

SECTION 3 ZONING

3.1 PURPOSE AND INTENT:

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

3.2 ZONING DISTRICTS, MAPS AND BOUNDARIES:

- A. The zones established by the Code are identified on the basis of the physical character of the County combined with the pertinent information about existing land use and ownership patterns and the needs of a stable and growing economy.
- B. All Zones shall be designated on the “Official Zoning Map of Ouray County” which is on file in the records of the County Clerk and Recorder. A copy of the map is attached to this Code and, in the event of any conflict between the copy and the map on file in the County records, the latter shall be conclusively deemed to prevail.

3.3 USES BY RIGHT AND SPECIAL USES:

- A. In each zone there are uses permitted by right and special uses which may be allowed on a site specific basis though a permitting process. These uses have been determined in each zone according to the unique characteristics of the zone.
- B. Uses allowed by right are allowed automatically, although construction of new structures may require a Site Development Permit or High Alpine Site Development Permit and a building permit pursuant to Sections 13 and 24 of this Code.
- C. Permits for special uses may be requested according to the procedures in Section 5. The criteria for approval of a special use are more specifically explained in Section 5.2.

(3.6A)

- | | |
|----------------------|------------------------------|
| (5) South Mesa Zone | 1 Dwelling Unit per 6 Acres |
| (6) South Slope Zone | 1 Dwelling Unit per 6 Acres |
| (7) Valley Zone | 1 Dwelling Unit per 35 Acres |

* Subject to additional restrictions of Section 24 – High Alpine Development Regulations

3.7 CONSTRUCTION, MAXIMUM BUILDING AND STRUCTURE HEIGHT:

In all zones, the maximum height of a building or other structure shall not exceed thirty-five (35) feet, unless a height of less than thirty-five (35) feet is required within the High Alpine Development Regulations (See Section 24 of this Code), an approved PUD, or as otherwise provided in a special use permit. (See Definitions – Section 2 for more information)

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

3.8 ZONES:

A. Alpine Zone:

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

(1) Uses Allowed by Right:

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

NOTE: (Further requirements for non-mining development on patented mining claims and patented mill sites, at or above 9480' are located in Sections 13 and 24.

(3.8A)

(2) Uses Allowed by Special Use Permit

- (a) Bed and breakfast
- (b) Cemetery
- (c) Church
- (d) Commercial camping
- (e) Commercial equestrian activity
- (f) Commercial logging
- (g) Commercial outdoor recreation use – day use
- (h) Governmental facility
- (i) Guest ranch
- (j) Home business
- (k) Livery or horse rental operation
- (l) All mineral extraction and processing operations except those allowed by right
- (m) Oil and gas exploration and facilities pursuant to Section 21 of this Code
- (n) Public park or wildlife preserve
- (o) Public utility
- (p) Public service facility
- (q) Sand and gravel operation
- (r) School
- (s) Temporary use
- (t) Wildlife Rehabilitation Facility

NOTE: Further requirements for non-mining development on patented mining claims and patented mill sites at or above 9480' are located in Sections 13 and 24.

(3) Planned Unit Development:

- (a) Resort/Conference Center PUD
- (b) Regular PUD – as established by Section 6 of this Code

(3.8A)

(4) Minimum Lot Size:

- (a) All uses, except as otherwise provided for in this Code - thirty-five (35) acres
- (b) Special uses – as established by Section 5 of this Code
- (c) See Section 24 of this Code for further restrictions pertaining to development in the High Alpine Area.

(5) Required Setbacks:

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

B. Colona Zone:

The intent of the Colona Zone is to maintain an area of high-density residential and commercial uses.

(1) Uses Allowed by Right:

- (a) Single-family dwelling units
- (b) Accessory uses and structures
- (c) Accessory dwelling units
- (d) Home Occupation

(2) Uses Allowed by Special Use Permit:

- (a) Church
- (b) Commercial
- (c) Government facility
- (d) Home Business
- (e) Multi-family dwelling
- (f) Oil and gas exploration and facilities pursuant to Section 21 of this Code

(3.8B2)

- (g) Public service facility
- (h) Public utility
- (i) School

(3) Minimum Lot Size: The minimum buildable lot size for allowed uses shall be 6,000sq ft. Typical historically platted lot dimensions in the Colona Zone are twenty-five (25) feet by one-hundred twenty (120) feet with a lot size of 3,000sq. ft. Non-typical smaller dimensioned lots may be used if they are combined to meet the minimum buildable lot size.

