e. Conduct of Hearing

- i. At the public hearing, the Applicant and other interested parties may appear and present such evidence and testimony as they may desire. The reviewing body may limit testimony and evidence that is merely cumulative and is not required to follow any set procedure during the hearing, nor strictly follow the Rules of Evidence as applied by the Courts. However, the City may adopt any rules of procedure it deems necessary. The hearing may be tape recorded or otherwise electronically recorded. The Applicant, or other interested party may, if they desire, have the hearing recorded by a court reporter, at their expense.
 - ii. The hearing may be continued from time to time as necessary.
 - f. Action by Reviewing Body. Amendments to the Official Zoning Map involving any change in the boundaries of an existing zoning district, or changing the designation of a district, shall be allowed only upon a determination following a public hearing that the criteria below are met:
 - i. The amendment is consistent with the public health, safety and welfare; and
 1. The amendment is in substantial conformity with the Master Plan, or
 2. The existing zoning is erroneous, or
 3. Conditions in the area affected or adjacent areas have changed materially since the area was last zoned.
 - ii. The burden shall be on the Applicant to show that the criteria of this Subsection have been met. If the reviewing body determines that such criteria have not been met, the application shall be denied. The application may be granted upon conditions or limitations which the reviewing body determines are necessary in order to insure that the applicable criteria are met. Such conditions or limitations shall be provided to the Applicant, in writing, as part of the decision.
 - iii. Rezoning applications, except those initiated by the City, shall first be considered by the Planning Commission after public notice and a public hearing as provided for in Section 7-5-I. The Planning Commission shall recommend approval, conditional approval, or denial within 35 days after the conclusion of the hearing.
 - iv. The Planning Commission's decision shall be submitted to the City Council, as a recommendation along with the application and accompanying documents, for consideration at a public hearing, in compliance with Section 7-5-I-e. Public notice shall be given pursuant to the requirements in Section 7-5-I-d. The City Council shall thirty (30) days after conclusion of the public hearing at which the application is considered, to approve, conditionally approve, or disapprove the application.
 - v. The decision of the City Council with respect to request for a rezoning application shall be final, subject only to judicial review. Upon the filing of an appeal or request for review in the courts, the City shall cause a transcript of any tape recording of the hearing to be made and certified to the court, and the party filing such appeal or such review, shall pay the City the reasonable cost incurred in producing such transcript, unless such party has a transcript produced by a court reporter at his expense.

2. Legislative Zoning

Comprehensive review and reenactment of all or a significant portion of the Official Zoning Map shall be a legislative action and shall not be required to meet any specific criteria.

3. Amendments to the Official Zoning Map may only be made by ordinance. In the case of a rezoning application, at the next regular meeting after approval of an application by City Council, City Council shall conduct a first reading of the ordinance amending the Official Zoning Map.
4. Zoning of Additions. The Planning Commission may recommend to the City Council a zoning district designation for all property annexed to the City not previously subject to City zoning. Proceedings concerning the zoning of property to be annexed may be commenced at any time prior to the effective date of the Annexation Ordinance or thereafter. The zoning designation for newly annexed property shall be in compliance with the intent of the Master Plan.

J. Supplemental Regulations

1. Flood Plain Management Regulations. Flood Plain Management Regulations applicable to development are found in Chapter [6](#) of the Ouray Municipal Code.
2. Home Occupations

- a. Purpose

The intent of this Subsection is to allow a home occupation as an accessory use to a residence when it is operated and designed in a manner such that it blends into the neighborhood and would not be obvious to the casual passer-by that the site is other than a residence. The home occupation shall not be carried out in a way that disturbs the life-style of other residents in the neighborhood. The home occupation may not be operated in a way that creates an unhealthy, unsafe or unwholesome environment for the operators, customers, neighbors, or the general public.

- b. Criteria for Operation of Home Occupation

Home occupations may be conducted within a dwelling unit or accessory building in any district as an accessory use to a residence only if the following criteria are met:

- i. City and state sales tax licenses must be obtained if sales taxable by the city or state sales taxes are to be made;
 - ii. Only the residents of the dwelling unit and one employee may be engaged in the home occupation;
 - iii. The home occupation does not change the essential residential character of dwelling unit or accessory building;
 - iv. No more than 50% of the total floor area of the main level floor of the dwelling unit is devoted to the home occupation;
 - v. No equipment or materials used in the home occupation may be stored outside the building;
 - vi. Sales of goods or items to customers on the premises is prohibited, except for items made or created on the premises. Services may be provided on the premises but shall not involve objects which are too large to be carried by an individual;
 - vii. Except in the R-1 zoning district, signs shall comply with applicable sign regulations; and
 - viii. In the R-1 district, the following criteria must be followed:

1. No mechanical, electrical or other equipment or items that produce noise, light, electrical or magnetic interference, vibration, heat, glare, smoke, dust, odor or other nuisance outside the residential building or accessory building or structure may be used;
 2. No more than 8 customers, or in the case of day care or schools, 8 children including children of the family living in the residence, may be present on the premises at any one time.
 3. Manufactured Home and Recreation Vehicle (RV) Park Regulations
 - a. Application and Permit
 - i. It shall be unlawful to commence the construction of any manufactured home or RV park, or the enlargement of an existing park until a site development permit has been approved by the City Council as meeting the criteria and requirements of this Subsection and other applicable city and state regulations.
 - ii. Application for a site development permit shall be made by submitting a site plan of the proposed park, accompanied by any supporting documents, plans or drawings, as necessary, to show that the requirements of Subsections 7-5-J-3-b or 7-5-J-3-c will be met.
 - iii. Staff Review. The City staff shall review the application to determine whether it is complete. If the application is not complete, City Staff shall notify the Applicant in writing and shall take no further action on the application until the deficiencies are remedied. If the application is complete, then City staff shall affix the date of acceptance and assign the application an agenda date with the Planning Commission which shall be no less than thirty days from the date of acceptance. The Applicant will submit 14 copies of the original Land Use Application, Site Plan, proof of mailing, and any other supporting documents on 3-hole punched paper to City Staff no later than 15 days prior to the date of the Planning Commission meeting at which the application is scheduled to be considered.
 - iv. Planning Commission shall recommend approval, approval with conditions or denial of the application to City Council. Planning Commission and City Council shall review the application's consistency with the requirements of Subsections 7-5-J-3-b or 7-5-J-3-c, as applicable.
 - v. Following approval of the site development permit, the park shall be developed and no homes may be placed in the park until the improvements are properly completed and occupancy permit issued.
 - b. Manufactured Home Park Design Requirements
 - i. Manufactured home parks may be located only where allowed by City zoning regulations and shall be a minimum of two (2) acres.
 - ii. All manufactured home parks shall, as a minimum, comply with the regulations for manufactured home parks issued by the State of Colorado and the requirements of this Subsection (b). In the event of any conflict between the State regulations and the requirements of this Subsection or other ordinances and regulations of the City, those regulations, which are more stringent, shall apply.

- iii. Each space may have only one (1) manufactured or mobile home located on it and shall comply with the dimensional requirements of this subsection. All spaces shall be adequately identified by a number or letter.
 - iv. Minimum space area shall be 2500 square feet.
 - v. Minimum setbacks within each space:
 - 1. Front setback shall be 12 feet
 - 2. Rear setback shall be 8 feet
 - 3. Side on Corner Space setback shall be 7.5 feet
 - 4. Side setback shall be 5 feet
 - vi. Accessory structures which are not attached to the manufactured home are not subject to the rear and side yard setbacks, but shall be set back a minimum of two (2) feet.
 - vii. The manufactured home park developer shall provide improvements developed to the standards required in this Subsection of the OLUC and shall provide the following:
 - 1. A park or playground occupying at least 5% of the area of the manufactured home park to be maintained by the manufactured home park owner.
 - 2. Refuse collection for each manufactured home space shall be provided.
- c. Recreational Vehicle (RV) Home Park Design Requirements
- i. Size and location. RV parks may be located only where allowed by City zoning regulations and shall be a minimum of two (2) acres in area.
 - ii. All RV parks shall, at a minimum, comply with applicable State of Colorado Regulations for campgrounds and recreation areas and the requirements of this subsection. In the event of any conflict between state regulations and the requirements of this subsection or other city ordinances or regulations, those regulations which are more stringent shall apply.
 - iii. Dimensional Requirements:
 - 1. All RV's and any accessory structures shall be at least ten (10) feet from any other RV and accessory structure.
 - 2. The number of RVs in the park shall not exceed 25 RVs per acre.
 - iv. Five percent (5%) of the gross area of the RV park shall be developed and maintained as a park or playground by the park owner.
 - v. The RV park developer shall provide the following improvements:
 - 1. A water system, including fire hydrants and fire mains.
 - 2. A sanitary sewer system.
 - 3. Streets with a minimum width as follows:

- A. One-way/no parking – 11 feet;
 - B. One-way/parking on one side – 18 feet;
 - C. Two-way/no parking – 24 feet;
 - D. Two-way/parking on one side – 27 feet;
 - E. Two-way/parking on both sides – 34 feet.
- 4. A storm drainage system.
- 5. Street signs to include traffic circulation and security lights.
- 6. A service building meeting the requirements of applicable state and city regulations.
- 7. The City may require reasonable utility easements to be dedicated to the public for the purpose of public and city utilities.
- 8. Designs for dump stations, when provided, shall be approved by the city.
- d. Maintenance of Manufactured Home and Recreational Vehicle (RV) Parks
 - i. All manufactured home and RV parks shall be maintained in accordance with the requirements of this Section, applicable State of Colorado Department of Health Regulations, and other applicable regulations of the city or state.
 - ii. The City Building Official, or his designated representative, shall have the right to enter upon any manufactured home or RV park at any reasonable time for the purpose of inspecting the premises to determine compliance with this Section or other applicable ordinances and City and State regulations.
- 4. Telecommunication antenna and tower regulations:
 - a. Telecommunication towers and antennas shall be located, and comply with the following provisions:
 - i. Noncommercial television and telecommunications receivers, and amateur radio antennas which qualify as an accessory use to the main use on the premises, may be located on such premises.
 - ii. Antennas for "personal wireless services" as defined in [47 USC 332\(c\)\(7\)\(c\)\(i\)](#) shall be limited to the C-1 and C-2 Zoning Districts, or upon City-owned property in other zoning districts pursuant to leases or permits with the City, with terms and conditions adequate to insure safety and reasonable compatibility with the neighborhood in which they are located, including requirements for camouflaging where appropriate.
 - iii. Commercial radio, television and other telecommunications transmitters and receivers shall be restricted to commercial zoning districts.
 - iv. Additional receivers or transmitters may be installed on existing telecommunication towers regardless of the zoning district.

b. All telecommunication antennas and towers shall be limited to the maximum height set out in Table 7-5-D, with the following exceptions:

- i. Telecommunication antennas, receivers and transmitters may be located on existing towers and structures, or on an extension of an existing tower or structure of no more than 20 feet.
- ii. A variance to the height limitations otherwise applicable may be obtained for an amateur radio antenna for noncommercial use pursuant to the review procedures of Section 7-4-F, if the Planning Commission determines that the following criteria are met:
 1. A higher tower is necessary to be reasonably adequate for the domestic communications purposes;
 2. No reasonable alternative exists; and
 3. No adverse impacts will be created with respect to other property in the area.
- iii. A variance to the height limitations otherwise applicable may be obtained for personal wireless service antennas if the Planning Commission determines pursuant to the review procedure of Subsection 7-4-F that the following criteria are met:
 1. Space is not available at a commercially reasonable price on an existing tower or structure located in a technically feasible location, and no other location is available which will provide reasonably adequate service in compliance with the height limitations set out above;
 2. No adverse effect on property values in the area will be caused and no safety hazard will be created; and
 3. The design and color of the tower and appurtenances shall be reasonably compatible with the site and surrounding area.
- iv. A final decision to deny a variance shall be in writing and supported by a substantial written record.
- v. All towers and structures shall be subject to the building setback requirements of Table 7-5-D, and applicable provisions of City building code and other ordinances and regulations.

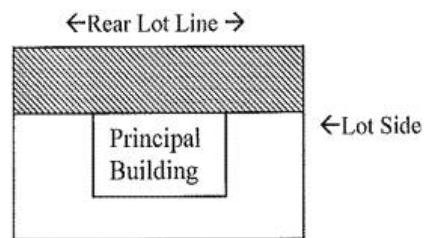
5. Recreational Vehicles (RVs)

In the R-1, R-2, C-1, and C-2 districts, RVs may be parked as follows:

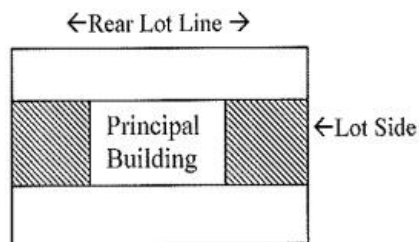
- a. Occupied as temporary dwellings only within a licensed RV Park in a designated space or with a permit issued by the City.
- b. RVs less than twenty (20) feet long may be parked, if unoccupied, in compliance with any of the following:
 - i. Upon the public rights of way or other designated public parking area, if registered under state law and lawfully parked in compliance with Section [14-8](#); provided, however, they may not be parked to create a traffic hazard. An RV parked pursuant to this subsection may only be parked for a period less than 72 hours. The facts that the position of such an RV is moved along any person's premises, the RV is moved for the primary

purpose of avoiding the 72 hour limitation, or the vehicle is moved away for any period of fewer than twenty-four (24) hours, shall be ignored in determining whether or not a vehicle has remained parked in front of any premises for 72 hours. Provided, however, this shall not apply to a vehicle owned or leased by the owner or occupant of the abutting property.

