

(Amended December 12, 2006 by Board of County Commissioners)

Section 3

ZONING PROVISIONS – ZONES

3.1 ESTABLISHMENT OF ZONES

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

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

3.2 ZONING MAP AND BOUNDARIES

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

3.3 THE INTENT OF THE ZONES

The intent of the Ouray County zones is to achieve, on balance across the zones, the overall goal of the Ouray County Master Plan: To allow gradual, long-term population and economic growth in Ouray County in a manner that does not harm the County’s irreplaceable scenic beauty, wildlife, air and water resources, and other environmental qualities and that does not unduly burden the County’s residents or its governments. This overall goal includes, in alphabetical order, specific goals for agricultural lands, county/municipal relationships, economic development, housing, natural resources, rural character, tourism, transportation, utilities, visually significant areas, and wildlife and plant habitats. The specific intents 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.

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 and resort/conference center development.

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

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 archaeological values, and to allow low density residential development that does not adversely impact the significant vegetative, wildlife, historic, archaeological and scenic values of the Zone.

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

E. Public Lands Public Lands Zone. 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.

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's residents or governments.

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

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

3.4 ZONE USES AND REQUIREMENTS

A. Alpine Zone

(1) Uses Allowed by Right:

- (a) Underground Mining subject to State and Federal permitting and conditions set forth in Section 12 of this Code.

- (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.
 - (f) Non-commercial logging.
 - (g) Single family dwelling unit (maximum density of one unit per 35 acres) on parcels not previously approved by Ouray County as part of a Planned Unit Development.
- (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 – 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 pursuant to Section 3.4.A (1)(a).
 - (m) Oil and gas exploration and facilities.
 - (n) Public park or wildlife reserve.
 - (o) Public service facility.
 - (p) Public utility.

- (q) Sand and gravel operation.
- (r) School.
- (s) Temporary use.
- (3) Planned Unit Development:
 - (a) Regular PUD (maximum density of one unit per 35-acres).
 - (b) Resort/Conference Center PUD.
- (4) Minimum Lot Size:
 - (a) All uses except as otherwise provided for in this Code - thirty-five (35) acres.
 - (b) Planned unit developments – as established by Section 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 approved otherwise in a PUD. With the exception of 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, if visible from such highways.
- (6) Maximum Building or Structure Height: The maximum building or structure height shall be thirty-five (35) feet unless approved otherwise in a planned unit development.

B. Colona Zone

- (1) Uses Allowed by Right:
 - (a) Single-family dwelling units.
 - (b) Accessory Uses and Structures.
 - (c) Home occupation.
- (2) Uses Allowed by Special Use Permit:
 - (a) Church.
 - (b) Commercial use.

- (c) Governmental facility.
- (d) Home Business
- (e) Multi-family dwelling.
- (f) Oil and gas exploration and facilities.
- (g) Public service facility.
- (h) Public utility.
- (i) School.

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

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

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

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

(7) Maximum Building or Structure Height. Maximum building or structure height shall not exceed thirty-five (35) feet.

C. High Mesa Zone

(1) Uses Allowed by Right:

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

(2) Uses Allowed by Special Use Permit:

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

(3) Planned Unit Development:

- (a) Regular PUD (maximum density of one unit per thirty-five (35) acres).

(4) Minimum Lot Size:

- (a) Single family dwellings – 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.

(6) Maximum Building or Structure Height: Maximum building height shall not exceed thirty-five (35), unless a height of less than thirty-five (35) feet is required within an approved PUD.

D. North Mesa Zone

(1) Uses Allowed by Right:

(a) Single-family dwelling units (maximum density of 1 unit per 35-acres).

(b) Accessory uses and structures that are accessory to any other use by right and any permitted use.

(c) Home occupations.

(d) Farming/Ranching.

(e) Non-commercial camping.

(2) Uses Allowed by Special Use Permit:

(a) Bed and breakfast.

(b) Cemetery.

(c) Church.

(d) Governmental facility.

(e) Guest ranch.

(f) Home Business

(g) Oil and gas exploration and facilities.

(h) Public park or wildlife reserve.

(i) Public service facility.

(j) Public utility.

(k) Sand and gravel operation.

(l) School.

(m) Temporary use.