(4) Floor-to-Lot Ratio: Maximum floor-to-lot ratio shall not exceed 1:1.

(5) Required Setbacks:

- (a) All structures shall have minimum setbacks of fifteen (15) feet from the front property line; five (5) feet from the side property lines; and five (5) feet from the rear property line.
- (b) Eaves may extend one (1) foot into the required setbacks.
- (c) When two or more lots under one ownership are combined to build a structure and meet the minimum lot size, the interior lot lines shall not be considered when applying zoning or building code setbacks.
- (d) Garage setback shall be 20 feet when accessed from the front of the property.

(6) Design Standards: All roofing and siding materials shall be non-reflective.

C. High Mesa Zone:

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

(1) Uses Allowed By Right:

- (a) Farming/ranching
- (b) Single family dwelling unit (maximum density of one unit per 35 acres) on parcels not previously approved by the County as part of a PUD
- (c) Non-commercial logging
- (d) Accessory uses and structures that are accessory to any other use by right and any permitted use

- (e) Home occupation
- (f) Non-commercial camping

(3.8C)

(2) Uses Allowed by Special Use Permit:

- (a) Bed and breakfast
- (b) Cemetery
- (c) Church
- (d) Commercial camping
- (e) Governmental facility
- (f) Guest ranch
- (g) Home Business
- (h) Mineral Operation
- (i) Oil and gas exploration and facilities pursuant to Section 21 of this Code
- (j) Public park or wildlife preserve
- (k) Public service facility
- (l) Public utility
- (m) Sand and gravel operation
- (n) School
- (o) Temporary use
- (p) Wildlife rehabilitation facility

(3) Minimum Lot Size:

- (a) Single family dwellings – thirty-five (35) acres
- (b) Special uses – as established by Section 5 of this Code
- (c) Regular PUD – as established by Section 6 of this Code

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

D. North Mesa Zone:

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

(3.8D)

(1) Uses Allowed by Right:

- (a) Single family dwelling units (maximum density of 1 unit per 35 acres)
- (b) Accessory uses and structures that are accessory to any other use by right and any permitted use
- (c) Home occupations
- (d) Farming/ranching
- (e) Non-commercial camping

(2) Uses Allowed by Special Use Permit:

- (a) Bed and breakfast
- (b) Cemetery
- (c) Church
- (d) Governmental facility
- (e) Guest ranch
- (f) Home business
- (g) Oil and gas exploration and facilities pursuant to Section 21 of this Code
- (h) Public park or wildlife preserve
- (i) Public service facility
- (j) Public utility
- (k) Sand and gravel operation
- (l) School
- (m) Temporary use
- (n) Wildlife rehabilitation facility

(3) Planned Unit Development:

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

(4) Minimum Lot Size:

- (a) Single family dwelling (outside of a PUD) thirty-five (35) acres

- (b) Planned unit developments – as established by Section 6 of this Code
- (c) Special uses – as established by Section 5 of this Code

(3.8D)

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

E. Public Lands Zone:

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

(1) Uses Allowed by Right:

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

(2) Uses Allowed by Special Use Permit:

- (a) Commercial camping
- (b) Commercial logging
- (c) Governmental facility.
- (d) Oil and gas exploration and facilities pursuant to Section 21 of this Code
- (e) Public park and wildlife preserve
- (f) Public service facility
- (g) Public utility
- (h) Wildlife rehabilitation facility

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

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

F. South Mesa Zone:

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

(1) Uses Allowed by Right:

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

(2) Uses Allowed by Special Use Permit:

- (a) Bed and breakfast
- (b) Church
- (c) Commercial uses (as allowed in approved planned unit developments)
- (d) Governmental facility
- (e) Home business
- (f) Oil and gas exploration and facilities pursuant to Section 21 of this Code
- (g) Public park
- (h) Public service facility
- (i) Public utility
- (j) Sand and gravel operation
- (k) School
- (l) Temporary use

(3) Planned Unit Development:

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

(3.8F)

(4) Minimum Lot Size:

- (a) Single-family Dwellings (outside a PUD) – thirty-five (35) acres
- (b) Planned unit developments – as established by Section 6 of this Code
- (c) Special uses – as established by Section 5 of this Code
- (d) See Section 24 of this Code for further restrictions pertaining to development in the High Alpine Area.