- ii. Upon a lawful RV sales lot.
- iii. In a licensed RV Park.
- iv. In a garage.
- v. As a temporary construction office at the construction site pursuant to a permit issued by the City. Such use shall not include sleeping or cooking.
- vi. One RV may be parked either:
 1. On a lot as an accessory use to a principal building, in the open space extending the full width of the lot, the depth of which is the horizontal distance between the rear lot line and the principal building, and in compliance with building setback regulations as illustrated below;



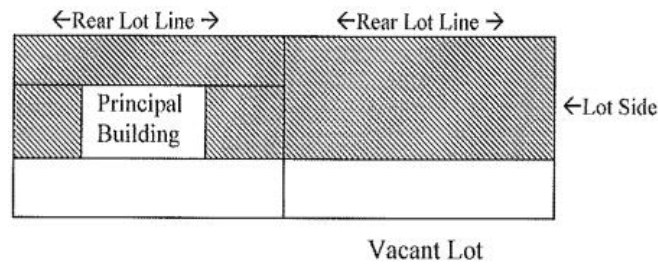
2. On a lot as an accessory use to a principal building, in the open space between the principal building and the lot side, the width of which is the horizontal distance from the lot side to the principal building, and in compliance with building setback regulations as illustrated below; or



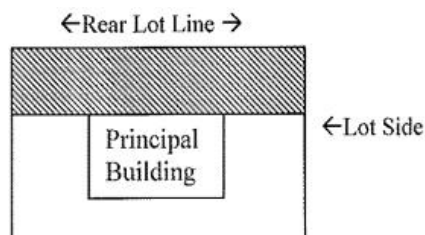
3. On a vacant lot, in the open space between the principal building and the farthest lot side of the vacant lot and extending to the rear lot line of the vacant lot, as long as the following criteria are also met:

- A. The lot with the principal building, the vacant lot, and the RV are owned by the same owner.
- B. The vacant lot is contiguous to the lot on which the principal building is located.
- C. Parked in compliance with building setback regulations.

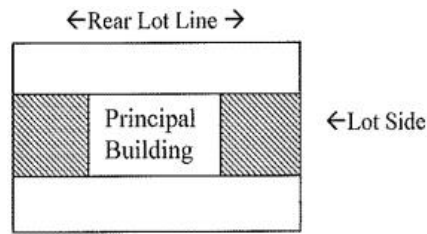
As illustrated:



- vii. In the parking lot of a lodging business. The owner of a lodging business may park one (1) RV and a guest of the lodging business may park one (1) RV during their stay.
- c. RVs twenty (20) feet or longer may be parked, if unoccupied, in compliance with any of the following:
 - i. Upon the public right of way or other designated public parking area, if registered under state law and lawfully parked in compliance with Section [14-8](#); provided, however, they may not be parked to create a traffic hazard. An RV parked pursuant to this subsection may only be parked for a period less than 72 hours. The facts that the position of such an RV is moved along any person's premises, the RV is moved for the primary purpose of avoiding the 72 hour limitation, or the vehicle is moved away for any period of fewer than twenty-four (24) hours, shall be ignored in determining whether or not a vehicle has remained parked in front of any premises for 72 hours.
 - ii. Upon a lawful RV sales lot.
 - iii. In a licensed RV Park.
 - iv. In a garage.
 - v. As a temporary construction office at the construction site pursuant to a permit issued by the City. Such use shall not include sleeping or cooking.
 - vi. One RV may be parked either:
 - 1. On a lot as an accessory use to a principal building, in the open space extending the full width of the lot, the depth of which is the horizontal distance between the rear lot line and the principal building, and in compliance with building setback regulations as illustrated below;



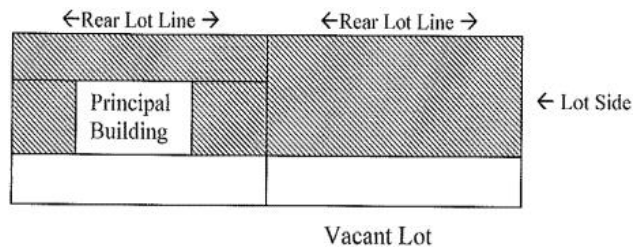
- 2. On a lot as an accessory use to a principal building, in the open space between the principal building and the lot side, the width of which is the horizontal distance from the lot side to the principal building, and in compliance with building setback regulations as illustrated below; or



3. On a vacant lot, in the open space between the principal building and the farthest lot side of the vacant lot and extending to the rear lot line of the vacant lot, as long as the following criteria are also met:

- A. The lot with the principal building, the vacant lot, and the RV are owned by the same owner.
- B. The vacant lot is contiguous to the lot on which the principal building is located.
- C. Parked in compliance with building setback regulations.

As illustrated:



vii. In the parking lot of a lodging business. The owner of a lodging business may park one (1) RV and a guest of the lodging business may park one (1) RV during their stay.

6. Accessory Dwelling Units

Dwelling units which meet the criteria of this Subsection may be allowed as an accessory use to a principal residential unit in the R-1, R-2, C-1 and C-2 districts provided that the dwelling units conform to the applicable requirements of said Districts.

- a. The accessory dwelling unit must be constructed in accordance with applicable requirements of Code adopted by the City pursuant to Chapter 6 of Ouray Municipal Code. It may be attached or detached to the principal residential unit. Applicable dimensional requirements for a single family dwelling as set out in Table 7-5-D must be met for the premises.
- b. One off-street parking space shall be provided for the accessory unit in addition to any other required off-street parking.
- c. The accessory dwelling unit may not exceed 1,000 square feet of living area.
 - i. One of the dwelling units on the property must be, and remain, owner occupied. If the other dwelling unit is rented, a minimum of a 30-day rental period shall be required by written lease.
- d. The accessory dwelling unit must be owned together with the principal residential unit, and the lot or parcel upon which they are located, in undivided ownership.

- e. The accessory dwelling unit may be served off of the water and sewer taps for the principal residence, in which case it shall not be subject to additional investment fees, and the primary residence and accessory dwelling unit shall be charged as a duplex for water and sewer service rates.
- f. The burden shall be upon the owner of any accessory dwelling unit to provide adequate proof to the City that the criteria of this Section are met. In the event that the City determines that the criteria have not been shown to be satisfied the unit may not be occupied as a residence.
- g. A dwelling unit constructed as a principal single-family home, which meets these criteria, may be converted to an accessory dwelling unit following construction of a new principal dwelling unit.

7. Medical Marijuana

Medical Marijuana Centers, Medical Marijuana-Infused Products Manufacturers, and Optional Cultivation Premises Operations are prohibited uses in all zoning districts within the City of Ouray.

8. Numbering of Streets

- a. In all cases where the numbers on such dwellings or business houses shall hereafter be changed, the same shall be numbered in the manner provided by this section.
- b. For the purposes of this section, each twelve feet and six inches (12' 6") of frontage on all streets, avenues and alleys shall be allotted one number consecutively, and each dwelling or business house thereon shall be numbered in accordance therewith.
- c. Said numbers shall be allotted as follows: Beginning with First Street, the corner number on the north side of each avenue running east therefrom shall be 100 and the corner number on the south side thereof shall be 101, and so commencing each building, and in case of no building, the vacant frontage, as hereinabove provided, shall thereafter be consecutively numbered throughout each first block on said avenues; thence continuing eastward on each said avenue, the north side corner of each second block shall commence with the number 200 and the south side corner of each said second block shall commence with the number 201, and so consecutively carried forward to the end of such block; and thereafter, each block shall be so numbered in an easterly direction, commencing with consecutive hundreds for each block until the limits of the avenues are reached as the same are now laid out or may hereafter be extended. The even numbers shall be on the north side and the odd numbers on the south side of all said avenues running east and west from said First Street.
- d. On all streets and alleys running north and south from First Avenue in said City, commencing with said First Avenue, the corner number on the west side of each street and alley running north therefrom shall be 100 and the corner number on the east side thereof shall be 101, and so commencing, each building, and in case of no building, the vacant frontage as hereinabove provided, shall be consecutively numbered throughout each first block on said streets and alleys; thence continuing northward, the west side corner of the block of each street and alley running north from said First Avenue aforesaid, shall commence with the number 200 and the east side corner thereof shall commence with the number 201, and the numbers of each building and frontage shall be consecutively carried forward to the end of said block; and thereafter, each block shall be so numbered in a northerly direction, commencing with consecutive hundreds for each block, until the limits of the streets and alleys are reached as the same are now laid out or

may hereafter be extended. The even numbers shall be on the west side and the odd numbers on the east side of all said streets and alleys running north and south from said First Avenue.

e. All that portion of territory embraced within the limits of said City lying north of First Avenue projected westward and west of First Street, shall be allotted numbers in the following manner, to-wit: Commencing with the number 100 on Oak Street at a point where said Oak Street intersects First Street opposite the intersection of Third Avenue with said First Street, thence continuing west, northwesterly and northerly, said Oak Street shall be numbered consecutively with one number for each twelve feet six inches (12'6") of frontage thereon, the odd numbers being on the north, northeast and east side, and the even numbers on the south, southwest and west side thereof, until Prince Street is reached; thence continuing, the northwest corner of Prince and Oak Streets shall receive the number 300 and the twelve feet six inches frontage directly opposite, on said Oak Street, the number 301, and so on, each twelve feet six inches of frontage receiving a consecutive number thereafter until Queen Street is reached; then commencing with the number 400 on the northwest corner of Queen and Oak Streets and the number 401 on the twelve feet six inches frontage opposite said corner, and so on, consecutively numbering until the north boundary of Fifth Avenue is reached; when the number 500 shall be used and so consecutively numbered until the north boundary of Sixth Avenue is reached; when the number 600 shall be used; and so on consecutively numbered thereafter in a northerly direction, the avenues governing, until the city limits are reached as the same now are or may hereafter be extended.

f. The numbers of Prince and Queen Streets shall commence at the east end of said streets with the number 200 on the south side and the number 201 on the north side thereof, and the same shall be so consecutively numbered throughout the length of said streets running in a westerly direction, with one number allotted to each twelve feet six inches (12'6") of frontage as hereinbefore provided for the numbering of other portions of said City.

g. For the purpose of any territory of the City not included in this Section, the City shall assume the intersection of First Street and First Avenue as the initial point upon which to base a proper numbering thereof in accordance with this ordinance, and shall number all outlying buildings radiating from such point, using consecutive hundreds for each 400 feet of territory not herein so embraced.

h. Buildings or residences with a primary alley access or shared street access will have an address with a "1/2" designation. For example, 320-1/2 Sixth Avenue would indicate a primary alley access for a business or residence located at 320 Sixth Avenue.

i. Properties with multiple units will have a Letter or Number designation added to the address assigned for the primary access. For example, 320 Sixth Avenue, Unit C, or 320 Sixth Avenue, Suite 3 would indicate access is at 320 Sixth Avenue and a unit or suite is on the premises. Letter or Number designations should be maintained and not interchanged.

j. All properties must display their address in numbers at least 3" tall so that it is clearly identifiable from the street for use by first responders.

9. Outdoor Displays of Merchandise

Outdoor displays of merchandise on private property are subject to the following:

a. Merchandise shall not be stacked or stored, but displayed for sale;

- b. The area used for outdoor display does not exceed the aggregate area of the footprint of the interior retail area;
- c. The merchandise shall not cover more than 30% of an area used for parking;
- d. Additional outdoor display area may be permitted with approval of a conditional use permit.

10. Intermodal Shipping Containers

- a. Intermodal Shipping Containers. Intermodal shipping containers are allowed for temporary construction storage in all zoning districts in association with permitted construction provided:
 - i. The maximum length of time is one (1) year from the date of building permit issuance;
 - ii. A refundable cash financial guarantee in the amount of \$750.00 per container is provided to the City to cover the cost of removal. A written extension of the initial period not to exceed one-hundred-eighty (180) days may be granted by the Building Official;
 - iii. Shipping containers will not be stacked; and
 - iv. The shipping container is located on private property to the extent practicable, or the City has issued an encroachment permit for it in a right-of-way adjoining the construction site.

11. Short-Term Rental (STR) Regulations

a. Purpose

To prevent adverse impacts attributable to short-term rentals in dwelling units; preserve the current character and ambience of City neighborhoods; protect public health, safety, and welfare; and ensure compatibility with surrounding land uses.

b. Applicability

These regulations apply to any owner of real property with dwelling unit(s) used as an STR, whether directly or indirectly, in R-2, C-1, and C-2 Zone Districts, for less than thirty (30) consecutive days.

c. Prohibitions and Conditions

- i. STRs are prohibited in the R-1 Zone District.
- ii. STRs are prohibited in accessory dwelling units.
- iii. A maximum number of STR licenses, also known as a Cap, may be adopted by City Council from time to time.
- iv. Dwelling units with an STR license must use the dwelling unit as a STR rental for thirty (30) or more days each annual license period.

d. Exemptions

- i. Any STR within the R-1 Zone District in existence and use as an STR prior to July 17, 2019, must obtain an STR license and upon the granting of a license such use shall be deemed as legal non-conforming. Upon non-renewal, or transfer in ownership of the real property of any kind, such license and use shall cease.

- ii. Dwelling units located within a lodging business premises are exempt but those located outside the lodging business premises must have an STR license.
 - iii. Any real property owner who provides three (3) new dwelling units for rent for more than 30 consecutive days on the same parcel, after adoption of this Ordinance, may obtain one (1) STR license for a fourth dwelling unit on the same parcel and shall be considered exempt from any STR license cap, so long as the policies concerning this exemption are met, as determined by City Council from time to time. This program shall be known as the STR Cap and Trade. When using the STR Cap and Trade program, a real property owner may use one (1) of the three (3) dwelling units as their primary residence and be excluded from the cap. The real property owner shall execute an affidavit when the STR license is issued stating that three (3) dwelling units are being utilized as rentals with a minimum lease agreement of six (6) months, excluding, if applicable, the real property owner's primary residence and shall provide the City, upon request, proof of lease agreements. All other requirements of these regulations apply, including policies and procedures, adopted by City Council from time to time.
- e. Registration, Licensing, and Renewals
- i. An application is required to be submitted in accordance with the STR administrative policies and fee schedules, as City Council may adopt from time to time.
 - ii. The City Administrator, or any authorized staff, may issue and regulate short-term rental licenses, administratively.
 - iii. Upon submittal of a new STR application, a site inspection will be conducted to ensure the dwelling unit meets the City's adopted building codes.
 - iv. License renewals may require an additional inspection if substantial changes to the premises were made or complaints arose during the previous licensing period, as determined administratively.
 - v. An STR license is issued to the real property owner and is not transferable, except if the real property for which a valid STR license has been issued is transferred pursuant to a deed meeting any of the following conditions (these exceptions do not apply to any STRs within R-1):
 - 1. The transfer of title to real property if the grantee is a member of the grantor's family.
 - 2. The transfer of title to real property from a grantor to a trust established by the grantor.
 - 3. The transfer of title to real property from a grantor to a limited liability company or another form of business entity recognized by Colorado law so long as the grantor has a controlling interest in such limited liability company or other business entity.
 - 4. Any transfer of the property between the same parties creating or terminating a joint tenancy in such property.
 - 5. The transfer of title or change of interest in real property by reason of death, pursuant to a will, the law of descent and distribution, or otherwise.

