

# Section 1

## GENERAL PROVISIONS

### 1.1 GENERAL PURPOSE

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

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

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

### 1.2 AUTHORITY

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

### 1.3 OBJECTIVES

The authority cited in Section 1.2 includes enabling authority for zoning, subdivision, planned unit development and general local government land use control. It is the intent of Ouray County to make use of its authority in a manner which simplifies, to the maximum extent possible, the application and review process for all development proposals by amalgamating those functions usually found in separate zoning and subdivision regulations. Pervading these regulations is the intent to make maximum possible use of the authority found in Article 67 of Title 24, the Planned Unit

Development Act. Because of the unique characteristics of Ouray County described in the County Master Plan, maximum flexibility in development is required. This can best be achieved by use of the Planned Unit Development process.

#### 1.4 SEVERABILITY

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

#### 1.5 CONFLICTS OF INTEREST

Where any provision of the Colorado Revised Statutes or this Code requires an official action by a person who is also a subdivider or an agent or employee thereof or, in any other circumstance where a possible conflict of interest might reasonably exist, that official action shall be performed by some other person duly qualified therefore and designated to so act by the Board of County Commissioners.

#### 1.6 INTERPRETATION, CONFLICT WITH OTHER LAWS

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

Amended 12/3/90 1.7 NO CIVIL REMEDY CREATED:

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