- (5) Required Setbacks:** All structures shall be located at least twenty-five (25) feet from any property line unless otherwise approved in a PUD or subdivision. For lots and parcels that have an area of two (2) acres or less, the minimum setback for structures shall be ten (10) feet from the side and back property lines and twenty-five (25) feet from the front property line.

G. South Slope Zone:

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

(1) Uses Allowed by Right:

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

(2) Uses Allowed by Special Use Permit:

- (a) Bed and breakfast
- (b) Governmental facility
- (c) Home business
- (d) Oil and gas exploration and facilities pursuant to Section 21 of this Code
- (e) Public park and wildlife preserve
- (f) Public service facility

- (g) Public utility
- (h) Temporary use

(3.8G)

(3) Planned Unit Development:

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

(4) Minimum Lot Size:

- (a) Single-family dwellings (outside a PUD) thirty-five (35) acres
- (b) Planned unit developments – as established by Section 6 of this Code
- (c) Special uses – as established by Section 5 of this Code

(5) Required Setbacks:

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

H. Valley Zone:

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

(1) Uses Allowed by Right:

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

(2) Uses Allowed by Special Use Permit:

- (a) Bed and breakfast
- (b) Cemetery
- (c) Church
- (d) Commercial equestrian activity

(3.8H2)

- (e) Commercial outdoor recreation – day use
- (f) Governmental facility
- (g) Guest ranch
- (h) Home business
- (i) Livery or horse rental operation
- (j) Oil and gas exploration and facilities pursuant to Section 21 of this Code
- (k) Public service facility
- (l) Public utility
- (m) Sand and gravel operation
- (n) School
- (o) Temporary use
- (p) Wildlife rehabilitation facility
- (q) Historical museum

(3) Minimum Lot Size:

- (a) Regular PUD – as established by Section 6 of this Code
- (b) All uses except as otherwise provided for in this Code – thirty-five (35 acres)
- (c) Special uses – as established by Section 5 of this Code

(4) Required Setbacks: All structures shall be located at least fifty (50) feet from any property lines unless otherwise approved in a PUD. For lots and parcels that have an area of two (2) acres or less, the minimum setbacks for structures shall be ten (10) feet from the side and back property lines and twenty-five (25) feet from the front property line. No structure may be closer than one hundred (100) feet from the centerline of U.S. Highway 550 or Colorado Highway 62.

3.9 OVERLAY DISTRICTS:

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

(3.9)

B. Definitions:

- (1) **Area of Influence (“AOI”).** An area of unincorporated land wherein development or use of land has an impact upon the adjoining municipality.
- (2) **Urban Development.** Development that conforms to the standards of moderate and high density residential, commercial/industrial or tourist land use categories, which is typical to urbanized areas. Urban development also includes the types of services that are generally required to support that development such as central potable water, storm water systems, central sanitary sewer systems, quick-response fire and police protection, urban level street design and maintenance, parks and recreation programs, open space and undeveloped parks, urban level retail and commercial development and other similar services that are typically provided by cities and towns.
- (3) **Urban Growth Management Area (“UGMA”).** An area of unincorporated land adjacent to a municipality in which urban development may be allowed when annexed by the municipality. The Urban Growth Management Area includes an area sufficient to provide for ten to twenty-five years of anticipated and desirable urban growth and development for the adjacent municipality.

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

- (1) The Ridgway UGMA
- (2) The Ridgway AOI
- (3) The Ouray UGMA
- (4) The Ouray AOI

D. Overlay Districts: All Overlay Districts shall be designated on the “Official Zoning Map of Ouray County” which is on file in the records of the County Clerk and Recorder. A copy of the map is attached to this Code and in the event of any conflict between the copy and the map on file in the County records, the latter shall be conclusively deemed to prevail.**E. District Uses and Requirements.**

- (1) Within the Ridgway AOI and the Ouray AOI, the following uses are allowed:
 - (a) All uses allowed by right shall be permitted within the underlying Zone(s), as stated under Section 3 of this Code.
 - (b) Uses allowed by special use permit and PUD’s within the underlying Zone, as stated under Section 3 of this Code, may be permitted, upon review and

approval of the BOCC. Said uses shall follow the process as contained herein.

(3.9E)

- (2) Within the Ridgway UGMA and the Ouray UGMA, the following uses are allowed:
- (a) All uses allowed by right shall be permitted within the underlying Zone(s), as stated under Section 3 of this Code.
 - (b) Uses allowed by special use permit within the underlying Zone, as stated under Section 3 of this Code, except Home Businesses, may be permitted, upon review and approval of the BOCC. Said uses shall follow the process as contained herein.