6. The transfer of title to make effective any plan confirmed or ordered by a court of competent jurisdiction under the bankruptcy code or in an equity receivership proceeding.
 7. The transfer of title without consideration for the purpose of confirming, correcting, modifying, or supplementing a transfer previously recorded; making minor boundary adjustments; removing clouds of titles; or granting rights of way, easements, or licenses.
 8. The transfer of title pursuant to any decree or order of a court of record quieting, determining, or vesting title, including a final order awarding title pursuant to a condemnation proceeding.
 9. The transfer of title between spouses or former spouses made pursuant to a separation agreement, decree of legal separation, or dissolution of marriage.
- vi. The real property owner remains solely responsible for compliance with these regulations and any policies adopted by City Council from time to time.
 - vii. Licenses are valid for one (1) year; and all license renewals shall be due on or before February 28 of each year.
 - viii. Real property owners who have an STR license must maintain liability insurance during the licensing period, as set forth in the administrative policies adopted by City Council from time to time.
- f. Signs and Advertising Standards
- i. External signs are prohibited for short-term rentals in the R-2 zone district and within the R-1 zone district on any non-conforming STRs.
 - ii. One (1) internal sign no larger than 8 1/2" x 11" is allowed in R-1 and R-2 to identify a particular dwelling unit.
 - iii. Signs in the C-1 and C-2 zone districts shall comply with the City Sign Code.
 - iv. All short-term rentals shall clearly post the correct address on the exterior of the building in accordance with City addressing and street numbering requirements.
- g. Rules
- i. The maximum number of persons per short-term rental shall be two (2) per bedroom, plus two (2) additional persons.
 - ii. Noise Ordinance shall be followed.
 - iii. The real property owner is responsible to remit all applicable local, state, and federal taxes, along with applicable Lodging Occupation Tax, Sales Tax, or any other applicable local tax, unless exempt.
 - iv. Real property owner shall designate a responsible party who is located within a forty-five (45) minute drive of the City and available for immediate response to issues or emergencies that arise from the short-term rental.
- h. Parking Standards

Parking shall meet any applicable provisions of the Ouray Municipal Code and any specific parking requirements of the underlying zone district.

i. Snow Removal

Real property owner shall comply with all City requirements for snow removal on public sidewalks, in addition to the requirement to remove snow from STR parking spaces, walkways, and the entrance to the short-term rental.

j. Building Code Requirements

i. An STR shall only be used for one party that occupies the entire dwelling unit. Individual rooms within a single-family dwelling short-term rental shall not be rented out unless (a) the dwelling unit is separate, attached, or detached and it complies with the City of Ouray Municipal Code requirements; or (b) the short-term rental has a separate entrance from the primary dwelling, the bedroom areas have been constructed in accordance with the City's adopted building codes, no more than one short-term rental bedroom is provided on the property, and the building use and design complies with the underlying zone district requirements.

ii. The short-term rental shall meet all applicable local, state, and federal regulations, including the requirement for carbon monoxide detectors under C.R.S. § [38-45-101](#) et seq.; lighting; one (1) wall mounted, certified, five (5) lb. ABC Fire Extinguisher within the short-term rental kitchen area; smoke detector requirements; and, all other life-safety requirements, such as egress from sleeping areas.

k. Refuse

i. The real property owner is responsible for proper disposal of garbage, refuse and trash collection in accordance with the Ouray Municipal Code.

ii. STRs will be charged the residential rate for trash removal unless there are two or more trash violations within a six (6) month period and then the real property owner may be required to provide for two residential trash services at the same address to manage trash (paying for two cans at the residence), or to provide for a commercial trash pickup of trash if two residential service pickups do not resolve the trash complaints.

iii. All trash shall be properly stored within containers that are not visible from any public street or sidewalk.

l. Other General Requirements

i. Short-term rentals must replace any exterior open light fixtures with dark sky compliant lighting.

ii. Real property owner must abide by all other applicable local, state, and federal laws and regulations.

m. License Posting Requirements

i. The STR License must be posted in a conspicuous place and contain the following items.

1. Contact information for the owner or responsible party.

2. The STR address and license number.
3. Maximum number of guests.
4. Location of fire extinguishers.
5. A copy of the noise ordinance.
6. Parking and snow storage rules.
7. Trash disposal information.
8. How to sign up for emergency notifications.
9. Information on any City fire bans, or water use restrictions.
10. Map showing locations where trailer and large vehicle parking is allowed.

n. Revocation or Suspension of License

- i. A license may be revoked after notice to the real property owner and opportunity to be heard for violations which result in more than two suspensions or serious violations which affect the health, safety, and welfare of the public.
- ii. An STR license in the R-1 Zone District is a legal non-conforming use and upon the nonrenewal, suspension, revocation, abandonment of use or any transfer of ownership interest in the real property containing the dwelling unit with the STR license, the STR license is revoked immediately. There are no exceptions, and no affirmative or other defenses of any kind.
- iii. A license may be suspended after notice to the real property owner for:
 1. One or more violations of any condition of the license or of any provision of these regulations during the licensing period.
 2. Written notice of any violation shall be mailed to real property owner at the address provided in the most recent application.
 3. The suspension is effective seven (7) days after the date of the notice.
 4. This suspension procedure does not apply when an emergency arises which affects the health, safety, and welfare of the public under the City's police powers.

o. Violations and Penalties

- i. It shall be unlawful to operate a short-term rental without a valid license or to violate any provision in these short-term rental regulations or any other City ordinance, resolution or official policy regarding short-term rentals or any state law or federal law.
- ii. Violations are declared to be a nuisance, which may be abated in any lawful manner, including Section [10-4](#) of the Ouray Municipal Code (OMC).
- iii. Enforcement and penalties for violations of these Short-term Rental regulations shall be as provided for in OMC, Section [7-3](#).

p. Appeals

Appeals of administrative decisions under these regulations shall be pursuant to OMC Section 7-5-H, except an appeal will be heard by City Council and not the Planning Commission.+

7-6 Nonconformities

A. Purpose

Within the City of Ouray there exist uses, structures and lots that were lawfully established pursuant to the zoning and building regulations in effect at the time of their development that do not now conform to the provisions of this land development code. The purpose of this chapter is to regulate and limit the continued existence of these nonconforming uses, structures and lots. It is the intent of the City to permit these nonconformities to continue, but not to allow them to be enlarged or expanded, so as to preserve the integrity of the zone districts and the other provisions of this Code.

B. Nonconforming Uses

1. Authority to Continue. Except as otherwise provided in this Section, the lawful use of land or structures existing at the time of the enactment of the initial ordinance codified herein, any pertinent amendment hereto or at the time of annexation, if annexed subsequent to the effective date of this Chapter, may continue even though it does not conform to the requirements of this Chapter.
2. Normal maintenance. Normal maintenance, repairs or alterations may be performed to permit continuation of a nonconforming use.
3. Extensions and Expansions. Nonconforming uses shall not be extended or expanded. This prohibition shall be construed so as to prevent:
 - a. Enlargement of nonconforming use by increasing the area within a structure in which such nonconforming uses are located; or
 - b. Occupancy of additional lands; or
 - c. Increasing the size, considering all dimensions, of a structure in which a nonconforming use is located.
4. Relocation. A structure housing a nonconforming use may not be moved to another location on or off the parcel of land on which it is located, unless the use thereafter shall conform to the limitations of the zone district into which it is moved.
5. Change in use. A nonconforming use shall not be changed to any other use unless the new use conforms to the provision of the zone district in which it is located.
6. Abandonment or discontinuance. Where a nonconforming use of land or nonconforming use of structure is abandoned or discontinued for a period of nine (9) consecutive months, the use may not be reestablished or resumed, and any subsequent use must conform to the provision of this Code.
7. Removal or Destruction
 - a. If any nonconforming use in a structure is removed, it shall no longer be lawful to use structure except in compliance with the OLUC.
 - b. If a structure housing a nonconforming use is damaged or destroyed to the extent of more than fifty percent (50%) of its replacement costs as determined by the City, it shall only be reconstructed in compliance with the provisions of this Code.

C. Nonconforming Structures

1. Authority to continue. Except as otherwise provided in this Section, a nonconforming structure existing at the time of the enactment of this initial ordinance codified herein, any pertinent amendment

hereto or at the time of annexation, if annexed subsequent to the effective date of this Chapter, devoted to a use permitted in the zone district in which it is located may be continued in accordance with the provisions of this Code.

2. Normal maintenance. Normal maintenance, repairs or alterations may be performed to permit continuation of a nonconforming use.
3. Extensions. A nonconforming structure shall not be extended by an enlargement or expansion that increases the nonconformity. A nonconforming structure may be extended or altered in a manner that does not change or that decreases the nonconformity.
4. Relocation. A nonconforming structure shall not be moved unless it thereafter conforms to the standards and requirements of the zone district in which it is located.
5. Removal or Destruction
 - a. If any nonconforming structure is removed, it shall no longer be lawful to use structure except in compliance with the OLUC.
 - b. If a nonconforming structure is damaged or destroyed to the extent of more than fifty percent (50%) of its replacement costs as determined by the City, it shall only be reconstructed in compliance with the provisions of this Code.

D. Nonconforming Lots

1. Development Permitted. A building containing uses permitted in the zone district may be developed on a lot of record that is nonconforming as to minimum site area, provided it can be located on the lot so that all other dimensional standards are met, or a variance from such dimensional requirements is obtained pursuant to Section [7-5](#), and provided the development complies with all other standards of this OLUC.
2. Lot Reduction. No lot that is nonconforming as to minimum lot area as of the initial effective date of this Code may be reduced in size in such a way that its nonconformity would increase.
3. No Subdivision. No lot that is nonconforming as to minimum site size may be subdivided.

E. Nonconforming Manufactured Home and Recreational Vehicle (RV) Parks

1. Any manufactured home or RV park which at the initial effective date of the OLUC, and any amendments thereto or at the time of annexation, if annexed subsequent to the effective date of the OLUC, that was lawfully existing and maintained in accordance with previously applicable county or City regulations and ordinances, but which does not conform or comply with all of the regulations provided for in the OLUC, may be continued to be maintained and used only in compliance with the provisions and limitations imposed by this subsection in addition to the limitations of Chapter [6](#) of the Ouray Municipal Code. Manufactured home or RV parks which were unlawful or illegal and not in compliance with previously applicable regulations shall remain unlawful and illegal and subject to abatement or other enforcement action.
2. If the manufactured home or RV park is non-conforming with respect to dimensional requirements or other general requirements of the design standards of Section 7-5-J, the provisions of Subsection [7-6](#) shall apply.
3. Nonconforming mobile homes may be located within mobile home parks.

Land Use & Development | 7-6 Nonconformities

4. Replacement of mobile homes. A mobile home within a nonconforming mobile home park may be replaced with another mobile home, even if the dimensions of the replacement mobile home result in an increase in the degree of nonconformity of the mobile home park with respect to the minimum setbacks set forth in 7-5-J-3; provided, however, that the installation of the replacement mobile home shall not result in any of the following:

a. Encroachment. Encroachment of the mobile home into any adjoining street, alley, or property not a part of the mobile home park.

5. Discontinuance. In the event a nonconforming mobile home park is not occupied by any inhabited mobile homes for a period of 9 consecutive months, then its use as a mobile home park may not be reestablished or resumed except in conformance with the provisions of this Code. The discontinuance of the use of one or more, but less than all, of the mobile home lots in a nonconforming mobile home park for inhabited mobile homes shall not prohibit the replacement of a mobile home upon said mobile home lot in accordance with the terms of this Code.

F. Nonconforming Lodging Businesses in R-1 District

Lodging Businesses are prohibited in R-1 zoning district except for non-conforming Lodging Businesses that were issued a permit by the City in 1992. These permitted non-conforming uses may continue to operate pursuant to the following requirements and restrictions:

1. The number of rooms rented in any dwelling unit shall not exceed those noted on the permit.
2. Any meals to be served shall be served from the kitchen that is part of the Lodging Unit itself.
3. The operation will not adversely affect the public health, safety and welfare.
4. The operation will not create a public or private nuisance.
5. The owner or agent will obtain a sales tax license and remit sales and other applicable taxes.
6. The owner's residence shall be subject to water and trash rates and regulations for trash containers applicable to the commercial operation during periods of the operation.
7. The use shall be treated as a lawful non-conforming use and be subject to the provisions governing nonconforming uses in Section [7-6](#).
8. The Lodging Business permitted by the City under the provisions of this subsection shall cease immediately if:
 - a. The property owner no longer lives on the premises identified in the permit if the Lodging Business is operated as a Home Occupation, or
 - b. The property owner ceases to operate the Lodging Business on the premises.

7-7 Subdivision Development Regulations

A. Purpose

Subdivision development regulations are essential for orderly and controlled development within, and adjoining, the City of Ouray. These regulations ensure development is consistent with community plans and constructed to established and required standards. These standards also ensure quality, safety and the overall welfare of property owners, and citizens or customers who use or frequent these developments. Quality development should benefit everyone.

B. General Provisions

1. Control

- a. All development plans or proposals shall be subject to the provisions of these regulations, whether a plat is filed or not.
- b. All final plats required by this Section shall be filed and recorded following approval by City Council and after any conditions have been met.

2. Jurisdiction

These regulations are applicable within the following areas:

- a. All land located within the legal boundaries of the City of Ouray.
- b. All land located within three (3) miles of the corporate limits of the City of Ouray for purposes of access control with reference to the major street plan.

3. Liability

These regulations shall not create any liability on the part of the City or any officer or employee thereof arising from reliance upon these regulations or any administrative act or failure to act pursuant to these regulations.

4. Applicability

These regulations also apply to Planned Unit Developments which may be considered and processed in accordance with Section [7-8](#).