- (3) Planned Unit Development:
 - (a) Limited PUD (maximum density of one unit per 13 acres).
 - (b) Regular PUD (maximum density of one unit per 6 acres).
- (4) Minimum Lot Size:
 - (a) Single family dwelling (outside of a planned unit development) 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.
- (6) Maximum Building or Structure Height: Maximum building height shall not exceed thirty-five (35) feet unless a height of less than thirty-five (35) feet is required within an approved PUD.

E. Public Lands Zone

Only lands that are not owned by Federal or State entities are subject to the following regulations.

- (1) Uses Allowed by Right:
 - (a) Farming/Ranching
 - (b) Non-commercial camping
 - (c) Underground mining
- (2) Uses Allowed by Special Use Permit:
 - (a) Commercial camping when administered by State and Federal Agencies.
 - (b) Commercial logging.
 - (c) Governmental facility.
 - (d) Oil and gas exploration and facilities.
 - (e) Public park and wildlife reserve.

- (f) Public service facility.
- (g) Public utility.
- (3) Minimum Lot Size: 35 acres.
- (4) Required Setbacks: All structures shall be located at least twenty-five (25) feet from any property lines.
- (5) Maximum Building or Structure Height: Maximum building height shall not exceed thirty-five (35) feet.

F. South Mesa Zone

- (1) Uses Allowed by Right:
 - (a) Single-family dwelling units (maximum density of one 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) Non-commercial camping.
- (2) Uses Allowed by Special Use Permit:
 - (a) Bed and breakfast.
 - (b) Church.
 - (c) Commercial uses (as allowed in approved planned unit developments).
 - (d) Governmental facility.
 - (e) Home Business
 - (f) Oil and gas exploration and facilities.
 - (g) Public park.
 - (h) Public service facility.
 - (i) Public utility.
 - (j) Sand and gravel operation.
 - (k) School.

- (l) Temporary use.
- (3) Planned Unit Development
 - (a) Limited PUD – Maximum density one unit per 13 acres.
 - (b) Regular PUD – Maximum density one unit per six acres.
- (4) Minimum Lot Size:
 - (a) Single family dwellings (outside a planned unit development) – 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.
- (6) Maximum Building or Structure Height: Maximum building height shall not exceed thirty-five (35) feet unless a height of less than thirty-five (35) feet is required within an approved PUD.

G. South Slope Zone

- (1) Uses Allowed by Right:
 - (a) Single-family dwelling units (maximum density one unit per 35-acres).
 - (b) Accessory uses and structures that are accessory to any other use by right and any permitted use.
 - (c) Farming/Ranching.
 - (d) Home occupation.
 - (e) Non-commercial camping.
- (2) Uses Allowed by Special Use Permit:
 - (a) Bed and breakfast.
 - (b) Governmental facility.
 - (c) Home Business

- (d) Oil and gas exploration and facilities.
 - (e) Public park and wildlife reserve.
 - (f) Public service facility.
 - (g) Public utility.
 - (h) Temporary use.
- (3) Planned Unit Development
- (a) Limited PUD (maximum density of one unit per 13 acres).
 - (b) Regular PUD (maximum density of one unit per 6 acres).
- (4) Minimum Lot Size:
- (a) Single family dwellings (outside a planned unit development) – 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.
- (6) Maximum Building or Structure Height: Maximum building height shall not exceed thirty-five (35) feet unless a height of less than thirty-five (35) feet is required within an approved PUD.

H. Valley Zone

- (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.
- (e) Commercial outdoor recreation – day use.
- (f) Governmental facility.
- (g) Guest ranch.
- (h) Home Business
- (i) Livery or horse rental operation.
- (j) Oil and gas exploration and facilities.
- (k) Public service facility.
- (l) Public utility.
- (m) Sand and gravel operation.
- (n) School.
- (o) Temporary use.

(3) Planned Unit Development

- (a) Regular PUD (maximum density of one unit per 35-acres).

(4) Minimum Lot Size:

- (a) All uses except as otherwise provided for in this Code - thirty-five (35) acres.
- (b) Planned unit developments - as established by Section 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 fifty (50) feet from any property lines unless approved otherwise in a PUD. With the exception of lots and parcels that have an area of two (2) acres or less, the minimum setbacks for structures shall be located 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.

(6) Maximum Building or Structure Height: Maximum building height shall not exceed thirty-five (35) feet, unless a height of less than thirty-five (35) feet is required in an approved PUD.

3.5 OVERLAY DISTRICTS

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

B. Definitions:

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

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

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

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

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

4. The Ouray Area of Influence

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

E. District Uses and Requirements.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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