F. Development Review – Urban Growth Management Area.

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

- (1) The municipalities will consider all petitions for annexation of lands within the adjoining UGMA and will not decline to annex such property except for good cause. For the purposes of this Section, good cause includes, without limitation, the following:
- (a) Extension of one or more municipal services to the area would place an unreasonable economic burden on the existing users of such service or upon the future residents or owners of property in the area itself.
 - (b) The area is not contiguous to the municipality's existing boundaries.
 - (c) The development proposal fails to meet the criteria for inclusion and annexation in the initial growth boundary outlined within the municipality's master or comprehensive plan.
- (2) If the municipality declines an annexation proposal within the UGMA, the Applicant/Developer may then submit a completed application to the County Land Use Office. Depending upon the request, the application shall include all information and documentation as set forth and outlined under the various sections of this Code. In addition, the application shall also include a written denial of annexation from the respective municipality.

G. Development Review – Area of Influence.

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

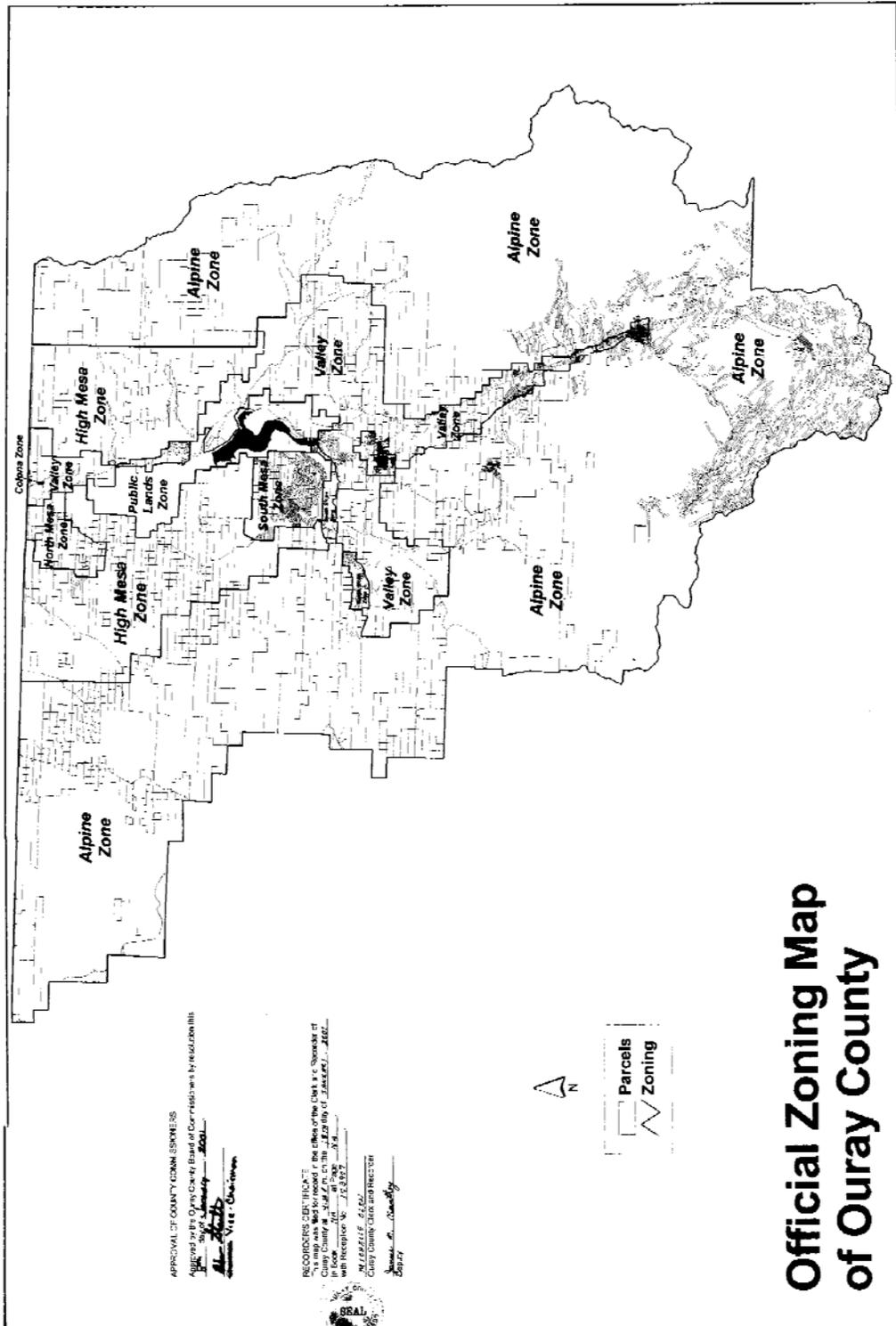
(3.9)