C. Subdivision Procedure

The subdivision of land shall be accomplished in accordance with the procedures within this Subsection, except as modified pursuant to Subsections 7-7-C-6 and 7-7-C-7.

1. Preapplication Conference

- a. Prior to filing an application pursuant to this Section, the applicant shall confer with the City's Community Development department, Building department and/or staff designated by the City Administrator, to obtain information and guidance as to the City's development procedures and standards.
- b. The purpose of the conference is to permit informal review of development concepts before substantial commitments of time and money are made in the submission of an application, so the applicant may decide how best to proceed in accomplishing the intended activity.

- c. The preapplication conference shall not be used as a design service by the applicant. The applicant shall be responsible for preparing an application that contains sufficient information to enable the City to determine its conformance with the OLUC. Items to be discussed during the preapplication conference may include, but not be limited to the Applicant's proposal. The applicant shall provide a written description of the proposed development, accompanied by a survey, site plan or other map illustrating the site's boundaries, and the applicant's concepts.
- d. Preliminary Evaluation. The applicant may request that the City provide a preliminary evaluation of the project's conformance with the OLUC. The City may provide a verbal, preliminary evaluation during the conference or in writing within 15 business days thereafter.
- e. No Reliance Provided. The preliminary evaluation, and all other comments made by the City's staff during the preapplication conference, shall not be deemed to provide the applicant with assurance or reliance as to the outcome of the formal development review process.

2. Sketch Plan

- a. Following the preapplication conference, the applicant shall submit a Sketch Plan application containing the information specified in Subsection 7-7-D-1 along with the application fee. Staff will review the application and notify the applicant of completeness within 15 days of submittal. Complete applications will be reviewed by Planning Commission at a public hearing within 45 days of staff's determination of completeness.
- b. The Planning Commission shall review the Sketch Plan to determine its general acceptability, consistence with the City Standards and will consider the following minimum criteria:
 - i. Conformity with the Master Plan and zoning regulations.
 - ii. Relationship of development to topography, soils, drainage, flooding potential, natural hazard areas and other physical characteristics.
 - iii. Availability of water, means of sewage collection and treatment, access and other utilities and services.
 - iv. Compatibility with the environment, vegetation and unique natural features.
 - v. Compatibility with the architectural history.
- c. The Planning Commission shall approve, conditionally approve or deny the Sketch Plan within seven (7) days of their review and the applicant will be notified in writing. The written notification may suggest desirable modifications to the Sketch Plan. An approved Sketch Plan will be valid for one (1) year from the date of approval.
- d. As part of the Sketch Plan approval, the Planning Commission may recommend waiving the preliminary plat requirement for subdivisions if the development does not require public improvements or other critical and necessary improvements. The City Council will consider the Planning Commission's recommendation within thirty (30) days and determine whether a waiver of preliminary plat requirements is warranted.

3. Preliminary Plat

- a. Following the Sketch Plan review, the applicant shall submit a preliminary plan containing the information specified in Subsection 7-7-D-2 along with the application fee. Staff will review the application and notify the applicant of completeness within 15 days of submittal. Complete

applications will be reviewed by Planning Commission within 45 days of staff's determination of completeness, unless the City determines that additional review is required.

b. The City may have the preliminary plat and supporting documentation and reports reviewed by registered professionals for conformance with City Standards and regulations. Fees associated with these reviews must be paid by the applicant. Additional review time may be required in these cases.

c. The City may distribute copies of the preliminary plat and supporting documentation to the County Planning Department, the School District, the gas, power and telephone utility companies, the Ouray Fire Department, the Colorado Department of Transportation, other applicable City departments and State or Federal agencies, as deemed necessary or appropriate. Additional review time may be required in these cases.

d. City staff will prepare a report detailing their review findings and include any reports from review professionals. The report shall provide development information and detail compliance with all applicable City requirements, regulations or standards.

e. At a public hearing, the Planning Commission shall review the preliminary plat, supporting documentation and City staff report and determine whether the plat complies with all City requirements, regulations and standards. The Planning Commission may continue the public hearing as it deems necessary.

f. The Planning Commission shall recommend approval, conditional approval, or denial of the preliminary plat within 35 days of the conclusion of the hearing. The plat shall be denied if the proposed improvements or required submittals are inadequate or do not comply with City requirements, regulations or the City Standard Specifications for Infrastructure Construction.

g. The City Council shall consider the preliminary plat and supporting documentation, the City staff report and the Planning Commission recommendation within 30 days. The City Council shall approve, conditionally approve, or deny the preliminary plat within 30 days of considering the application.

h. The preliminary plat and supporting documentation consider during the review and approval process must be stamped "approved" accordingly or identified as approved documentation. All revised plans must also be included and plans or reports with professional stamps or approvals must also be identified as approved documentation.

i. After approval of the preliminary plat and prior to commencement of construction, the applicant and City public works staff shall cooperatively schedule a pre-construction meeting and invite all affected utility companies representatives to said meeting. The applicant is responsible for ensuring contractor(s) and associate employees/staff attend said meeting.

j. After the pre-construction meeting, and upon submittal and approval of completed submittals and required fees and payment described above, the City shall then issue a notice to proceed and the applicant may commence construction of subdivision improvements.

k. Building permits may be issued for any property within the development that has been considered and approved during the preliminary plat review process, and that has adequate infrastructure installed to serve the building during the construction phase. The building permit applicant must be the property owner of record. No certificate of occupancy shall be issued until a final plat is approved and recorded.

4. Final Plat

- a. Following the preliminary plat review and approval, the applicant shall submit a final plat containing the information specified in Subsection 7-7-D-3. Staff will review the application and notify the applicant of completeness within 15 days of submittal. Complete applications will be reviewed by Planning Commission within 45 days of staff's determination of completeness, unless the City determines that additional review is required.
- b. The final plat shall be submitted to the Planning Commission within one (1) year after approval of the preliminary plat, otherwise, the preliminary plat approval shall become null and void unless an extension of time is applied for and granted by the Planning Commission prior to the expiration of the preliminary plat. Planning Commission may grant an extension not to exceed one (1) year. No final plat shall be approved if submitted beyond two (2) years of approval of a related preliminary plat, except if a phased final plat as described in subsection c.
- c. The applicant may seek final plat approval for a portion of the approved preliminary plat. Submittal and approval of each phase of a final plat will result in a one (1) year extension for the applicant to seek final plat approval of the remaining approved preliminary plat. However, the last phase of final plat approval must be submitted no later than five (5) years after the approval of the preliminary plat. Such an extension does not require approval by Planning Commission.
- d. The final plat must be in substantial conformity with the reviewed and approved preliminary plat. The applicant must demonstrate that all conditions associated with approval of the preliminary plat have been satisfied at the time of submission of the final plat. If the conditions are not satisfied, the submission will be considered incomplete. The applicant may seek a waiver of a condition from City Council prior to the final plat being considered by Planning Commission.
- e. City staff will prepare a report detailing their review findings and include any reports from review professionals. The report shall provide development information and detail compliance with all applicable City requirements, regulations or standards.
- f. At a public hearing, the Planning Commission shall review the final plat, supporting documentation and City staff report and determine whether the final plat complies with all City requirements, regulations and standards.
- g. The Planning Commission shall recommend approval, conditional approval, or denial of the final plat within 35 days after the conclusion of the hearing. The plat shall be denied if it, the proposed improvements or required submittals are inadequate or do not comply with City requirements, regulations or the City Standard Specifications for Infrastructure Construction.
- h. The City Council shall consider the final plat and supporting documentation, the City staff report and the Planning Commission recommendation within 30 days. The City Council shall within 30 days of said meeting, approve, conditionally approve, or deny the final plat. If conditions are placed on the approval of the final plat, the final plat should not be signed by City Staff or recorded until all conditions are satisfied, except if the conditions are part of a Subdivision Improvements Agreement.
- i. No final plat shall be approved until all of the improvements required by these subdivision regulations have been installed, inspected and approved, or a subdivision improvements agreement with security has been provided in accordance with provisions of Subsection 7-7-F-2 of these regulations. The final plat shall be recorded with the County Clerk and Recorder, following approval by the City Council. The recorded final plat shall be the original plat complete

with all signatures, dates and other information. An electronic copy of the recorded plat shall be supplied to the City. All recording and filing costs are to be paid by the applicant.

j. No land shall be subdivided nor any subdivided lot or parcel be sold or conveyed until a final plat has been approved and recorded in accordance with this Subsection.

5. Lot Splits

a. A lot previously created by a subdivision plat which has been approved and accepted by the City, and recorded in the Ouray County Records, may be subdivided if the criteria of this Subsection is fulfilled and City approval is granted.

b. The following may apply for an allowable lot split:

i. Any parcels created by the split, whether consisting of separately described lots, or parts of lots, shall comply with the minimum design standards of these regulations for lots, and with the applicable dimensional requirements of the City Zoning Regulations.

ii. The deed or other instrument creating the split shall reserve and be subject to existing easements.

c. A property owner or representative seeking to split a lot by deed or other instrument, shall submit an application, applicable fee, deed or other instrument to the City for review. City staff shall determine if the application is complete and if the split will be in compliance with the criteria of this Subsection. Staff will notify the applicant of completeness within 15 days of submittal. Complete applications will be reviewed by Planning Commission within 45 days of staff's determination of completeness. Additional review time will be required for applications requiring professional review.

d. City staff may require an improvements survey to be submitted if necessary to determine if the criteria of this subsection have been met prior to consideration by the Planning Commission.

e. The Planning Commission shall recommend approval, conditional approval, or denial of the lot split within 35 days of their hearing. The lot split shall be denied if it does not comply with City Zoning Requirements or other City regulations.

f. The City Council shall consider the lot split and supporting documentation, the City staff report and the Planning Commission recommendation within 30 days. The City Council shall within 30 days of said meeting, approve, conditionally approve, or deny the lot split.

g. The lot split shall be recorded with the County Clerk and Recorder, following approval by the City. An electronic copy of the recorded plat shall be supplied to the City. All recording and filing costs are to be paid by the property owner or representative.

6. Replat

a. Replats which reduce the number of separately described contiguous parcels or move a boundary line may be approved and recorded pursuant to this Subsection in lieu of other procedures for subdivisions provided in these regulations.

b. Application and Procedure. No preapplication conference is required. An application and submittal requirements may be obtained from the Community Development Department. Replats are reviewed and decided administratively. Administrative decisions may be appealed to the Planning Commission per §7-5-H of the Ouray Municipal Code.

1. Staff will review the application and submitted items notifying the applicant of completeness within 15 days of submittal.
2. All decisions on replats shall be made within 30 calendar days of a determination of application completeness. Any period during which the applicant has been requested by the City to correct plans, perform required studies, provide additional required information, or otherwise requires the applicant to act shall be excluded from the 30 day time period. The period shall be calculated from the date the City notifies the applicant of the need for additional information until the date all the requested information has been provided to the City.

c. Decision Criteria.

1. None of the lots affected will be made substandard with respect to the requirements for lot size and dimensions, as required under the respective zoning district, as part of the Ouray Municipal Code. An existing lot, or parts of an existing lot, may be consolidated into the adjoining lots providing no substandard lot is created; and
2. No existing building or structure is made substandard or nonconforming; and
3. Existing easements are not jeopardized or rendered impractical to serve their intended purpose; and
4. The lots being adjusted are considered buildable lots that can accommodate a legal structure under the zoning standards in place at the time of application.

d. Recording. Following approval by City administration, the replat shall be recorded with the County Clerk and Recorder. No plat shall be recorded or signed by City staff until all conditions associated with approval have been satisfied. An electronic copy of the recorded plat shall be supplied to the City. All recording and filing costs are to be paid by the property owner or representative.

7. Amended Plat

- a. Amended subdivision plats previously approved by the City, or parts of such plats, may be approved and recorded in accordance with the provisions of this Subsection in lieu of other procedures provided for subdivisions by these regulations.
- b. Application and Procedure. A preapplication conference is required. Submittal requirements may be obtained from the Community Development Department.
 1. Application. An application and submittal requirements may be obtained from the Community Development Department. Staff will review the application and submitted items notifying the applicant of completeness within 15 days of submittal.
 2. Public Hearing before the Planning Commission. Complete applications will be reviewed by the Planning Commission at a public hearing within 45 days of staff's determination of completeness. Additional review time may be required for applications requiring professional review. The Planning Commission shall recommend approval, conditional approval, or denial of the amendment within 35 days of the conclusion of the public hearing to the City Council. The amended plat shall be denied if it does not comply with City Zoning Requirements or other City regulations.

3. City Council. The City Council shall consider the plat and the Planning Commission recommendation within 30 days. The City Council shall within 30 days of said meeting, approve, conditionally approve, or deny the plat.

c. Decision Criteria.

1. Amendments shall conform to the requirements for final plats (§7-7-D-3); and
2. Minimum design standards and dimensional requirements shall be met; and
3. Existing easements and/or public improvements are not jeopardized or rendered impractical to serve their intended purpose; and
4. All conditions of approval for the previous plat are complied with unless specifically brought out and modified with the amendment.

d. Recording. Following approval by the City, the amended plat shall be recorded with the County Clerk and Recorder. No plat shall be recorded or signed by City staff until all conditions associated with approval have been satisfied. An electronic copy of the recorded plat shall be supplied to the City. All recording and filing costs are to be paid by the property owner or representative.

8. Minor Subdivisions

a. Subdivisions resulting in 2 lots, which have available all required improvements and comply with the design standards of subsections 7-7-E and 7-7-F, shall be exempt from the requirements relating to the submission of the Sketch Plan, and unless otherwise required by the Planning Commission, from the requirements of the preliminary plat.

b. The applicant shall submit a minor subdivision plat containing the information specified in Subsection 7-7-D-3. Staff will review the application and notify the applicant of completeness within 15 days of submittal. Additional review time will be required for applications requiring professional review. Complete applications will be reviewed by Planning Commission within 45 days of staff's determination of completeness. Minor subdivisions are subject to the requirements of Subsection F of these regulations.

c. The Planning Commission shall recommend approval, conditional approval, or denial of the plat within 35 days of the conclusion of a public hearing.

d. The City Council shall consider the minor subdivision and the Planning Commission recommendation within 30 days. The City Council shall within 30 days of said meeting, approve, conditionally approve, or deny the minor subdivision.

e. The plat shall be recorded with the County Clerk and Recorder, following approval by the City. An electronic copy of the recorded plat shall be supplied to the City. All recording and filing costs are to be paid by the property owner or representative.

D. Requirements and Data on Plats

1. Sketch Plan

Sketch Plan submittals shall contain the following information and data:

- a. Application. The Sketch Plan Application for all major subdivisions shall include the following information pertaining to the proposed subdivision. The information may be provided in a narrative format:

- i. Total number of proposed dwelling units.
- ii. Water supplier, if not the City, and estimated total number of gallons per day of water system requirements.
- iii. Estimated total number of gallons per day of sewage to be treated and means for sewage disposal. A discharge analysis shall be included for all identifiable non-residential uses (see Colorado Plumbing Code as amended from time to time for estimates).
- iv. Availability of electricity, natural gas and other utilities necessary or proposed to serve the subdivision.
- v. An optional statement, which discusses features of the proposed subdivision, which will promote the goals of the City's Master Plan.
- vi. The application shall also include a copy of the most recent deed identifying ownership. The property owners of the property under consideration must provide consent or approve of the application and submittal of the outline development plan.
- vii. A vicinity map, drawn at a legible scale showing the project location, with appropriate reference to significant roads or highways, and City Boundaries.
- viii. A detailed map showing property boundaries of the subdivision, north arrow and date. The map shall include the name of the subdivision. The scale of the sketch map shall not be less than one inch equals two hundred feet. The map shall show zoning and land use of all lands within one hundred feet of any property boundary owned by or under option by the applicant.
- ix. A conceptual drawing of the lot and street layout indicating the approximate dimensions, area and number of individual lots and access to the property. Proposed street names should be included.
- x. Existing significant natural and manmade features on the site, such as streams, lakes, natural drainage ways; locations of wooded areas; existing buildings; utility lines; septic systems; irrigation and other ditches; bridges and similar physical features; and on adjacent property sufficient to clarify the proposal.
- xi. Total acreage of the property under consideration.
- xii. Existing and proposed zoning district boundary lines.
- xiii. Proposed uses including residential types, commercial, industrial, parks, open space and community facilities.
- xiv. Type and layout of all proposed infrastructure including streets, utilities, water and sewer systems.
- xv. Existing and proposed storm water facilities pertaining to the property under consideration.
- xvi. Provision for sufficient off-street parking and adequate school bus stop, and mail box locations, where applicable.
- xvii. Existing site problems or peculiarities, such as poor drainage, flood plain, wetlands, natural and geologic hazards, water seepage and areas with slopes of 3 vertical to 1 horizontal or more.

xviii. Public uses and other areas proposed to be dedicated to the City or conveyed to an Owner's Association, and the proposed use of such areas.

xix. Existing utility, access, irrigation and other easements.

2. Preliminary Plat

The preliminary plat, plans, submittals and proposed improvements shall comply with the requirements of these Subdivision Regulations, other applicable City Regulations and City Standard Specifications for Infrastructure Construction.

All plans shall contain the following information and data:

- a. All plans shall be drawn with scale dimensions of not less than 1 inch = 100 feet.
- b. The scale used and direction of true north.
- c. A vicinity sketch map.
- d. The location and dimensions of all existing and proposed streets, alleys and easements, streetlights, street signs and other improvements.
- e. Lot numbers, block numbers and location of lot lines.
- f. All locations of areas dedicated for public use, such as schools, parks, and playgrounds.
- g. The location of sites for single-family dwellings.
- h. Location and acreage of sites for multi-family dwellings, shopping facilities, community facilities, industry or other uses, exclusive of single-family dwellings, but including areas planned for snow storage and refuse collection.
- i. Name of the proposed subdivision, names and addresses of owners, developers, designers and engineers, legal description, description of encumbrances, and names of holders thereof.
- j. The location of water courses, including lakes, swamps, ditches, floodways, flood prone areas; and the location of existing utility lines, pipes, poles, towers, culverts, drains and drainage ways.
- k. Five foot elevation contours at a minimum and the boundaries of the 100 year floodplain and 100 year floodway.
- l. An indication of the total area of streets and alleys, areas of lots and area of any property dedicated to public or other uses.
- m. Accompanying the preliminary plat or included upon it shall be plans, drawings or information for the following, prepared by a registered professional engineer, where applicable:
 - i. A final site grading plan.
 - ii. Plans for any proposed sanitary sewer system showing location, grade, pipe sizes and invert elevations.
 - iii. Plans for any water system and fire protection system showing locations, pipe sizes, valves, storage tanks and fire hydrants.
 - iv. Plans for any storm drainage system showing location, pipe sizes, drains, surface drainage ways and discharge points.

- v. Plans for proposed streets, alleys, sidewalks, curbs, gutters, bike paths and walkways showing the grade and cross section.
- vi. Any proposed covenants, condominium declarations, articles of incorporation and by-laws for any homeowners' association, and contracts for maintenance of improvements.
- vii. Written approval or an access permit from the Colorado Department of Transportation for any access to Highway 550 directly from any lot and for any new street serving the subdivision that intersects said highway.
- viii. Certificates on forms approved by the City to document approval of the preliminary plat and the form of the certificates proposed to be used to comply with the requirements imposed for the final plat as found in subsection 3 of this Section and draft plat notes.
- ix. A soils report prepared by a geologist or licensed engineer, which addresses building foundation design requirements, when and where conditions dictate the need for such analysis.
- x. Engineering Geology Report.
 - 1. An Engineer Geology Report (EGR) prepared by a registered professional engineer or a qualified geologist shall be required on properties:
 - a. Identified as hazard areas in State of Colorado Special Publication 30, except as modified by LOMRs issued by FEMA dated November 9, 1998 and December 9, 2005;
 - b. On property or adjacent areas that have been subject to significant events as a result of a geologic condition within the past 100 years; or
 - c. On properties proposed for development that have slopes of 3 vertical to 1 horizontal or greater.
 - 2. An EGR shall include an adequate description of the hazards or geologic conditions of the site, conclusions and recommendations regarding the effect of hazards and/or geologic conditions on the proposed site development or activity, an opinion of the adequacy for the intended use of sites to be developed, as affected by hazards and/or geologic conditions. The EGR must also provide detailed construction and maintenance plans for each mitigation measure. It shall be the responsibility of the Applicant to identify and mitigate natural hazards according to guidelines set forth by the State of Colorado in Special Publications 6 and 30, Guidelines and Criteria for Identification and Land-Use Controls of Geologic Hazard and Mineral Resources Areas. The Applicant may also refer to the Colorado Geologic Survey's Engineering Geology Report Guidelines in order to provide an adequate EGR as required by this Code. However, nothing in the Engineering Geology Report Guidelines shall have control over this Code or the determination by the City of the adequacy of the submitted EGR.
 - 3. The City reserves the right to refer the EGR to a professional engineer or qualified geologist or to the Colorado Geological Survey or similar agency for review.

4. If the Applicant does not submit an EGR, the Applicant must provide an explanation written and certified by a professional engineer or qualified geologist stating the reasons for the failure to submit the Report. The City reserves the right to submit the application to an engineer to determine whether an EGR is required. Failure to submit an EGR where the City determines one is required shall be grounds for denial of a permit application.

xi. The name, address and telephone number of all surface owners, mineral owners and lessees of mineral rights as their names appear upon the plats or records in the Ouray County Clerk's Office. Addresses shall be used as listed most recently in a directory in general use or as on the tax records of Ouray County. Proof of mailing to the above of a notice of the hearing shall be required.

xii. Evidence that provision has been made for gas, electric and phone service pursuant to C.R.S. §[31-23-214](#)(3).

3. Final Plats

The final plat shall be an engineered drawing prepared to normal engineering tolerances of accuracy. The plat shall be drawn in permanent ink on a mylar, with dimensions of 24" by 36", and shall be at a scale of 1 inch = 100 feet. The final plat may constitute the entire approved preliminary plat or any logical portion of the approved preliminary plat proposed for final plat review and subject to development and recording. The final plat shall conform with the approved preliminary plat and shall include all changes and additions as required by the City Council and shall show the following:

- a. Primary control points, or descriptions and "ties" to control points for all dimensions, angles, bearings and similar data on the plat.
- b. Tract boundary lines, rights-of-way lines of streets, easements and other rights-of-way, property lines of residential lots and other sites, with accurate dimensions, bearings or deflection angles, and radii, arcs and central angles of all curves. All dimensions, both linear and angular, shall be determined by an accurate control survey in the field, which must balance and close within a limit of one in ten thousand. No final plat showing plus or minus dimensions will be approved.
- c. Total acreage and surveyed legal description of the subdivision including total acreage of public streets, alleys and other property dedicated for public use.
- d. Location, dimensions and purpose of any easements.
- e. Numbers and/or letters to identify each parcel, tract, block, or lot.
- f. Purpose for which sites, other than residential lots, are dedicated or reserved.
- g. Location and description of all survey monuments, both found and set.
- h. Reference to recorded subdivision plats of adjoining platted land by record name, date and number.
- i. Signature and seal of the Colorado registered land surveyor, certifying to the accuracy of the survey and plat, including a statement explaining how bearings, if used, were determined.
- j. Signature block for certification of approval by the Planning Commission and City Council, with signatures by the Chairman of the Planning Commission and the Mayor for City Council.

Land Use & Development | 7-7 Subdivision Development Regulations

- k. A certificate of ownership and statement by the owner and applicant dedicating streets, rights-of-way, easements and public sites, properly executed and notarized.
- l. Title under which the subdivision is to be recorded, scale, north arrow and date.
- m. Boundaries of the 100 year floodplain and floodway.
- n. Plat notes and restrictions as appropriate to implement compliance with this Section and all conditions of approval, which may include criteria necessary to implement the City's Master Plan requirements for all outdoor lighting to be shielded so that the light source is not directly visible from off the premises.
- o. A vicinity sketch map.
- p. A certificate from an attorney that title to the property is in the name of those parties executing the dedication, and that property dedicated to the City will be free and clear of all liens and encumbrances affecting marketability.
- q. The City Attorney's certificate for recording and a certificate of recording to be executed by the County Clerk and Recorder.
- r. Such other certificates, affidavits or endorsements as may be required by the Planning Commission or City Council in the enforcement of these regulations.
- s. Accompanying the final plat shall be the following:
 - i. Complete engineering plans and specifications for all improvements to be installed, including water and sewer utilities, streets and related improvements, bridges, storm drainage and other required improvements.
 - ii. Clearance record showing approval by utility companies.
 - iii. Protective covenants in a form for recording.

E. Design Standards

1. Minimum Standards

- a. All improvements shall be constructed in accordance with the minimum standards set forth below and other applicable City Specifications and Design Standards for Infrastructure Construction and other applicable City ordinances or regulations. All public and private improvements shall be in substantial conformity with the preliminary plat as approved, the City Master Plan and amendments thereto, and in accordance with standard engineering and construction practices.
- b. The City may allow a deviation from these design standards under the following circumstances:
 - i. The deviation is not intended to merely reduce the cost to the applicant, and will not adversely affect the quality of the subdivision or the public health, safety and welfare, and will not undermine the purposes of these regulations, or be substantially inconsistent with the City's Comprehensive Plan, and
 - ii. The alternative design is necessary to reasonably accommodate development of unusually shaped parcels or parcels with waterways or other limiting topographical features, or

- iii. The alternative design will more effectively implement the purposes of these regulations and the public health, safety and welfare, or
- iv. The alternative design is superior in functionality, durability or utility to the City, or
- v. The alternative design will conform to existing adequate public improvements within the subdivision previously approved by the City.

2. General Design Considerations

- a. A proposed subdivision shall comply with the Master Plan.
- b. A subdivision shall be designed such that no undue burden is placed on the City street system, the storm drainage system, other municipal facilities and utilities and services on or adjacent to the property. Site drainage must be addressed and shall not interfere with natural drainage. Mitigation of natural hazards will be required when identified.
- c. A proposed subdivision shall be designed in such a manner as to be coordinated with adjoining subdivisions with respect to alignment of streets and utility and drainage easements, rights-of-way and reservation of open spaces.
- d. Subdivision design and layout shall give consideration to the preservation of wooded areas, streams, and other desirable natural landscape features.

3. Streets and Circulation:

- a. Arrangement of Streets
 - i. Streets shall be arranged and designed to coordinate with and conform to existing or planned streets, topographic conditions, public convenience and safety, and to accommodate the proposed use of land to be served.
 - ii. Street arrangement shall provide for the continuation or projection of streets on adjacent land, if appropriate. This requirement shall not be applicable where such extension would be prevented by topography or other physical conditions or where such connection of streets with existing or probable future streets is deemed by the Planning Commission to be unnecessary for the advantageous development of adjacent property.
- b. Closed-End Streets: Closed-end streets shall be provided with circular turn-arounds or T-shaped or Y-shaped termini, with minimum dimensions as follows:
 - i. Circular turn-arounds shall have a minimum outside right-of-way diameter of eighty (80) feet. A smaller diameter may be allowed if approved by the Planning Commission, and shall at a minimum be sufficient for turn-around of any vehicle which may reasonably make use of such street, and all fire department vehicles.
 - ii. A T-shaped or Y-shaped terminus may be provided in mountainside subdivisions as an alternative to the circular turn-around. Where provided, the wings of such T or Y shall be at least 20 feet deep measured from the street boundary and at least 12 feet wide, exclusive of parking spaces.
- c. Intersections. Streets shall intersect as nearly as possible at right angles. No street shall intersect any other street at an include angle of less than 45 degrees.
- d. Minimum public street right-of-way widths shall be as follows:

Actual Street Width		
Street Type	Including Parking	Right-of-way
Major Street	70 feet	100 feet
Minor Street	30 feet	54 feet
Alley	N/A	20 feet

- e. Vertical Alignment
 - i. No vertical grade shall be less than 0.5 percent in order to facilitate adequate drainage.
 - ii. The maximum percent of street grade shall be ten (10) percent, except as provided in (iii) below.
 - iii. The street grade requirement set forth in (ii) above, may be waived by the City upon submission of engineering studies indicating that street construction for the development cannot meet the required grade. The City Council shall not accept such streets for maintenance and a statement to this effect shall appear on the final plat.
- f. Visibility Requirements. No substantial impediment to visibility between the heights of three (3) and (8) feet shall be created or maintained at street intersections.
- g. Street Names. All street names that do not duplicate the name of any other street name in the City or County of Ouray, shall be approved by the City Council. New streets which are extensions of, or which are in alignment with existing streets shall bear the names of these existing streets.
- h. Private Streets. Private streets, unless approved by PUD, shall not be allowed. Private access easements serving only one (1) lot may be allowed, provided that no such easement shall be less than 20 feet in width.
 - i. The City may require any street, sidewalk and related infrastructure, on a steep slope, or where there is any evidence to suspect problems due to instability, or other adverse soil conditions, to be owned and maintained by the lot owners or an owners' association, or may require an extended warranty of maintenance and repair from the applicant. A slope easement shall be dedicated to the City to accommodate the area of any cut or fill off of the right-of-way and an additional ten (10) feet beyond the cut or fill. Such easement shall allow the City to maintain the slope, cut and fill, and street improvements. Additionally, such easements may be accompanied by a plat note holding the City harmless on account of any sloughing or disturbance due to maintenance of the cut or fill.
4. Utility Easements. Utility easements shall be a minimum of 20 feet centered on lot lines and 10 feet on either side of a street, where appropriate.
5. Blocks. The lengths, widths and shapes of blocks shall be determined as follows:
 - a. Provision for adequate building sites suitable to the special needs of the type of use contemplated.
 - b. Need for convenient access, control and safety for vehicular and pedestrian traffic circulation.
 - c. Limitations of topography.
6. Lots

Land Use & Development | 7-7 Subdivision Development Regulations

- a. In general, lot area, width, depth, shape and orientation shall be appropriate for the location of the subdivision and use contemplated, and shall be compatible with the terrain and topography. All lots shall conform to all City Zoning Regulations.
- b. Depth and width of lots for multiple-family, public accommodations and commercial purposes shall be adequate to provide for off-street parking and service areas required by the type of use and development contemplated. All parking shall comply with all City Zoning Regulations.
- c. Each lot shall have satisfactory access to a public or approved private street. Satisfactory access must include adequate clearance and slope for emergency vehicle access. If the proposed lot does not abut a public street, the applicant shall provide a 20 foot access easement or right-of-way from the lot to a public street.
- d. Insofar as possible, all lot lines shall be at right angles to straight streets and radial to curved streets.
- e. All lots and parcels created will have access to the State highway system in accordance with the State Highway Access Code.

7. Water, Fire Protection and Sewer Systems

- a. Water, fire protection and sewer systems shall be designed by a registered engineer and constructed in accordance with standard engineering practices to City Standard Specifications for Infrastructure Construction. All improvements shall be of sufficient size and design to adequately supply water, sewer and fire protection to each building to be constructed in the development.
- b. Fire hydrants shall be installed at street intersections, or as necessary, to insure that no building is located a distance in excess of 300 feet from the nearest fire hydrant.

8. Curb, Gutter and Sidewalks

Curb, gutter and sidewalks shall be designed and constructed in accordance with City Standard Specifications for Infrastructure Construction.

9. Drainage

- a. Drainage systems shall be provided in accordance with the approved final plat and conform to the City Standard Specifications for Infrastructure Construction. The flow of water shall be directed to natural drainage ways as they exist and utilizing a minimum 20 foot easement. Where water courses or ditches traverse the subdivision, lots and improvements shall be designed and provided to protect against flooding in accordance with the City's Floodplain Regulations.
- b. The storm drainage system shall be of sufficient size and design to transport all developed drainage from within the subdivision or development while also conveying historic site storm water or runoff passing through the subdivision or development from adjacent areas.
- c. No drainage system shall be designed that increases drainage or discharge to property outside the subdivision unless approved by the City Council. This may also require approval from any affected property owners.

10. Hazard Mitigation

Land Use & Development | 7-7 Subdivision Development Regulations

- a. Where hazards and/or geologic conditions are identified in the EGR that could adversely affect the development, the Applicant must take the steps necessary to mitigate the hazards and/or geological conditions.
- b. Mitigation shall be in accordance with recommendations made by a registered engineer or qualified geologist and detailed in the EGR if the EGR meets the requirements of the City. The City reserves the right to refer the EGR to a professional engineer or qualified geologist or to the Colorado Geological Survey or similar agency for review. The City further reserves the right to impose conditions for required mitigation based upon the recommendations of the agency or individual to which the EGR or proposed subdivision is referred.
- c. The property owner will indemnify, defend and save harmless the City, its agents, officers and employees from and against any and all liability, expenses including defense costs and legal fees, and claims for damages of any nature whatsoever, including bodily injury, death, or property damage arising from or connected with any activity related to these hazards, geologic conditions and mitigation measures. A release signed by the property owner on forms approved by the City shall be recorded with the Ouray County Clerk and Recorder. The release shall be included in a plat note.

11. Snow Storage

- a. All snow storage necessary for the subdivision shall be provided within the subdivision.
- b. For planning purposes, one (1) square foot of snow storage space is necessary for each three (3) square feet of public or private land to be cleared, except public streets.
- c. Such snow storage areas should be graded so drainage for these areas is away from adjacent building sites or other structures and improvements.
- d. Developments are not permitted to address snow storage requirements with snow removal or snow hauling plans.
- e. Snow storage should not interfere with intersection views, traffic or signage.
- f. Snow storage shall not be located on wetlands, unless otherwise agreed by the City.

12. Plat Notes

- a. Plat notes and covenants may be required by the City as appropriate to implement the provisions of these regulations, and to hold the City harmless from risks associated with natural hazards and conditions, or other risks. Plat notes shall denote any and all conditions or allowances approved by the City Council.
- b. Plat notes on prior City plats are superseded unless reiterated or incorporated by reference on the plat.
- c. Plat notes may also be required in the following circumstances:
 - i. To set out maintenance requirements of the lot owners, enforceable by the City, for various improvements such as drainage, detention and retention facilities, commonly owned areas, private streets and other private improvements.
 - ii. To require engineered foundations in areas of steep slopes or other soil conditions together with provisions giving notice of, and holding the City harmless from, potential problems due to slopes, cut and fill areas, adverse soil conditions or natural hazards.

13. Monuments

In addition to the requirements of C.R.S. §[38-51-105](#), all lots shall be monumented, and monuments shall be placed at all street intersections, at all points where street lines intersect the exterior boundaries of the subdivision, at angle points and points of curve in each street, and at points of change of direction in the exterior boundaries of the subdivision.

14. Parks, Trails, Open Space, Recreation Facilities, Common Areas

- a. The provision for parks, trails, open space, common areas, and recreation facilities shall conform to the minimum design standards as set forth herein, and the City specifications for parks.
- b. All non-public common areas or elements and open spaces will be owned, located, constructed, installed and maintained in perpetuity, with appropriate City approved plat restrictions on use and covenants for ownership and maintenance. All non-public common areas shall be located, constructed and installed in compliance with plans as reviewed and approved pursuant to these regulations.
- c. Public parks, sidewalks, bike paths, recreation trails, pedestrian walkways and parkways shall be provided consistent with the Master Plan, integrated with existing and planned sidewalks, bike paths, parks, recreation trails, pedestrian walkways and parkways whenever feasible and shall be designed and constructed in accordance with City design and construction standards.
- d. Unless otherwise authorized, areas which will be available for use by the public in addition to the residents of any subdivision shall be conveyed by easement or dedication to the City. Sidewalk and recreation trails shall conform to the Americans with Disabilities Act where applicable.
- e. Unless otherwise authorized, parks developed in accordance with City standards and specifications at least two acres in size, shall be available for use by the public and shall be dedicated to the City. Parks of less than two acres shall be owned and maintained under common ownership, and must be a minimum of one acre in size.
- f. Natural watercourses shall be developed and preserved consistent with City Floodplain Management Regulations, Storm Drainage Requirements and Federal Clean Water Act Section 404 Permit requirements, to minimize safety, environmental, and other hazards, and shall be integrated with the City's Master Plan for such watercourses whenever feasible. Parks, open spaces, and trails shall be sited in floodplains instead of developable areas, when possible.
- g. Developed and dedicated parks shall be provided at the applicant's expense for all subdivisions, except lot splits and replats as defined in these regulations, or those with plat restrictions prohibiting the public. In accordance with the National Parks Standard adopted by the City, applicant shall dedicate developed park land based upon a formula of ten (10) acres of developed and usable park land per 1,000 residents, calculated at build-out of the proposed subdivision. For purpose of this calculation, it shall be assumed that each residential unit shall house two and one-half (2.5) residents.
- h. Developed park land shall require submittal and approval of a park plan during the preliminary plat process. The plan shall address grading and topsoil preparation, access, irrigation system, park access, equipment, and landscape plantings. This plan must be approved by the City and conditional with the preliminary plat approval.

Land Use & Development | 7-7 Subdivision Development Regulations

i. Subdivisions where the dedication of park land or open space is not practicable, such as subdivisions involving small land area or few lots, or other unusual circumstances, or when the required acreage computed by the formula of paragraph (g) above is less than one acre, the City may require or accept a cash payment in lieu of construction of developed parks based upon the City's average park development costs and land acquisition costs as stated below. Payment in lieu of shall be calculated as follows:

i. Number of additional lots or units created x 0.025 (acres park land per lot or unit) x \$48,120.00 (value per developed park land acre based upon \$15,000 per acre land value plus \$33,120 park land development cost) = \$1203.00 per lot or unit.

ii. Such payments shall be collected prior to recording the final plat and used by the City for park acquisition and development purposes. Such payment may be subject to a City discount established by City Council from time to time (initially \$414 per lot or unit) to recognize a City-wide contribution toward regional parks.

iii. The City may also require development of only a portion of the park requirement as appropriate to meet the need for a neighborhood park and require a payment in lieu for the remainder of the obligation to be utilized by the City for community parks. In determining which of the combination of the above policies to implement the City will consider the following: The size of the development and its adequacy for accommodating a suitable public use site; existing parks and other public uses in the area; the topography, geology and location of land in the subdivision available for dedication; the needs of the people in the subdivision; and any other appropriate factors.

j. When authorized by the City, requirements for developed parkland may be partially or wholly met, all or in part, by alternative provision of public access open space areas such as riparian habitat, floodplains, wetlands habitat, view corridors or trails. The appraised land value of such an alternative dedication shall be equal to the total value of the developed park land which it replaces based on values as calculated pursuant to paragraph above.

F. Required Improvements

1. General Requirement

a. Street and utility improvements shall be provided in each new subdivision in accordance with the standards and requirements of City Standard Specifications for Infrastructure Construction, and at the expense of the applicant.

2. Subdivision Improvements Agreement

a. A Subdivision Improvements Agreement on forms approved by the City shall be recorded with any final plat for all subdivision improvements. The applicant may wish to have the final plat approved prior to the installation, inspection and approval of all required improvements, however financial instruments must be provided to guarantee the completion of all improvements within four (4) years after approval of the final plat and incorporated into the Subdivision Improvements Agreement. Financial instruments shall be in the form of the following:

i. A subdivision improvements and lien agreement placing an adequate lien on subdivided lots, with an escrow account with the City into which the applicant shall pay, prior to the sale of any lot in the subdivision, an amount to be verified by the City (with cost estimates provided by the applicant), equal to one hundred fifty percent (150%) of the pro rata cost to complete the improvements necessary to serve that lot; or

- ii. A cash escrow deposited with the City or a clean irrevocable letter of credit in an amount to be verified by the City (with cost estimates provided by the applicant) equal to one hundred and fifty percent (150%) of the pro rata cost to complete the subdivision improvements necessary to serve the subdivision.
- iii. Security shall not be required for payment in lieu of parks provided in Subsection 7-7-E-14-i, as such money payment shall be collected prior to recording the final plat.

- b. Funds in any escrow account shall be returned to the applicant upon the completion of the improvement secured, submission of record drawings, and acceptance by the City.
- c. The applicant shall complete all improvements by any stated completion date or within four (4) years of the approval of the final plat by the City. In the event that all required improvements are not completed, inspected and approved within four (4) years of the date of the approval of the final plat by the City, the City may withhold further building or occupancy permits, or water taps or sewer taps in such subdivision until such improvements are completed. It shall then be unlawful to sell any further lots in the subdivision until all improvements are completed. The City may take any other lawful action to enforce completion of the improvements.
- d. The City Council may authorize extensions of time to complete all improvements beyond the four (4) year limitation as set forth herein.

3. Right-of-Way Improvements

Bridges, culverts, open drainage channels and satisfactory surfacing shall be provided on each right-of-way in each subdivision. Such improvements shall be constructed to City Standard Specifications for Infrastructure Construction as approved by the City.

4. Utility Improvements

The following utility improvements shall be installed in each new subdivision in accordance with City Standard Specifications for Infrastructure Construction hereinafter specified:

a. Storm drainage system

Conduits, drains, ditches, storm sewers and other drainage improvements may be required where deemed necessary by the Planning Commission and City.

b. Potable Water System

The potable water system shall be connected to the water system of the City of Ouray. Construction details shall be in accordance with any specifications promulgated by the City of Ouray. All water system installation shall be subject to all City ordinances and agreements.

c. Fire Hydrants

Ouray standard fire hydrants shall be installed.

d. Sanitary Sewage System

The sanitary sewage system shall be connected to the sanitary sewage system of the City of Ouray and shall be of sufficient size and design to collect all sewage from all proposed or probable structures in the development.

e. Installation of Over-Sized Utilities and Improvements

- i. All water service required to serve a subdivision, including cross-connecting mains, shall be installed at the expense of the applicant. Unless otherwise specifically provided in these regulations, the applicant shall install mains to the farthest point of the subdivision.
- ii. When an applicant is required to extend existing water mains, the applicant shall pay the costs of original construction. The size of the mains shall be determined by the City Council on the recommendation of the Planning Commission and Public Works Director.
- iii. Nothing in this Subsection shall preclude the City Council from entering into an agreement with the applicant relating to the costs of extension of utilities.
- iv. All required extensions of the sanitary sewer system shall be financed by the applicant unless otherwise provided by the City.

5. Other Improvements

The following other improvements are required:

- a. Telephone and electric service lines, television cables and similar utility installations shall be placed underground. Electric transmission and distribution feeder lines and communications trunk and feeder lines and appurtenances necessary thereto may be placed above ground. Transformers, switching boxes, terminal boxes, meter cabinets, pedestal ducts and other facilities necessarily appurtenant to underground utilities may also be placed aboveground.
- b. Permanent reference monuments made of stone, metal or concrete.
- c. Street signs, stop signs, or similar traffic control devices.
- d. Street lights must be shielded so that the light source is not directly visible off the premises.
- e. Curb and gutter shall be provided along paved streets and where required by City specifications. Concrete sidewalk shall be provided along all abutting streets except when the Planning Commission and City Council determine that sidewalk is necessary on only one side of a local street because of the shortness of the street, unusual topographical factors or other circumstances which alleviate the need for such sidewalk. In those cases where the proper grade of the sidewalk cannot be determined, the Planning Commission and City Council may authorize the execution and recording of an agreement on forms provided by the City to join in an improvement district to install the sidewalk at such time as sidewalk construction becomes feasible instead of immediate construction.
- f. Parks, open space, bike paths, pedestrian and recreation trails.
- g. Improvements to mitigate identified natural hazards.
- h. Offsite improvements, when it is determined by the City Council after recommendation by the Planning Commission that such are necessary to serve the subdivision, mitigate the impacts of the subdivision and to provide for the public health and safety shall be provided at the expense of the applicant.
- i. CDOT required intersection and driveway improvements.

G. Developments Adjacent to or Contiguous With the City of Ouray

Land Use & Development | 7-7 Subdivision Development Regulations

1. All subdivisions within the County of Ouray but outside the incorporated limits of the City of Ouray, which are submitted by the Board of County Commissioners or the Ouray County Planning Commission to the City for approval, shall be referred to the Planning Commission.
2. Staff will review the application and notify the applicant of completeness within 15 days of submittal. Additional review time will be required for applications requiring professional review. Complete applications will be reviewed by Planning Commission within 45 days of staff's determination of completeness. The Planning Commission shall recommend approval, conditional approval, or denial of the lot split within 35 days of their hearing.
3. The City Council shall review the referred subdivision and the Planning Commission recommendation within 30 days. The City Council shall within 30 days of said meeting, approve, conditionally approve, or deny the plat.
4. An approval or denial recommendation must be forwarded to the County complete with a written record of City Council's findings and basis for their decision. In the event the City Council approves such request, a condition of such approval shall be that all development of such rezoned property be in strict compliance with Sections 7-7-E and 7-7-F.

(Source: Ordinance No. 1, 2016)

7-8 Planned Unit Developments (PUD)

A. Statement of Objectives of Development

The intent of this section is to promote the Planned Unit Development Act of 1972 and encourage innovative developments with unique and valued community attributes. PUD's allow for consideration of development proposals that differ from required development improvements identified in the OLUC. PUD's offer different options to the applicant when planning and obtaining City approval for their development. PUD's allow flexibility with respect to dimensional requirements and increased densities under certain conditions or circumstances. PUD's encourage conservation of a site's natural characteristics, innovative residential, commercial and industrial development plans which will result in a more efficient use of open space and provide affordable housing for year around residents.

B. Criteria for a Planned Unit Development (PUD)

1. A PUD shall be in general conformity with the City Community Plan and consistent with the objectives as stated in Subsection A above.
2. Compliance with the Colorado Planned Unit Development Act of 1972.
3. A PUD shall have a minimum of 1 unit or lot.

C. Permitted Uses

1. Recreational Facilities and "permitted" and "conditional uses" in the zone or zones in which the PUD is located shall be permitted when approved as part of the Planned Unit Development.
2. Residences may be clustered into duplexes or multi-family residences.

D. Dimensional Requirements and Densities

1. The dimensional requirements for various PUD items may differ from what is required in the OLUC if the Planning Commission determines that such deviations will promote the public health, safety and welfare.
2. Residential PUD's may have additional residential units for each acre in the PUD, above what would be allowed otherwise in the zoning district or districts involved.
3. A minimum of 20% of the gross area of the PUD must be preserved as parks or open space.

E. Procedures

1. Planned Unit Developments (PUD) shall be reviewed in accordance with the same procedures for review of subdivisions as found in Subsection 7-7-C.
2. The preliminary and final PUD plan shall comply with all requirements for a preliminary and final subdivision plat, to the extent applicable.
3. A public notice of the hearing on the preliminary planned development plan and any substantial amendments thereto, shall be given by publishing a notice and posting a notice on the property at least 15 days prior to the hearing.

F. Required Improvements and Standards

1. PUD plans shall comply with design standards in Subsection 7-7-E and provide construction improvements as required for subdivisions in Subsection 7-7-F, unless granted otherwise by the Planning Commission.

Land Use & Development | 7-8 Planned Unit Development (PUD)

2. PUD development improvement agreements and required securities must comply with Subsection 7-7-F-2.

G. Additional Requirements:

1. Other information necessary to show compliance with the requirements of this subsection shall also be submitted with the Planned Unit Development plan. Where appropriate, parameters, limits or specifications may be approved in lieu of exact locations, numbers and sizes.
2. The PUD plan may be also enforced in accordance with and in the same manner as the provisions of the Planned Unit Development Act of 1972, as amended. C.R.S. [24-67-101](#), et. seq.
3. Approval of a PUD by the City is purely discretionary. If the City and applicant do not agree on all required conditions and the plan, the City may deny approval, or the City may unilaterally impose conditions. If the applicant does not accept all conditions, that development must adhere to standard subdivision and zoning requirements.

7-9 Vested Rights

A. Purpose

The purpose of this Section is to provide procedures and regulations necessary to implement a program of legislated vested rights called for by the provisions of Article 68 of Title 24, CRS.

B. Definitions and General Provisions

1. As used in this Section, "Site Specific Development Plan" means a plan approved by the City pursuant to this Section which has been submitted to the City by a landowner or his representative describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. Such plan shall consist of one or more of the following:
 - a. An approved Final Planned Unit Development Plan;
 - b. An approved Subdivision Final Plat;
 - c. An approved Conditional Use;
 - d. An approved change in a non-conforming use; or
 - e. Annexation Agreements or Development Agreements executed by the City which specifically provide that they should be part of a Site Specific Development Plan.
2. Sketch Plans, Preliminary Subdivision Plats, or Preliminary PUD Plans are not considered as Site Specific Development Plans. Additionally, approved Zoning Variance, final architectural plans, public utility filings, final construction drawings and/or related documents and methods for construction for improvements, are not in their capacity alone, considered a Site Specific Development Plan.
3. A Site Specific Development Plan shall specify all plats, reports, variances, final construction documents, and all associated items and conditions applicable to the development that were reviewed and approved utilizing all applicable sections of OLUC.
4. A Site Specific Development Plan may only be considered once a project has obtained final approval in accordance with the OLUC.

C. Procedures

1. Applicants who have obtained a final approval of a project utilizing the OLUC may apply for a Site Specific Development Plan and must submit an application on forms provided by the City. The application must also include all applicable documentation and specify clearly the elements that are to be included in the Site Specific Development Plan.
2. The City will schedule a public hearing within 30 days of receipt of a complete application and associated submittal information, and will also publish notice once not less than twelve (12) days prior to the hearing. The City Council will consider the application and associated information and may approve a Site Specific Development Plan if they deem the project fulfills all criteria within the OLUC.
3. Upon approval of Site Specific Development Plan, the City shall cause a Notice describing generally the project and associated supporting documentation that was considered and approved utilizing the OLUC. Such notice shall be published within fourteen days of approval.
4. The Site Specific Development Plan shall be deemed approved upon the effective date of the City Council's action.

Land Use & Development | 7-9 Vested Rights

5. An approved Site Specific Development plan may be amended and must follow the same procedures detailed above. The City Council will consider the amendment request and grant approval only if the request is consistent with findings and approvals obtained utilizing the OLUC.

D. Limitations

1. Approval of a Site Specific Development Plan pursuant to this Section shall create a vested property right which shall be subject to the provisions and limitations of CRS [24-68-103](#)(1)(b) and (c), 104 and 105, except to the extent inconsistent with any provision of this Section.
2. Failure to apply for a Site Specific Development Plan for a project approved utilizing the OLUC shall constitute a waiver and no vested right shall be associated with such project.
3. Approval of a Site Specific Development Plan may be revoked by the City Council following notice and hearing on account of breach of any condition of approval, or of any ordinance or regulations of the City applicable to the various approvals or the various elements of the plan.

7-10 Condominiumization

A. Procedure

Where a proposed development is to include a condominium form of ownership or if an existing development is to be converted to a condominium form of ownership, in whole or in part, an application shall be submitted for review and approval as a subdivision pursuant to Section [7-7](#) and pursuant to the additional terms and provisions of this Section.

B. Condominium Documents

Prior to review by the Planning Commission of any plat, the owner of the property being dedicated shall fully execute and cause to be properly acknowledged a declaration prepared in compliance with the purpose, intent and requirements of the Colorado Common Interest Ownership Act. The declaration shall also contain the following:

1. A provision for the ultimate obligation by the condominium association to pay all water and sewer charges for all individual units within the project, and any common element charges in accordance with the rules and regulations of this Code.
2. A clear definition and description of the rights, duties and liabilities of all unit owners with respect to the general common elements and the limited common elements.
3. In the event the condominium project is expandable, appropriate provisions relating to the phasing of the project, along with the identification, by legal description, of the property onto which the project will be expanded, identification of the total maximum number of units which could be constructed within the entire expanded project, and identification of the interest each unit owner will have, by percentages, after any expansion.
4. A provision that, in the event any unit is owned by more than one (1) person or by a partnership, joint venture, corporation or other such entity, the owners thereof shall designate, in writing to the association, the name and address of the agent of the owner to whom all legal or official assessments, liens, levies or other such notices may be properly and lawfully mailed, and that, upon failure to so designate an agent, the association shall be deemed to be the agent for receipt of notices to such owners.

7-11 Timeshares

A. Purpose

The requirements of this section shall apply to all timeshare projects and sales within the City and are in addition to other applicable requirements set forth by the State.

B. Location and Review Procedure

Timesharing shall be reviewed as a Conditional Use pursuant to the procedure outlined in Section 7-5-F of this Code and pursuant to the subdivision regulations in Section [7-7](#) of this code or condominiumization per Section [7-10](#) as appropriate.

C. Conditional Use Permit Application Contents

An application for a timeshare development shall meet the requirements for Conditional Use applications in Section 7-5-F of this Code plus the following:

1. Timeshare Use Plan

A detailed description of the basic elements of the proposed timeshare development project. The use plan shall describe the number of estates being created in each unit, the total number of estates to be created, the expected price for each estate and whether a purchaser is buying a specific unit for a specific time, a specific unit for a floating time or whether there is no specific unit but just a specific time. It shall also describe whether the owners will be able to participate in an exchange program and if so, in which programs they will be able to participate.

2. Management Plan

A plan for how the timeshare development will be managed and maintained. This will include whether the applicant will manage the project or if it will be managed by a third party company or other entity.

3. Marketing Plan

A plan including information on proposed sales techniques including a description of gifts, promotions, or premiums to be offered. It will also describe whether a sales office will be established on-site or off-site.

4. Budget and Proof of Financial Reserve Fund

A detailed budget for the proposed Association, including an estimate of the costs and expenses for the management and maintenance of the project, and documentation establishing the adequacy of a reserve fund to assure that the project is satisfactorily maintained.

5. Upgrading Plan

For any existing structure that is proposed to be converted to a timeshare lodge development, the applicant shall submit a plan of how the project will be physically upgraded and modernized.

6. Tax Collection

A statement indicating the manner in which real estate transfer and sales taxes will be collected.

D. Standards and Review Criteria

In addition to those standards and review criteria generally pertaining to a Conditional Use review per Section 7-5-F and Site Specific Permits and Regulations, the following shall also be considered in evaluating a timeshare project:

Land Use & Development | 7-11 Timeshares

1. There shall be no use of public areas, streets or malls within the Town for the promotion, marketing, or sales of timeshare units.
2. Timeshare units shall be made available for short term rental when they are not being occupied by the owner, the owner's personal guests, or persons occupying the units under an exchange program.
3. Occupancy of any timeshare unit by anyone who pays a rental fee for the use of the unit (other than the owner thereof) shall be subject to the City's sales tax the same as if such occupancy were of a hotel, lodge, or short term rental. The manager of the lodge shall be responsible for the timely collection and remittance of applicable taxes for rentals made through the association or a reservation system. The manager shall notify the individual estate owners that they are responsible for the payment of sales tax to the City for units rented on a private basis.

E. Disclosure Statement

A sworn written disclosure statement containing sufficient detail and information to allow the City to verify the information shall be filed with the City at the time the application is submitted and updated as required in this Section. Prior to a purchaser's signature on any contract of sale, the purchaser shall be provided a copy of the disclosure statement and informed of its contents. The disclosure statement shall contain and accurately disclose the following:

1. The name and address of the owner/developer of the project.
2. A description of the physical dimensions of the timeshare units including a schedule for completion of all buildings, units, project amenities, site improvements and dates available for use.
3. If the project is located in a condominium or a similar form of ownership, a description of the project and any pertinent provisions of the project instruments.
4. Any restraints on the transfer of the purchaser's timeshare interest in the timeshare units or plan.
5. Notice of any liens, title defects or encumbrances on or affecting the title to the units or project and, if there are encumbrances or liens, a statement as to whether, when and how they will be removed.
6. A description of the maintenance responsibilities to be supplied to the timeshare units and how such maintenance will be provided.
7. A description of the on-site amenities and recreational facilities which are available for use by the unit owners.
8. A statement of the limitations on the number of persons who can occupy a unit at any time for each unit in the project.
9. An identification of the person or agent who shall serve as the owner's designated agent for the service of process (in a manner sufficient to satisfy the requirements of persons service in state, pursuant to Rule 4, C.R.C.P., as amended) or legal notice pertaining to the timeshare project.
10. The applicant and applicant's successors shall have continuing duty to update the disclosure statement and file it with the City. No amendment which shall significantly alter the disclosure statement or timeshare project instrument shall be effective unless approved and accepted by the City and filed with the County Clerk and Recorder.

F. Disclosure of Information

This section is intended to regulate the creation and sale of timeshare interests within the City, and no warranty or guarantee is made by the City with regard to the completeness or accuracy of any information or documentation

Land Use & Development | 7-11 Timeshares

submitted to the City or any approval granted by the City. No person may advertise or represent that the City or any of its officers or employees have recommended the sale or purchase of timeshare units.

G. Subdivision or Condominiumization Requirements

Subdivisions must comply with requirements of Section [7-7](#) of the OLUC in addition to requirements of this Chapter. Condominiumizations must comply with Section [7-10](#) of the OLUC.

H. Remedies

In addition to all remedies provided by law, the provisions of this section are enforceable as follows:

1. The City may institute an injunction, mandamus, abatement or other appropriate action or proceeding to prevent or enjoin a use, occupancy or conveyance relating to a timeshare project or to enjoin any applicant from selling, agreeing to sell, or offering to sell or otherwise convey a timeshare use, before full compliance with the provisions of this Section and all approvals required in this Section are obtained.
2. The City may withdraw any approval of a plan or plat or require certain corrective measures to be taken following the determination that information provided by the applicant, or by anyone on his behalf, was materially and substantially false or inaccurate. The City Council shall cause written notice to be served on the applicant or his assignees, setting out the alleged false or inaccurate information provided by the applicant or agents on his behalf and directing the applicant to appear at a time certain for a hearing before the City not less than 30 days after the date of service of the notice.

OURAY MUNICIPAL CODE

- CHAPTER 8 -

SIGN CODE

Sections:

- 8-1 General Provisions
- 8-2 Definitions
- 8-3 Sign Permits
- 8-4 Performance Criteria
- 8-5 Prohibited Signs
- 8-6 Nonconforming Signs

8-1 General Provisions

A. Purpose

Signs are necessary for advertising, providing directions, way-finding, and information, and should be effective for the intended conveyance. The intent and purpose of this Section is to:

1. Promote the public health, safety, and welfare.
2. Provide a reasonable opportunity on an equitable basis for advertisement and speech by signs.
3. Avoid the unnecessary, excessive, and expensive proliferation of signs.
4. Allow information to be promulgated to the public in a reasonable manner.
5. Protect the natural beauty and aesthetic attributes of the City.
6. Avoid safety or traffic hazards and nuisances.
7. Avoid unnecessary administrative burden for the City.

B. Enforcement

It shall be unlawful to erect or maintain any sign except in compliance with the requirements of this Chapter.

1. Signs not in compliance with the provisions of this Chapter are hereby declared to be a nuisance and may be abated by the City in any lawful manner.
2. Any sign permit may be revoked for violation of this Chapter.
3. Any sign on City property, including the rights-of-way, in violation of this Chapter may be confiscated by the City without notice.

8-2 Definitions

The following definitions apply throughout this Chapter, unless the context clearly requires otherwise:

Off Premise Sign means a sign providing advertising for a use or establishment which is not located on the site subject to the use or establishment.

Sign means and includes any object, device, banner or structure which is used to advertise, identify, display, direct, attract attention, or convey any message concerning any object, person, institution, organization, business, product, service, event, or location by any means including words, letters, figures, designs, symbols, fixtures, colors, motion, illumination, or projection, and anything else commonly known as a sign.

Sign Face Area shall include the area of the structure upon which the sign message is displayed. The face area of a sign painted or hung on a wall of a building, or on an awning, shall include all the area within a perimeter surrounding all words, symbols, designs and coloring, distinctive from the wall or awning upon which it is painted or hung. The sign face area of signs with regular geometric shapes shall be measured with standard mathematical formulas. Regular geometric shapes shall include, but not be limited to, squares, rectangles, triangles, parallelograms, circles, or combinations thereof. The area of signs with irregular shapes shall be the entire area within a single continuous perimeter of not more than eight (8) straight lines enclosing the extreme limits of the sign. If a sign has two (2) faces, both sides shall be included in the sign face area.

Total Sign Face Area shall be the sum of the area of all signs on a structure or at a business location. Signs allowed without a permit shall not be included in this calculation. All other signs, unless exempted by this Chapter, shall be included in a calculation of total sign face area.

Window Sign means a sign attached to or painted on the window of a building.

8-3 Sign Permits

A. Signs Allowed Without a Permit

The following signs may be erected, maintained and used without a sign permit as long as they fulfill all applicable requirements of this Chapter, State law, City ordinances and regulations, and are not prohibited by Section [8-5](#).

1. Official traffic control devices, signs and notices, erected, owned and maintained by the United States, the State of Colorado, the City of Ouray, or any of their political subdivisions for official governmental purposes.
2. One or more window signs which do not exceed two (2) square feet each and have an aggregate sign face area of eight (8) square feet per window or a maximum of 25% window area, whichever is smaller, for the premises upon which they are located.
3. Signs within buildings.
4. In Zones R-2, C-1 and C-2, signs with exposed neon tubing attached to the inside of a window that meet the standards of 8-3-A-2 and 8-4-A-13.
5. Works of art unless they are used to convey commercial speech.
6. Temporary decorations, displays and banners that are customarily displayed and associated with holidays or celebrations.
7. Public utility warning signs, construction warning signs, and signs warning of other hazards, with a maximum sign face of ten (10) square feet.
8. Vehicle signs incidental to the identification and use of the subject vehicle.
9. Private traffic control devices with a maximum sign face not larger than ten (10) square feet.
10. Temporary real estate For Sale or For Rent signs with maximum sign face of four (4) square feet. Such signs shall come down within 24 hours of the closing of the sale or lease.
11. Contractor signs naming contractors currently engaged in construction on a subject site and with an aggregate area of 12 square feet.
12. Signs not visible from public rights-of-way.
13. Civic signs: One identification sign and/or one bulletin board per street frontage with an aggregate sign face area of twenty (20) square feet, for public, charitable, or religious institutions where the same are located on the premises of said institutions.
14. A maximum of two (2) flags per 25 feet of lot frontage and 25 square feet each may be mounted on any single building or premises. No part of the flag may hang over a roadway or be lower than seven (7) feet above the public right-of-way.
15. Banners for events hosted by non-profit organizations, or advertising a special civic event, located off-premises and visible from the U.S. Highway 550 right-of-way may not exceed eight (8) square feet of total sign area and may be erected no more than ten (10) days prior to the opening of the event. Such banners shall be removed no more than two (2) days after the event is over.

Sign Code | 8-3 Sign Permits

16. Banners advertising Ouray School District events. Banners may only be in place during the duration of the event or season and must be placed at the location where the sporting or other event takes place or in a location designated by the City.
17. Signs with a message devoted solely to ideological or political speech.
18. Directional or way-finding signs owned by the City, which shall be erected on public property and shall conform to a distinctive standard design set by the City.
19. Tourist oriented directional signs owned and erected by the Colorado Department of Transportation pursuant to C.R.S. §[43-1-420](#)(3), which meet conditions set out in city resolutions as in effect from time to time.
20. Routine maintenance (the cleaning, painting and minor repair of a sign in a manner that does not alter the size, basic copy, design or structure of the sign).

B. Signs Requiring Permits

All signs not listed in Section 8-3-A and not prohibited by Section [8-5](#) require a permit. The City shall grant a permit only for signs in compliance with all Performance Criteria in Section [8-4](#). No sign requiring a permit shall be allowed in the R-1 Zoning District. Applications for a sign permit shall be submitted to the City on forms supplied by the City and accompanied by an application fee as set by City Council.

(Source: Ordinance No. 5, 2015)

8-4 Performance Criteria

All signs in the City of Ouray shall meet the requirements of this section. The City may order signs not in compliance with these criteria removed or may confiscate the signs.

A. Requirements

1. All signs shall be maintained in good, legible and safe condition and in accordance with applicable requirements or laws. Signs in disrepair due to lack of maintenance and upkeep or that are illegible will be considered a nuisance and abated in accordance with City regulations. A building permit is required for any structural work associated with a sign.
2. No part of any sign attached to or within six feet of a building shall be higher than the line of the roof or parapet of the building.
3. No part of any sign shall be higher than 20 feet above grade.
4. No sign may be erected or maintained which creates a public or private nuisance, or which unreasonably interferes with the reasonable enjoyment of the adjacent property by reason of unreasonable light, shade or other effects.
5. Any building or combination of businesses in a building are allowed a total sign face area not to exceed the lesser of one square foot per foot of street frontage of the premises or one hundred fifty (150) square feet. For purposes of this Section street frontage is defined as the length of the building that abuts the right of way. Exceeding the maximum allotted for total sign face area in this Section is permitted only in the following circumstances:
 - a. Businesses with less than 20 feet of street frontage shall be allowed 20 square feet of sign face area.
 - b. Buildings with a combination of businesses meeting the criteria of Section 8-4-5-a.
6. Buildings with frontages on two sides of a corner lot may display signage on both frontages subject to the following limitations:
 - a. Sign face area on any frontage may not exceed one square foot per foot of frontage on that side.
7. The maximum sign face area allowed for any individual sign is 75 square feet.
8. Directional signs approved by the City may not exceed two (2) square feet each of sign face area, except in the P-1 Zone District where one (1) sign identifying the area may not exceed six (6) square feet in sign face area.
9. No sign shall have more than two sign faces.
10. Signs may be erected only upon property or be extended onto property which the sign owner has a legal right to erect or extend such sign.
11. Signs must be removed from a vacated premises within 7 days of the last day of operations.
12. The following rules and standards shall apply in establishing the type of illumination, which may be used for signs:
 - a. Indirect lighting of all types of signs is permitted.

- b. The light from any illuminated sign shall be shaded, shielded or directed so that the light intensity or brightness will not be disruptive to residential property or create a distraction to a motorist.
 - c. No sign shall have or contain blinking, flashing, fluttering or intermittent lights or other devices, which create a change in color, brightness, direction or intensity of lighting.
 - d. Colored lights shall not be used at any location or in any manner so as to be confused with or construed as traffic-control devices.
 - e. Only indirect illumination of signs is allowed in R-1 Zones.
 - f. The intensity of sign lighting shall not exceed that necessary to illuminate and make legible a sign from the adjacent travel way or closest Municipal Street.
13. Signs with exposed neon tubing attached to the inside of a window may only be illuminated during business hours. "Closed" signs may be illuminated after business hours.
14. Signs must identify the use or establishment upon which they are located.
15. Any business may install canvas or fabric awnings and have its business name lettered once on any awning, or combination of awnings, in letters, not more than one foot high, following review and approval by the City.
16. Window signs shall not occupy more than 50% of the area of subject window.
17. The City may approve real estate development identification signs, used during construction or as permanent identification, to be erected and maintained subject to the following:
- 1. No such sign shall exceed thirty two (32) square feet in sign face area.
 - 2. Only one (1) such sign shall be permitted per development project.
18. Banners attached to the exterior of a building shall only be displayed for a maximum of 120 days per calendar year. No single banner shall exceed 20 square feet in total size. No more than 1 banner shall be displayed on any business front at any one time. Once a permit has been obtained for a banner, the permittee is not required to obtain a new permit for consecutive calendar years, provided that the banner and display times remain as originally permitted. Banners in compliance with these provisions shall not count towards total sign face area.
19. Portable freestanding signs may not exceed 24 square feet of total signage area. The signage area includes both sides of a freestanding sign.
20. Sandwich board or directional sign may be placed within the public right of way for events sponsored by non-profit organizations and must meet the following criteria:
- a. Only three sandwich board or directional signs per organization or event at any one time.
 - b. Only one sandwich board or directional sign shall be permitted per platted block at any one time.
 - c. Each sign shall not exceed 24" X 36" in size, per side.
 - d. Must allow a minimum of 6 consecutive feet of unobstructed area for use by pedestrians.
21. Signs may be erected over or upon City-owned streets and alley rights-of-way subject to the following conditions and in addition to other applicable requirements:

Sign Code | 8-4 Performance Criteria

- a. The sign must be supported and attached to a building located in the R-2, C-1 or C-2 Zoning Districts.
- b. The sign may extend a maximum of five (5) feet from the building and no portion of a sign may be located within six (6) feet to the curblin.
- c. No part of the sign may be less than ten (10) feet above the ground over City right-of-way unless special approval is received from the City.
- d. Only one (1) sign per business may extend over the City right-of-way.
- e. No sign face that is parallel to the wall of the building to which it is attached, may extend more than twelve inches from the building.
- f. Banners hung over public property or right-of-way that promote an event or activity of public benefit may be allowed. These banners shall conform to Colorado Department of Transportation Regulations.

8-5 Prohibited Signs

The following are hereby prohibited if visible from off the premises upon which they are located:

- A. Animated, rotating, moving, or flashing signs, not including official traffic control devices.
- B. Banners, balloons, or wind-powered devices designed to attract attention, other than flags allowed pursuant to 8-3-14, or banners expressly permitted by this Chapter.
- C. Portable or wheeled signs and advertising devices located outside any building, except as allowed by Section 8-4-A-19.
- D. The operation of search lights to promote business activities.
- E. Billboards and off-premise signs, except as otherwise expressly permitted by this Chapter.
- F. Signs on the exterior of buildings with exposed neon tubing, except vacancy/no vacancy signs and open/closed signs.
- G. Signs which create traffic or safety hazards.
- H. Signs which unreasonably or unnecessarily illuminate or block the light, air or view of neighboring properties.

8-6 Nonconforming Signs

Signs which were lawfully erected and maintained in accordance with previously applicable City, County or State regulations which do not comply with all of the regulations of this Chapter are considered nonconforming signs.

- A. The right to maintain a nonconforming sign, including frames and supports, shall be terminated and the sign removed under the following conditions:
1. Failure to maintain the sign, abandonment or termination of the related business, or an interruption in continuance of the business for eight (8) months.
 2. The destruction of the sign, removal of the sign or damage to the sign, such that the cost of replacement or repair is greater than 50 percent of the replacement cost of the nonconforming sign.
 3. The creation of any additional violation or nonconformity with this Chapter.
- B. City may require any nonconforming sign on City property to be removed at any time in its discretion.