H. Joint Planning Boards.

Applications for planned unit developments, special use permits, exemptions from the definition of subdivision, variances and rezoning located within an UGMA or an AOI shall be reviewed by a Joint Planning Board, rather than the Ouray County Planning Commission, and the Joint Planning Board shall make a recommendation to the BOCC.

- (1) When a request is located within the Ridgway UGMA or the Ridgway AOI, the Ridgway Area Joint Planning Board shall review the application.
- (2) When a request is located within the Ouray UGMA or the Ouray AOI, the Ouray Area Joint Planning Board shall review the application.

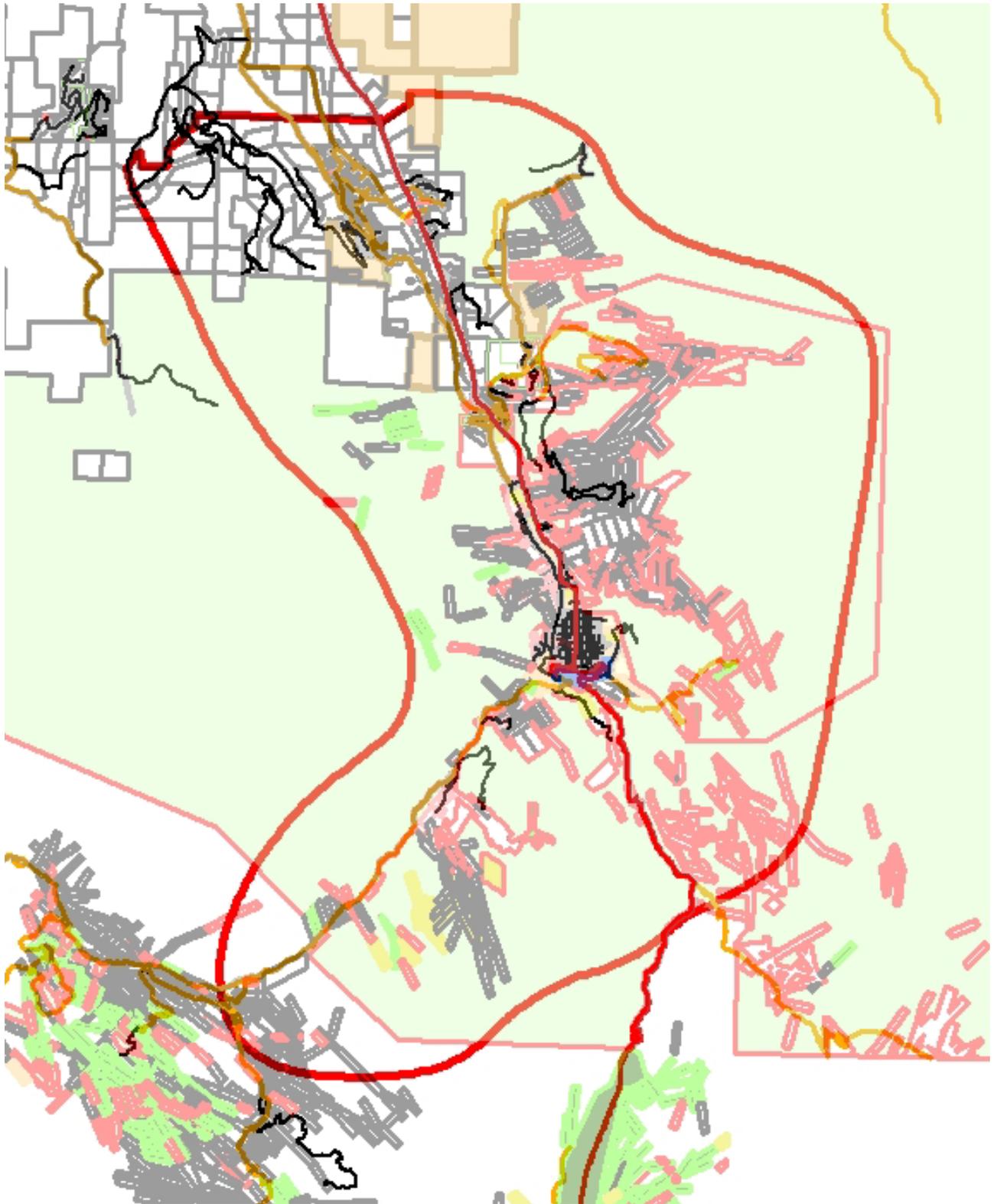
Official Zoning Map – Filed under reception #173907



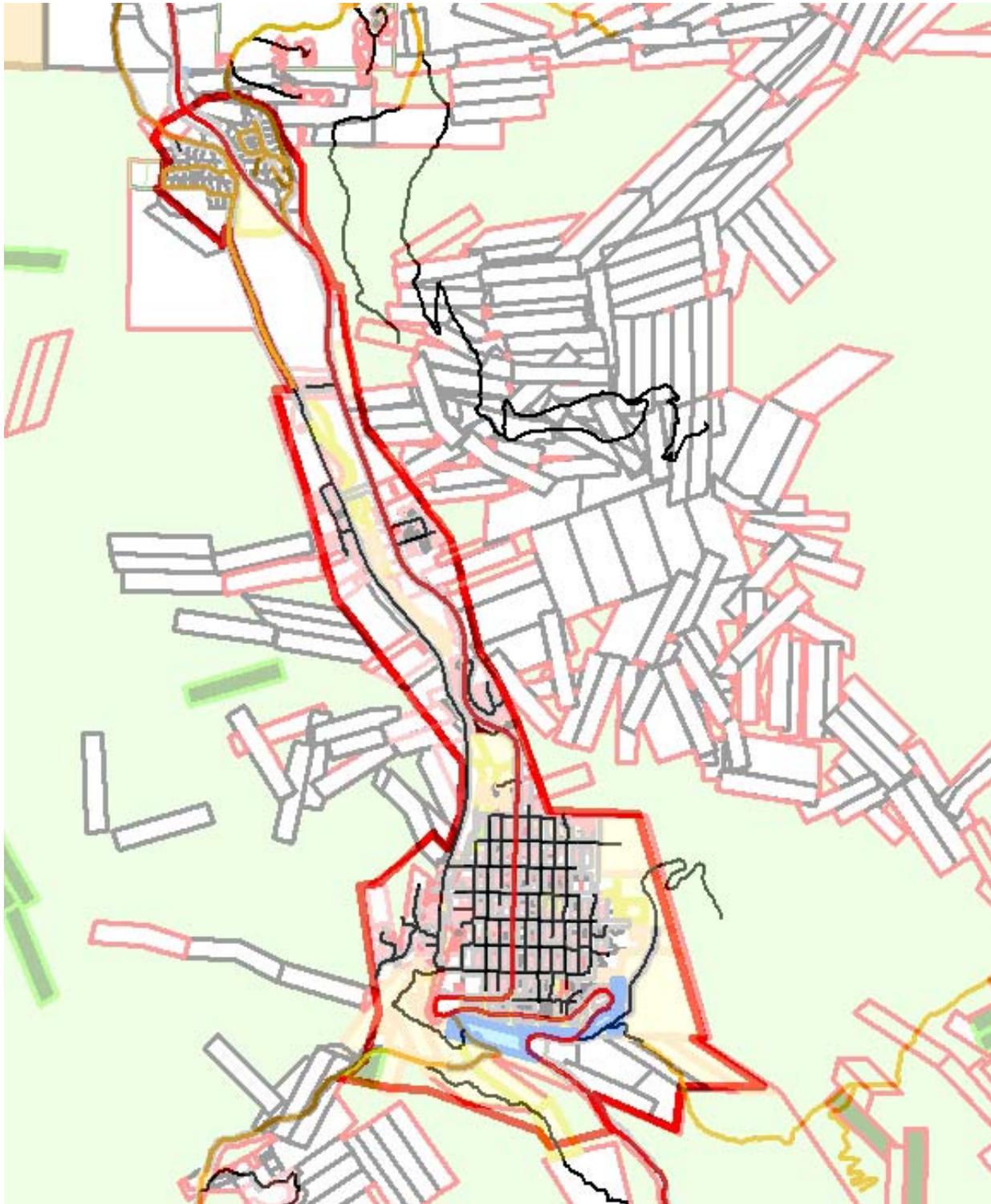
Official Zoning Map of Ouray County

1-18-2001
 173907
 173907
 173907

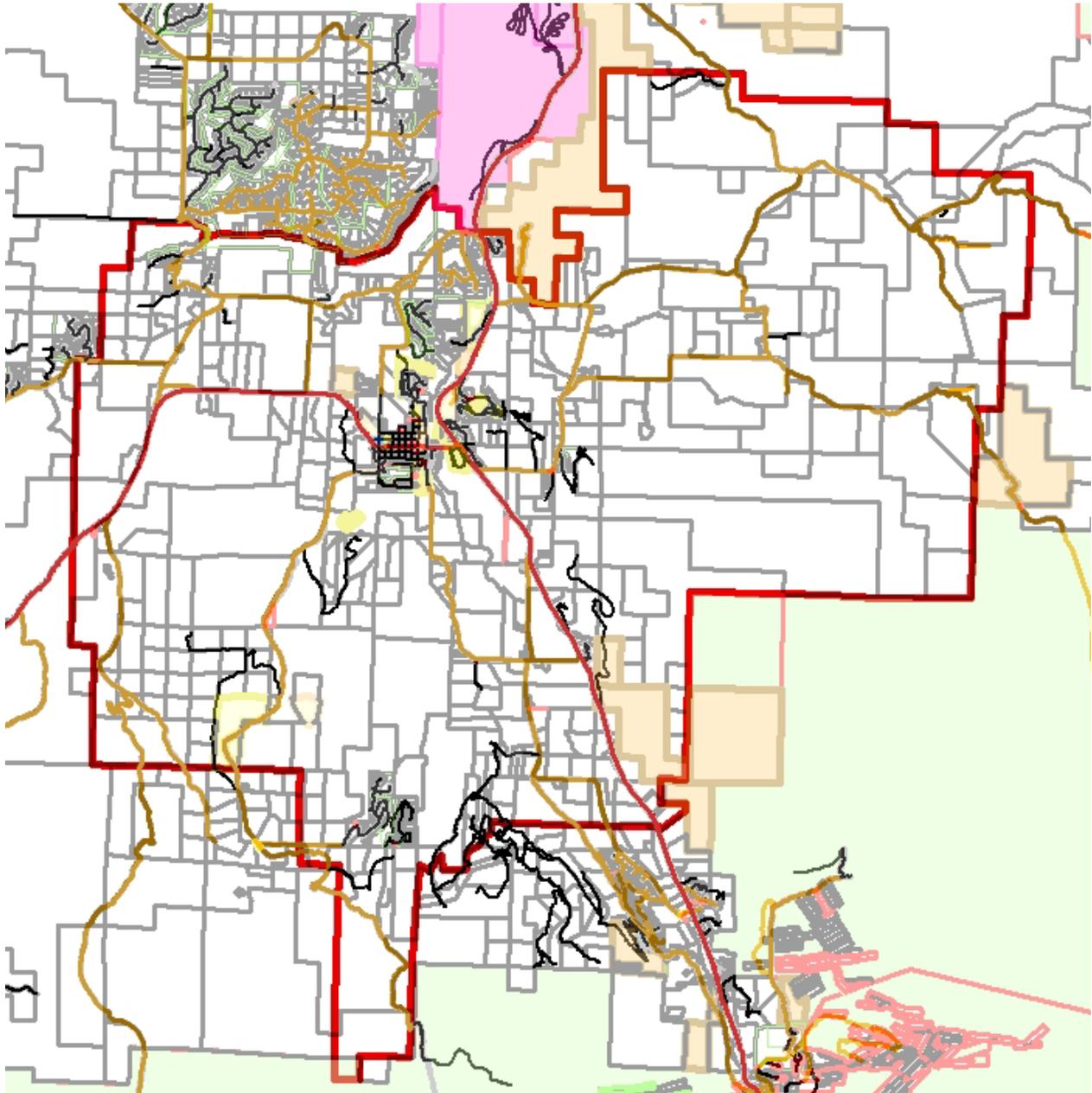
Ouray Area of Influence:



Ouray Urban Growth Management Area:



Ridgway Area of Influence:



Ridgway Urban Growth Management Area:

