

Ouray Planning Commission Regular  
Meeting  
Tuesday, July 12, 2022 4:00 PM

Massard Auditorium | Zoom:  
<https://zoom.us/j/96355554822> Password:  
881162  
320 6th Ave  
Ouray, CO 81427

## **Agenda**

1. ADMINISTRATIVE
  - 1.a. Call to Order
  - 1.b. Roll Call
  - 1.c. Review of Minutes from the Planning Commission regular meeting on June 14, 2022
2. CITIZENS' COMMUNICATION
  - 2.a. Public invited to speak on matters not on the agenda
3. PUBLIC HEARINGS
4. ACTION ITEMS
5. DISCUSSION
  - 5.a. Land Use Code Update & Draft Presentation from SEH
  - 5.b. Planning Refresher Workshop; Possible DOLA Future Training  
YouTube Link to 2021  
Recording: <https://www.youtube.com/watch?v=Xo1EeX4OB8o&t=377s>
  - 5.c. Future Discussion Items
6. ADJOURNMENT

# Ouray Planning Commission Regular Meeting

Tuesday, June 14, 2022 4:00 PM

Massard Auditorium | Zoom: <https://zoom.us/j/9635554822> Password: 881162, 320 6th Ave, Ouray, CO 81427

Jeff Skoloda: Present  
Gary Dunn: Present  
Mike Fedel: Present  
Glenn Boyd: Present  
Mike Hakola: Present

## ADMINISTRATIVE

Chairman Skoloda called the meeting to order at 4:00 p.m.

Commissioner Fedel moved and Commissioner Boyd seconded the motion to approve the minutes of the May 13th Regular Planning Commission meeting as written. The motion passed on unanimous vote.

## CITIZENS' COMMUNICATION

None.

## PUBLIC HEARINGS

None.

## ACTION ITEMS

None.

## DISCUSSION

Nancy Dossdall from SEH presented Draft Land Use Code Updates

## ADJOURNMENT

Commissioner Fedel moved and Commissioner Boyd seconded the motion to adjourn at 6:03 pm. The motion passed unanimously.

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Jeff Skoloda, Chairman

ATTEST:

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Beverly Martensen, Deputy City Clerk

## CERTIFICATION

I, Beverly Martensen, do hereby certify that I am the Deputy City Clerk of the City of Ouray, Ouray County, State of Colorado, and that the above minutes are a true and correct summary of the meeting of the Ouray Planning Commission held on Tuesday, June 14, 2022. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this Tuesday, June 14, 2022.

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Beverly Martensen, Deputy City Clerk

**Discussion Draft**

**Key:** Existing language needs discussion or section reference that will need updating

**New Language – needs discussion**

**CHAPTER 7: Land Use and Development Code**

**Section 1: General Provisions**

**7.1.1 Title and effective date**

This chapter of the Ouray Municipal Code shall be officially known as the “Ouray Land Use Code” and is referred to throughout this document as “this Land Use Code”, “OLUC” or “OMC” This Land Use Code shall become effective on \_\_\_\_\_.

**7.1.2 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.

**7.1.3 Purpose of this Land Use Code**

The general purposes of the OLUC are as follows:

- A. Promote and protect the public health, safety, and welfare;
- B. Ensure that new development bears its fair share of the cost of providing new improvements and services;
- C. Establish uniform procedures and standards for all proposed development of land with the City of Ouray;
- D. To facilitate adequate provisions for water, sewage, storm water, fire protection, schools, parks, open space, recreation, public utilities and other public and historical buildings;
- E. To maintain the scenic beauty of the Ouray area;

- F. 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;
- G. Implement the goals, objectives and policies of City’s Community Plan;
- H. Preserve the neighborhoods and protect property values in Ouray;
- I. Promote energy conservation, use of alternate energy sources, cluster development and other land use practices that result in reduced energy consumption;
- J. To encourage the development of affordable housing and encourage the development of long-term rental housing;
- K. Protect quality of air, cultural and natural resources;
- L. 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;
- M. To manage and regulate the density of land use and prevent demands on existing services and infrastructure that cannot be satisfied;
- N. To enhance and provide for safe and efficient flow of vehicles and pedestrians; and
- O. 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.

#### 7.1.4 Applicability and Jurisdiction

The provisions of this Land Use Code shall apply to all land, buildings, structures, and uses thereof located within the City of Ouray, unless an exemption is provided by the terms of this Land Use Code. The provisions of this Land Use Code are the minimum requirements adopted for the promotion of the public health, safety, and welfare.

Jurisdiction: This Code shall be effective throughout the City’s corporate boundaries. The City’s planning jurisdiction includes all land within the City, and where applicable, the land within three miles of the City’s boundaries with reference to a major street plan. For purposes of zoning and subdivision, this Code only applies to lands within the City’s corporate boundaries.

A copy of a map showing the boundaries of the City and the area within the three- mile planning jurisdiction shall be available for public inspection in the City offices.

#### **COMPLIANCE REQUIRED**

- A. No building or structure shall be erected, converted, enlarged, reconstructed, or altered for use, nor shall any land, building, or structure be used or changed, except in accordance with all of the applicable regulations established by this Land Use Code.
- B. No lot of record that did not exist on the effective date of this Land Use Code shall be created, by subdivision or otherwise, that does not conform to the applicable requirements of this Land Use Code.
- C. No permit or approval may be issued under this Land Use Code unless all structures and uses of land and structures to be authorized by the permit or approval conform to this Land Use Code, regulations promulgated under this Land Use Code, and the terms and conditions of other applicable permits and approvals issued under this Land Use Code. A permit or approval issued in violation of this Land Use Code is void.

#### **APPLICATION TO GOVERNMENTAL AGENCIES**

To the extent allowed by law, the provisions of this Land Use Code shall apply to all land, buildings, structures, and uses owned by government agencies. Where the provisions of this Land Use Code do not legally control such land, buildings, structures, and uses owned by government agencies, such agencies are encouraged to meet the provisions of this Land Use Code \_\_\_\_ Applicability and Jurisdiction.

#### 7.1.5 Rules of Interpretation/Conflicting Provisions

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.

7.1.6 Enforcement

Administration and Enforcement

- A. The OLUC shall be administered and enforced by a Community Development Department Official, or other such authorized person as designated by the City Administrator.
- B. 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.
- C. 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.
- D. 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.
- E. 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.
- F. Any action which reduces the area of any site, lot or tract in violation of the minimum dimensional requirements of the OLUC is unlawful.
- G. 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.
- H. 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.
- I. 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 any other remedy authorized by law. Each day any violation continues shall constitute a separate offense.

- J. All remedies provided for in this section are cumulative, are not exclusive, and shall be in addition to any other remedies provided by law.

#### 7.1.7 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 may be modified at any meeting of the City Council from time to time.
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 to minimize hardship to the Applicant, for nonprofit organizations, affordable housing projects, public benefit or other unique circumstances.

#### 7.1.8 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.

## Section 2: Definitions

### 7.2 Definitions

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

**Accessory Building** means a detached (separate or disconnected from) 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 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.

**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.

**Affordable Housing** means that housing costs represent no more than thirty percent of a household's gross income on an annual basis. means housing that is affordable to households with incomes at or below 80 percent of area median income (adjusted for household sizes).

**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.

**Dwelling Unit (D.U.)** 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.

**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 are excluded. For the purposes of calculating floor area, roof does not include any slated covering, pergola, or pervious covering.

**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.

**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.

**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.

**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 or as an extended stay hotel, and excludes short-term rental as defined herein.

**Lodging Unit (LU)** 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.

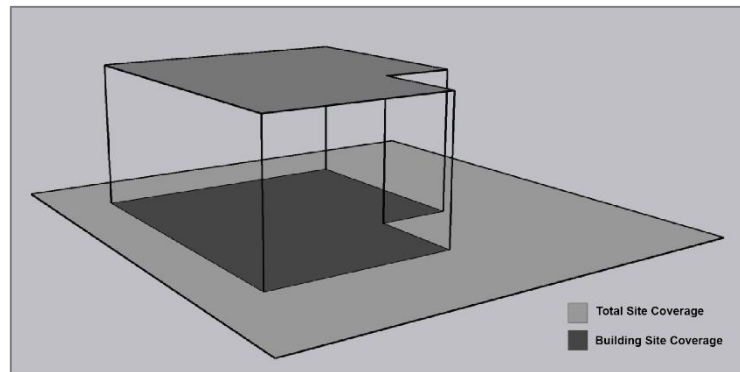
**Lot Area** means the total horizontal area within the lot lines of a lot.

**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, also referred to as the Ouray Community Plan, City Community Plan, Community Plan, Comprehensive Plan, or Master Plan – all intended as the same for the purpose of this land use code.

**Manufactured Home** means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities, and which has certification required by the United States Secretary of Housing and Urban Development and was constructed in compliance with the requirements of 42 U.S.C. § 5401, *et seq.*, *Manufactured Home Construction and Safety Standards*, and the regulations of the Department of Housing and Urban Development that are promulgated thereunder. The phrase "manufactured home" does not include a recreational vehicle, nor does it include a mobile home; also defined in Chapter 6 of the Ouray City Code.

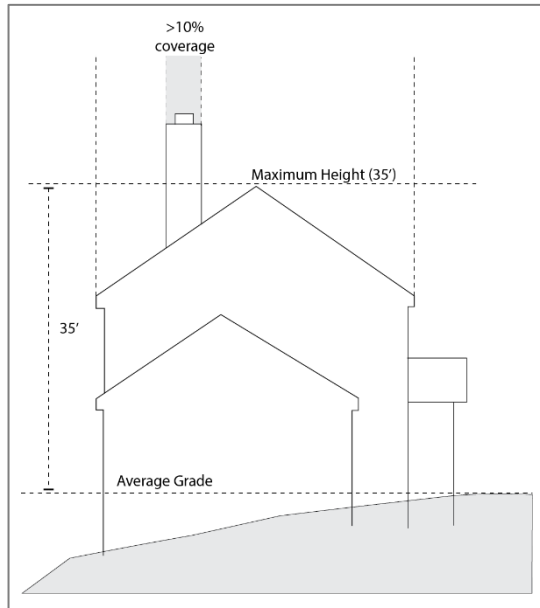
**Maximum Building Site Coverage** means the area covered by all buildings (including covered or uncovered porches, carports, decks, garages and cantilevered features (not including roof eave



overhangs)) divided by the area of the site with both calculated in the horizontal plane as illustrated below.

**Maximum Building and Impervious Surface Site Coverage** means the area covered by buildings including covered or uncovered 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.

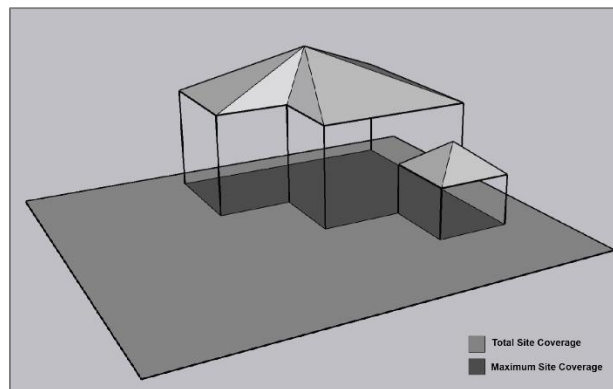
**Maximum Building Height** is measured vertically from the highest point of the building, excluding any chimneys, to the average grade of the building, halfway between the lowest and highest ground elevations of the building as illustrated below.



**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, see illustration below.

**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.



**Mixed Use** means a development that contains at least a minimum of 500 square feet of non-residential space in each dwelling unit, in which a combination of residential and commercial uses (e.g., residential-over-retail), or several classifications of commercial uses (e.g., office and retail), are located on the same parcel proposed for development. A minimum of 500 square feet of non-residential space must be provided for each dwelling unit.

**Mobile Home** means structure designed to be transported after fabrication and exceeding eight (8) feet in body width or thirty-two (32) feet in body length. Such a structure is built on a chassis and retains the chassis on which it was built, whether such structure is placed on a permanent foundation. Such a structure is suitable for human habitation on a year-round basis when provided with the required plumbing, heating, and electrical facilities. Mobile homes are different from manufactured homes in that they were either constructed before the adoption of 42 U.S.C. § 5401, *et seq.*, *Manufactured Home Construction and Safety Standards*, or are otherwise not in compliance with said federal law and its implementing regulations. The phrase "mobile home" does not include "recreational vehicle."

**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** means a form of housing that is constructed off-site and built to adopted or accepted local and state building codes. Modular homes are transported from construction facilities to the site in sections or in completed assemblies.

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

**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.

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

**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. Includes spaces reserved for accessible parking and electronic vehicle charging.

**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 (PUD)** 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.

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

**Private streets** are streets not owned by the City.

**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.

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

**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 eave.

**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.

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

**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 required as necessary to ensure the proper and timely installation of improvements.

**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.

**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, or 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:

- A. 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;
- B. 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;
- C. Which create cemetery lots;
- D. Which create an interest in oil, gas, minerals or water which is severed from the surface ownership or real property; or
- E. 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.

**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 except for required means of ingress/egress or non-walkout, vehicular access garage door.

**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.

**Tiny home.** A dwelling unit that has less than four hundred (400) square feet of livable space, including lofts. A tiny home is not a vehicle or recreational vehicle and has no wheels.

**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)

**Section 3: Administration**

**7.3.1 Purpose and Organization of Section**

This section outlines the common and specific procedures required for all types of land use review. The Administrator or Planning Commission has the ability to refer any application to the next higher level of decision authority if they deem the project impacts are substantial and necessitate a higher level of review.

**7.3.2 Summary Table of Procedures**

**SUMMARY TABLE of PROCEDURES:**

<b>Summary Table of Procedures</b>				
<b>R = Review (Review or Recommend)</b>		<b>D = Decision (Responsible for Final Decision)</b>		
<b>H = Public Hearing Required</b>		<b>A = Appeal (Appeal Authority)</b>		
<b>Procedure</b>	<b>Section</b>	<b>Administrator</b>	<b>PC</b>	<b>City Council</b>
Comprehensive Plan, Adoption and Amendments			R (with note about Community Economic Development Commission)	
Rezone & Initial Zoning		R	R	D
Annexation		R	R	D
Conditional Use Permits	7-5 (5.C)	R	D - H	A
Variances	7-4 (F)	R	D - H	
Short Term Rental Appeals	7-5 (H)	R		A
Site Development Permit, other than one SFR	4-Jul	D		
Site Development Permit, one single family residence	4-Jul	D		
Site Development Permit – Limited Amendment (minor revisions)	7-4 (G)	D	A	
Sign Permit	3-Aug	D		
Appeals of Administrative Decisions (except STR)	7-4 (C.6)	R	A	
Planned Unit Developments				
Sketch PUD	7-8 €	R		
Preliminary PUD	7-8 (E)	R	R-H	D - H

Final PUD	7-8 (E)	R	R-H	D - H
Subdivisions				
Lot Splits		R	R	D - H
Amended Plat		R	R- H	D - H
Minor Subdivision		R	R - H	D - H
Subdivision Sketch plan	7-7 (C-2)	R		D - H
Subdivision Preliminary Plat		R	R	D - H
Subdivision Final Plat		R	R - H	D - H
Vacation of ROW		R	R	D - H
Replats/Boundary Adjustments		D	A	
Condominium/Townhouse Plat		R	R	D

### 7.3.3 Common Development Review Procedures

#### 1. PRE-APPLICATION CONFERENCE (OPTIONAL)

##### A. Purpose:

The purpose of a pre-application conference is to provide an opportunity for an informal evaluation of the [applicant's](#) proposal and to familiarize the applicant and the Administrator with the applicable provisions of this Land Use Code, any Comprehensive or other applicable City Plans or Policies, [infrastructure](#) requirements, and any other issues that may affect the applicant's proposal.

##### B. Pre-Application Conference:

The potential [applicant](#) shall request a pre-application conference with the Administrator and pay the required fees, if any. With the request for a pre-application conference, the applicant shall provide to the Administrator a description of the [character](#), location, and magnitude of the proposed development and any other available supporting materials, such as maps, drawings, site plans or models. It is the applicant's responsibility to provide sufficiently detailed plans and descriptions of the proposal for the Administrator to make informal recommendations regarding the proposed project. At the conference, the applicant, the Administrator or designee, and any other persons the Administrator deems appropriate to attend shall discuss the proposed development and the applicable requirements of this Land Use Code, based on the information provided by the applicant. The informal evaluation and comments provided by the Administrator at the conference are not binding upon the applicant or the City but are intended to guide the applicant through the application and submittal process and advise the applicant in advance of issues that may be relevant to the respective board or commission though not exhaustive.

#### 2. APPLICATION

##### A. Application Requirements:

A uniform application is used for every process under this Code. However, additional information may be required at each level of a multi-level application such as a subdivision. Each and every application under this Code shall include, or be accompanied by, the following information, unless waived by the Administrator:

- a. The name, mailing address, and telephone number(s) of the applicant for the permit.
- b. The owner(s) of the property upon which the improvement or use is to take place.
- c. Any agents authorized to act on behalf of the owner or the applicant.
- d. Any contractor retained or to be retained to accomplish any portion of the improvement.
- e. Proof of ownership of the property in question and concurrence in the purpose of the application by the owner.
- f. Legal description of the property in question, to include: legal address, account number, or other recorded identifying parcel number.
- g. Current zoning classification of the parcel.
- h. A copy of a certified survey plat may be required or a sketch plan which shows the relative location of existing and proposed improvements, buildings, structures, roads, driveways, parking, ditches, utilities, fences, and other significant features present on the site.
- i. A written description of the nature of the improvement planned, if any.
- j. Architect or engineer drawings, floor plans, and diagrams as may be required by the Administrator.
- k. Proof that a request for a driveway permit has been submitted to the Colorado Department of Transportation, if a new access road or driveway to the property intersects with the state highway.

## **B. AUTHORITY to FILE APPLICATIONS**

Unless otherwise specified in this Land Use Code, applications for review and approval may be initiated by the owner of the property that is the subject of the application or the owner's authorized agent. When an authorized agent files an application under this Land Use Code on behalf of a property owner, the agent shall provide the City with written, documentation that the owner has authorized the filing.

### **a. SUBMITTAL REQUIREMENT WAIVER**

The Administrator may waive certain submittal requirements if it is deemed unnecessary for the review of the project and associated development impacts. The Administrator will provide a report detailing the exact waivers and explanation on why they are not necessary, and the report will become part of the application and project file.

### **b. ADDITIONAL INFORMATION**

Additional application-specific information, beyond that specified, may be required by the Administrator, Planning Commission, and/or City Council, as necessary and appropriate to evaluate fully whether an application complies with the requirements of this Land Use Code.

### **c. INACTIVE FILES**

If an applicant fails to submit required information or request a hearing date within six (6) months from the application date, the file may become void and the re-submittal of a new application and fees may be required. The Administrator may grant extensions of time to this

provision, upon a written request by the applicant if the extension request is received within 6-month of the original application termination date.

**d. DETERMINATION OF APPLICATION COMPLETENESS**

The Administrator shall only initiate the review and processing of complete applications. The Administrator will decide application completeness within 7 days of receipt of the application by the Administrator. If the application is determined to be complete, the application shall then be processed according to the procedures set forth in this Land Use Code. If an application is determined to be incomplete, the Administrator shall provide notice to the applicant along with an explanation of the application's deficiencies. No further processing of an incomplete application shall occur until the deficiencies are corrected in a future re-submittal.

- A. An application will be considered complete if it is submitted in the required form, includes all mandatory information, including all supporting materials, and is accompanied by the applicable fee. Information shown must clearly indicate compliance with applicable development standards, or in the case of a request for a variance or modification to certain standards, the degree to which the application will be non-compliant.
- B. Any supplemental technical reports and special studies that are submitted following the original application must be received at least 30 days prior to the first hearing to be held on the application. The City may postpone and reschedule a hearing or approval deadline if such reports and studies are submitted less than 30 days prior to a hearing. Copies of such additional materials shall be delivered to all reviewers who received the original application packet.

**e. ADMINISTRATOR REVIEWS APPLICATION AND PREPARES STAFF REPORT**

After determining that a development application is complete, the Administrator shall refer the development application to the appropriate board or commission, ensure all required notices are completed, review the development application, and prepare a Staff Report. The Staff Report shall be made available for inspection and copying by the applicant and the public prior to any scheduled public hearing(s) on the application. The Staff Report shall indicate whether, in the opinion of the Administrator, the development application complies with all applicable standards of this Land Use Code.

**f. NOTICE OF PUBLIC HEARING(S)**

**A. Content of Notices**

Notice of all [public hearings](#) required under this Land Use Code shall: (1) identify the date, time, and place of the public hearing, (2) if applicable, describe the property involved in the application by street address or by legal description; (3) describe the nature, scope, and purpose of the proposed action; (4) indicate that interested parties may appear at the hearing and speak on the matter; and (5) indicate where additional information on the matter may be obtained.

**B. Summary of Notice Requirements**

Table \_\_\_\_ lists the notice requirements for all procedures in this Chapter.

**a. Published Notice**

When Table \_\_\_\_ requires that notice be published, the City Clerk shall publish notice of a public hearing in a newspaper of general circulation at least 15 days prior to the scheduled hearing date.

**b. Mailed Notice**

When Table \_\_\_\_\_ requires that written notice be provided, such notice shall be mailed by the City no less than 15 days before the public hearing, by certified mail, to the applicant, appellant, or [landowners](#) subject to a land use application, subject property, neighboring property owners whose properties are within 200 feet of the lot that is the subject of the application or appeal (based on information found in the Ouray County tax records), and any other person who makes a written request for such notice.

**c. Posted Notice**

When Table \_\_\_\_\_ requires a posted notice, the applicant shall post at least one sign on the lot, [parcel](#), or tract of land, and such sign shall remain on the property for a period of at least 15 days prior to the public hearing. The sign shall be posted in a prominent place, clearly visible from the most heavily traveled [adjacent](#) street or public way. The Administrator may require that additional signs be posted depending on the access and configuration of the property.

**d. Notice to Mineral Estate Owners and Lessees**

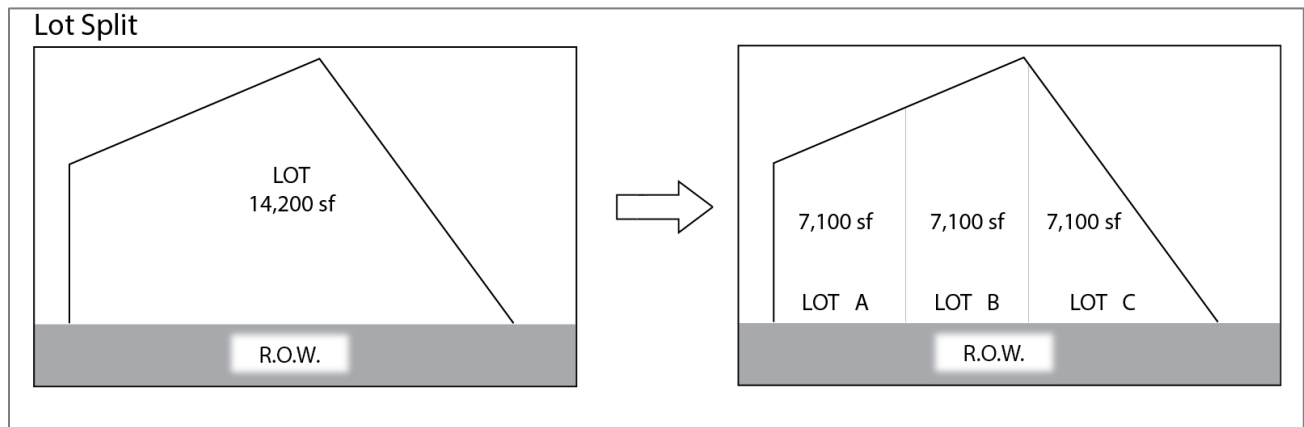
When Table \_\_\_\_\_ requires that notice be provided to mineral estate owners and lessees, the applicant shall provide notice of the application by certified mail, return receipt requested, to all mineral estate owners and lessees on the subject property in accordance with C.R.S. Section 24-65.5-103. Such notice shall be provided not less than 30 days prior to the initial public hearing, or not less than 30 days prior to the final decision if the application does not require a public hearing. It shall be the applicant's responsibility to conduct the necessary research to determine mineral estate owners and lessees on the subject property.

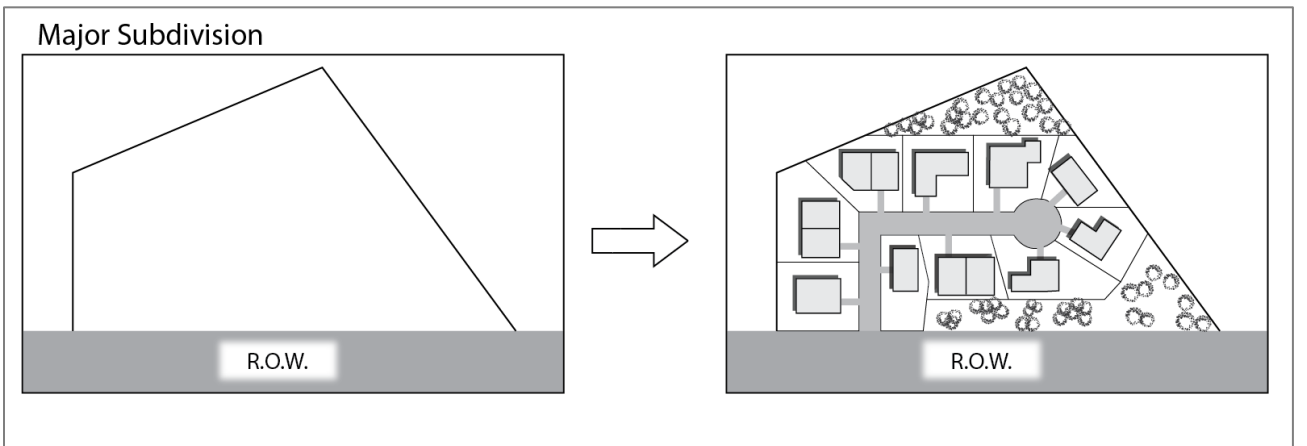
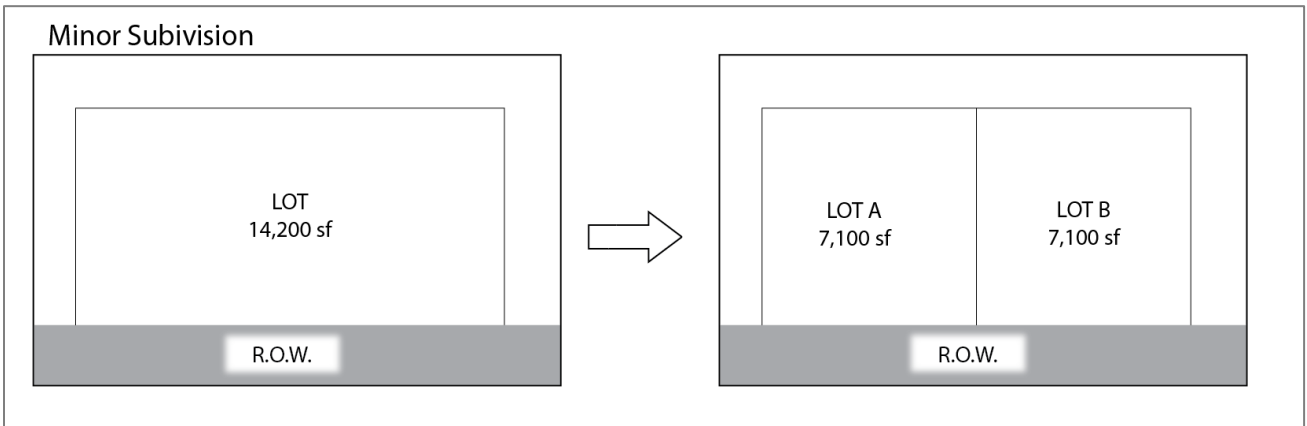
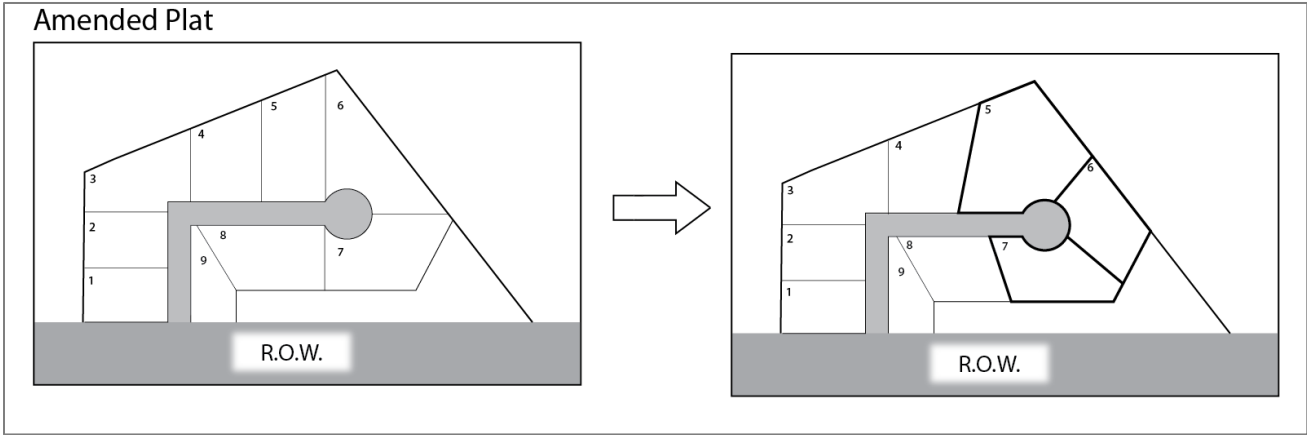
**e. Constructive Notice**

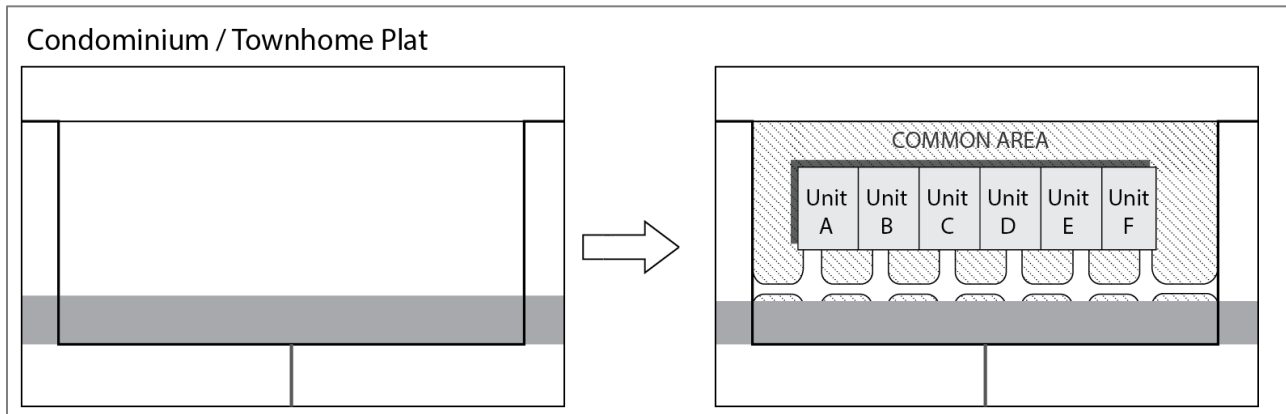
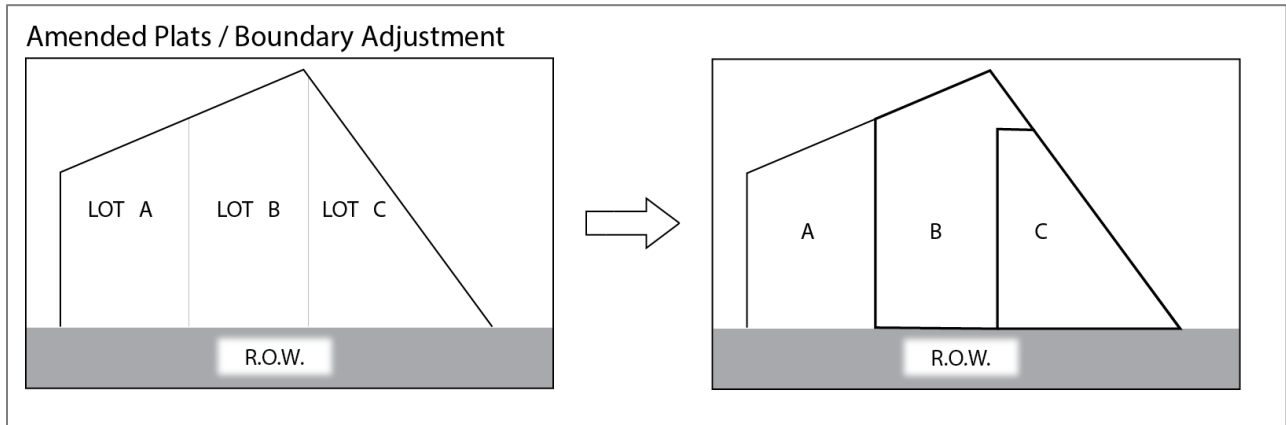
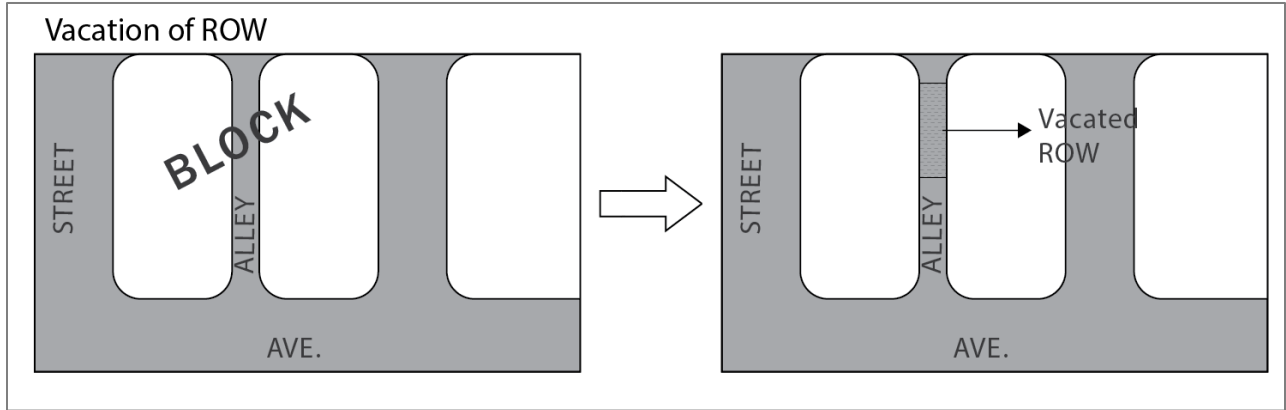
Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Minor defects in notice shall be limited to errors in a legal description or typographical or grammatical errors that do not impede communication of the notice to affected parties. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a hearing shall be correctly conveyed. Failure of a party to receive written notice shall not invalidate subsequent action. If questions arise at the hearing regarding the adequacy of notice, the decision-making body shall make a formal finding as to whether there was substantial compliance with the notice requirements of this Land Use Code

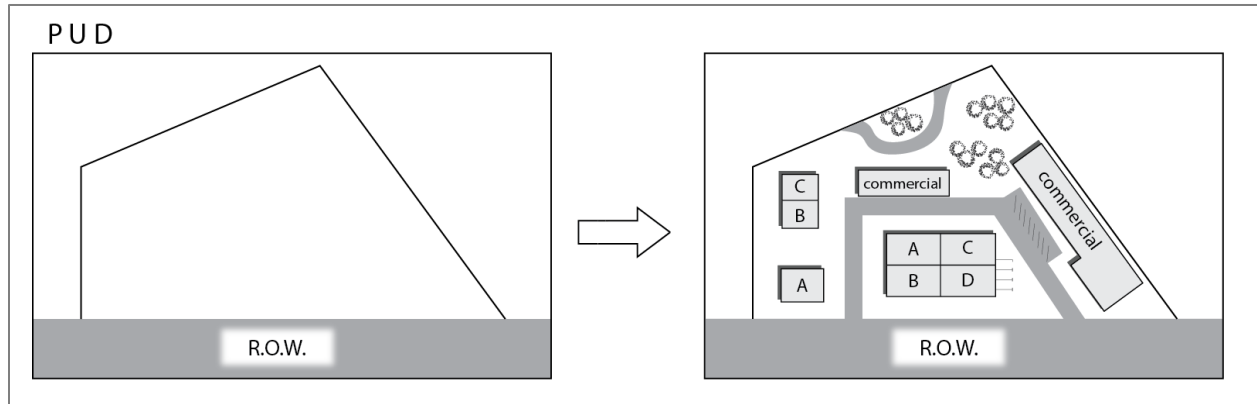
**f. Table \_\_\_\_\_ Notice Requirements**

X - Denotes Required Notice					
PLANNING AND ZONING					
Procedure	Section	Published	Mailed	Posted	Mineral
Rezone and Initial Zoning		X	X	X	
Annexations		X	X	X	
Code Interpretation		X			
Conditional Use Permits		X	X	X	
Variances		X	X	X	
Site Development Permit		X	X	X	
SUBDIVISIONS					
Lot Splits – need		X	X	X	X
Amended Plat					
Minor Sub					
Major Subdivision Sketch Plan		X	X	X	
Major Subdivision Preliminary Plat		X	X	X	X
Major Subdivision Final Plat					
Vacation of ROW		X	X	X	
Amended Plats/Boundary Adjustments					
Condominium/Townhouse Plat					
Vested Rights					









## DECISION AND FINDINGS

### A. Approval Criteria

To approve a development application, the respective board, commission, or Administrator shall find that the development application has satisfied and followed the applicable requirements of this section and all the approval criteria required for the applicable development application.

### B. Decision

After consideration of the development application, the Staff Report, comments received from other reviewers (if applicable), and the evidence from the public hearing (if applicable), the decision-maker designated in Table \_\_\_\_ shall approve, approve with conditions, or deny the application based on the applicable approval criteria. The Administrator shall provide written notification of the decision to the applicant within seven (7) days after the decision.

### C. Conditions of Approval

Unless otherwise specified in this Land Use Code, the respective board or commission may impose such conditions on the approval of the application as may be necessary to reduce or minimize any potential adverse impact upon other property in the area, or to carry out the general purpose and intent of the adopted [Comprehensive Plan](#), other adopted City plans, and this Land Use Code. In such cases, any conditions attached to approvals shall be directly related to the impacts of the proposed use or development and shall be roughly proportional in both nature and extent to the anticipated impacts of the proposed use or development. No conditions of approval shall be less restrictive than the requirements of this Land Use Code, except where the Land Use Code allows deviations from the express requirements of the Land Use Code.

### g. Findings

All decisions shall include at the least the following elements:

- A. A clear written statement of approval, approval with conditions, or denial, whichever is appropriate; and
- B. A clear statement of the basis upon which the decision was made, including specific written findings of fact with reference to the relevant standards of this Land Use Code.

### Record of Proceedings

#### A. Recording of Public Hearing

The respective board or commission conducting the [public hearing](#) shall record the public hearing by any appropriate means. A copy of the public hearing record may be acquired by any person upon application to the Administrator, and payment of a fee to cover the cost of duplication of the record.

**B. The Record**

The record shall consist of the following, all of which shall be kept by the City for a length of time prescribed in the City’s adopted records retention schedule:

- a. All exhibits, including, without limitation, all writings, drawings, maps, charts, graphs, photographs, and other tangible items received or viewed during the proceedings;
- b. All minutes of the proceedings; and
- c. If available, a transcript and/or videotape recording of the proceedings.

**C. Recording of Decisions**

Once approved, and after the appeal period has expired, the decision shall be filed with the City Clerk.

**h. AMENDMENTS to PERMITS or OTHER FORMS of APPROVAL**

**A. Minor Amendments**

Unless otherwise specified in this Section, minor amendments to any permit or other form of approval issued by the Administrator, the Planning Commission, or the City Council may be approved, approved with conditions, or denied administratively by the Administrator and may be authorized without additional public hearings. Such minor amendments may be authorized by the Administrator if the development approval, as so amended, continues to comply with the standards of this Land Use Code, at least to the extent of its original compliance (so as to preclude any greater deviation from the standards of this Land Use Code by reason of such amendments). Minor amendments shall consist of any of the following:

- a. Any change to any permit or other form of approval that was originally subject only to administrative review and was approved by the Administrator, provided such change would not have disqualified the original application from administrative review had it been requested at that time; and provided that the minor amendment does not result in an increase of more than ten percent in the amount of square footage of a land use or structure and does not result in a change in the types of uses in the project.
- b. Any change to any permit or other form of approval that was originally subject to final review by and was approved by the Planning Commission, provided that:
  - 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.

**B. Major Amendments**

Amendments to any permit or other form of approval that are not determined by the Administrator to be minor amendments under Section \_\_\_\_\_ shall be deemed major amendments. Major amendments shall be reviewed and processed in the same manner as required for the original application for which the amendment is sought.

**i. LAPSE of APPROVAL**

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.

**j. SUBSEQUENT APPLICATIONS**

Following denial of an application, the respective Board or Commission shall not consider the same or substantially the same application within one year of the date of denial. The respective Board, Commission, or Administrator may waive the one year waiting period if, after review of a written request, shows good cause. The respective Board or Commission must approve this waiver by an affirmative vote of the majority of its members.

**APPEALS**

**A. Purpose**

This Section sets forth the process for appealing final decisions made under this Land Use Code. Appeals of land use decisions are available at each step of review and decision-making process. Administrative decisions may be appealed to the City Council, except for administrative approvals of minor [site plans](#), [temporary use](#) permits, sign permits, and final [subdivision](#) plats. Decisions of the Planning Commission may be appealed to the City Council, as further set forth in this Section.

**B. Types of Appeals**

**a. Appeals from Final Decisions by the Administrator:**

A party-in-interest may appeal a final decision made by the Administrator in administering or interpreting this Code. All such appeals shall be taken to the Planning Commission, except that appeals from the Administrators decisions on temporary use permits, minor [site plans](#), sign permits, and final subdivision plats shall be taken to either the Planning Commission or City Council, as applicable.

**b. Appeals from Final Decisions by the Planning Commission**

A party-in-interest may appeal a final decision made by the Planning Commission to the City Council.

**c. Appeals from Final Decisions by the City Council**

A party-in-interest may appeal a final decision made by the City Council to a Colorado court of competent jurisdiction.

**d. Appeals from Enforcement Actions**

Appeals from issuance of a notice of violation or stop work order shall be taken to a Colorado court of competent jurisdiction.

**C. Grounds for Appeal**

The permissible grounds for appeal shall be limited to allegations that the Approval Authority committed one (1) or more of the following errors:

- a. Failed to properly interpret and apply relevant provisions of this Code.
- b. Failed to conduct a fair hearing in that:
  - i. The Original or Appellate Approval Authority abused its discretion as contained in this Code;
  - ii. The Original or Appellate Approval Authority substantially ignored its formally established rules of procedure resulting in a denial of procedural due process; or
  - iii. The Original or Appellate Approval Authority based its decision on evidence which was substantially false or grossly misleading.

**D. Notice of Appeal**

Appeals shall be made within ten (10) days of the final decision which is the subject of the appeal. All appeals shall be filed in writing with City Clerk and shall include the reasons for the appeal.

**E. Burden of Proof**

Any final decisions of the Approval Authority shall be presumed to be correct. The appellant has the burden of proof to show that a preponderance of the evidence introduced before the Approval Authority supports the conclusion that the decision should be overturned.

**F. Appeal Hearing**

The Administrator shall schedule a [public hearing](#) on the appeal no later than sixty (60) days after the date the appeal was filed with the City Clerk. The appeal hearing may be extended up to ninety (90) days after the filing of the appeal if agreed to by both the Administrator and the appellant. Notice of the public hearing shall be published as required for the original decision.

**G. Appeal Criteria**

The City Council shall reverse, amend, or remand a decision upon a finding that at least one of the grounds for appeal set forth in Section \_\_\_\_\_ occurred, and that the final decision being appealed was materially affected thereby.

**H. Decision**

Following the public hearing, the City Council may, in whole or in part, affirm, reverse, or amend the decision being appealed based on the appeal criteria set forth in Section \_\_\_\_\_ herein, and to that end the City Council shall have all the powers of the Approval Authority. The City Council may also remand the matter back to the Approval Authority, as deemed appropriate, for further proceedings consistent with the Land Use Code. The final decision shall be stated in writing in the body's minutes as well as in a written order to be delivered to the appellant and shall include specific findings of fact with specific reference to relevant standards as set forth in this Land Use Code.

**I. Notification to Applicant**

The Administrator shall provide notification of the final decision to the parties in the appeal within ten (10) days of the decision.



**k. VESTED RIGHTS**

**A. Purpose**

The purpose of this Section is to provide the procedures necessary to implement the provisions of Article 68 of Title 24, C.R.S., as amended.

**B. Definition**

For purposes of Article 68 of Title 24, C.R.S., a [site specific development plan](#) means a document that complies with all requirements of this Section \_\_\_\_ and consists of one of the following:

- a. A final **subdivision** plat approved pursuant to Section \_\_\_\_\_; or
- b. A site plan approved pursuant to Section \_\_\_\_\_.

**I. Notice and Hearing**

To obtain a [site specific development plan](#), the developer must seek from the City Council approval of the project at a public hearing conducted at the request of the [landowner](#), which hearing follows the successful approval of the development at all other required stages of the development review process. The public hearing shall be preceded by written notice of such public hearing pursuant to Section \_\_\_\_\_. Such notice may, at the City's option, be combined with the notice required for any other required notice. At such public hearing, interested persons shall have an opportunity to be heard. Failure of the landowner to request such a hearing renders the approval not a "site specific development plan," and no [vested rights](#) shall be deemed to have been created.

**m. Approval, Effective Date and Amendments**

A [site specific development plan](#) shall be deemed approved upon the effective date of the approved plan. In the event amendments to a site-specific development plan are proposed and approved, the effective date of such amendments, for purposes of duration of a vested property right, shall be the date of the approval of the original site-specific development plan, unless the City Council specifically finds to the contrary and incorporates such finding in its approval of the amendment. The City Council may, by agreement with the [developer](#), designate an approval other than the final development plan or final [plat](#) to serve as the site-specific development plan approval for a specific project.

**n. Notice of Approval**

Each map, plat, [site plan](#), or other document constituting a site-specific development plan shall contain the following language: "Approval of this Plan may create a vested property right pursuant to Article 68 of Title 24, C.R.S." Failure of the map, plat, or site plan to contain this statement shall invalidate the creation of the vested property right. In addition, a notice describing the type and intensity of use approved, the specific parcel or parcels of property affected, and stating that a vested property right has been created, shall be published once, not more than 14 days after approval of the site-specific development plan, in a newspaper of general circulation within the City.

**o. Duration**

A vested property right approved pursuant to this Section shall last a period of three (3) years, unless otherwise agreed upon by the City and the applicant.

**p. Payment of Costs**

In addition to any and all other fees and charges imposed by the City, the applicant for approval of a site-specific development plan shall pay all costs incurred by the City as a result of the site-specific development plan review, including publication of notices, public hearing, and review costs.

**q. Other Provisions Unaffected**

Approval of a site-specific development plan shall not constitute an exemption from, or waiver of, any other provisions of the Code pertaining to the development and use of property.

**r. Limitations**

Nothing in this Section is intended to create any vested property right, but only to implement the provisions of Article 68 of Title 24, C.R.S. In the event of the repeal of said state law or a judicial determination that said law is invalid or unconstitutional, this Section shall be deemed to be repealed, and the provisions hereof no longer effective.

### 7.3.4 Specific Procedures and Approval Criteria

**1. 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.

**2. Site Activities Requiring Permit**

A permit is required for the following activities:

- A. Non-residential construction.
- B. Addition to an existing residential building that increases the gross floor area by more than 25%.
- C. New Residential construction.
- D. Grading, fill or excavation involving 300 cubic yards or more.

#### **Single Family and Duplex Dwelling Units**

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

#### **Multi-family Dwelling Units, Lodging and Non-Residential Uses**

## Section 4: Zoning Districts

### 7.4.1 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 Community 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.

### 7.4.1 Zoning Map

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-l.**
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.

**7.4.3 Establishment of Districts**

This Section establishes the zoning districts and contains basic information pertaining to the districts, including statements of purpose. Section \_\_ , Use Regulations, and Section \_\_\_\_, Dimensional Standards, identify the uses allowed within the districts and the dimensional standards applying to development in the districts, respectively. Section \_\_\_\_, Development Standards, identifies any district-specific development standards applying to development in the districts. The following zoning districts are established:

District	Abbreviation
Parks - Developed	P-1
Parks - Conservation	P-2
Residential	R-1
Residential – High Density n/s of Skyrocket	R-2
Commercial	C-1
Commercial – Industrial n/s of Skyrocket	C-2

**1) PURPOSE and INTENT of EACH ZONING DISTRICT**

**a) PARKS DEVELOPED – P-1**

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

**b) PARKS CONSERVATION - P-2**

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.

**c) RESIDENTIAL – R-1**

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

**d) RESIDENTIAL – HIGH DENSITY – R-2**

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.

**e) COMMERCIAL – C-1**

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.

f) **COMMERCIAL - INDUSTRIAL – C-2**

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

Overlay Districts

Historic District (National and local)

Planned Development

Floodplain

Area of Joint Review

Section 5: Use Regulations

5.1 Table of Allowed Uses

C = Conditional Use		Blank Cell = Prohibited Use						
Use Category	Use Type	R-1	R-2	C-1	C-2	P-1	P-2	
<b>RESIDENTIAL USES</b>								
Household Living	Dwelling - Single-Family	P	P	P	P			§7-5
	Dwelling - Duplex	P	P	P	P			§7-5
	Dwelling - Multi-Family		P	P	P			§7-5
	Dwelling - Modular		P	P	P			§7-5
	Dwelling - Manufactured, Mobile Home			P	P			§7-5
	Timeshares		C	C	C			§7-11
	Accessory Dwelling Unit (ADU)	P	P	P	P			§7-6-J-6
<b>COMMERCIAL USES</b>								
General	Retail Shop			P	P			
	Office - Professional, Business			P	P			
	Wholesale Distributors				P			
	Outdoor Displays of Merchandise			P	P			§7-6-J-9
	Marijuana - Sales, Centers, Retail, Operation, Cultivation							§7-6-J-7
Arts & Entertainment	Crafting of Art, Collectibles, Handicrafts			P	P			§7-5-E-5-b
	Theater			P	P			
	Cabinet, Carpentry, Machine and Welding Shops				P			
Food & Beverage Services	Bar, Tavern, Liquor Store			P	P			
	Restaurant		P	P	P			
	Fruit, Vegetable, Cider & Honey Sales				P			§3
	Accessory Bars & Restaurants for Lodging Business		P	P	P			§7-5-J-3
Lodging Facilities	Lodging Business - Hotel, Motel, Bed & Breakfast, Hostel		P	P	P			
	Campground and RV park		C	C	C			§7-5-J-3
	Short Term Rental (STR)		L	L	L			§7-5-J-11
Offices, Business & Professional Services	Bank, Financial Institution			P	P			
	Home Occupations	P	P	P	P			§7-5-J-2
	Professional, Government, or Administrative Office/Facility			P	P			

Automotive, Maintenance & Repair Services	Auto Service Stations				P			
	Repair Shops				P			
	Automotive Sales				P			
Storage & Warehousing	Lumber Yards				P			
	Storage Units				P			
	Builder Supply Yards				P			
	Wholesale Distributors				P			
	Warehousing				P			
	Gravel Crushing & Screening				C			§7-5-E-6-b
	Intermodal Shipping Containers for Accessory Storage				C			§7-5-E-6-b
<b>PUBLIC, INSTITUTIONAL, OPEN SPACE AND CIVIC USES</b>								
Community & Cultural Facilities	Scenic Areas	P	P	P	P	P		
	Conservation Areas	P	P	P	P	P		
	Historic Preserves	P	P	P	P	P		
	Bird and Animal Sanctuaries	P	P	P	P	P		
	Public Utility Service Facilities	P	P	P	P	P	P	
	Public Sanitation Facilities						P	
	Public Water facilities						P	
	Private and Fraternal Clubs			P	P			
	Churches	P	P	P	P			
	Recreational Facility				P			
	Public Schools	P	P	P	P			
Transit Uses	Street & Highway Landscaping and Beautification	P	P	P	P	P		
	Parking Lots						P	
Open Space	Open Space, Forest Parks, Tree Planting	P	P	P	P	P	P	

## 5.2 Use Specific Standards

### 5.2.1 Home Occupations

#### 1. 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

## **2. 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:

- A. City and state sales tax licenses must be obtained if sales taxable by the city or state sales taxes are to be made;
- B. Only the residents of the dwelling unit and one employee may be engaged in the home occupation;
- C. The home occupation does not change the essential residential character of dwelling unit or accessory building;
- D. No more than 50% of the total floor area of the main level floor of the dwelling unit is devoted to the home occupation;
- E. No equipment or materials used in the home occupation may be stored outside the building;
- F. 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;
- G. Except in the R-1 zoning district, signs shall comply with applicable sign regulations; and
- H. In the R-1 district, the following criteria must be followed:
  - a. 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;
  - b. 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.

### **5.2.2 Manufactured Home and Recreation Vehicle (RV) Park Standards (add tiny homes?)**

#### **1. Application and Permit**

- A. 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.
- B. 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.
- C. 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.

- D. 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.
- E. 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.

## 2. **Manufactured Home Park Design Requirements**

- A. Manufactured home parks may be located only where allowed by City zoning regulations and shall be a **minimum of two (2) acres.**
- B. 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.
- C. 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.
- D. Minimum space area shall be 2500 square feet.
- E. Minimum setbacks within each space:
  - a. Front setback shall be 12 feet
  - b. Rear setback shall be 8 feet
  - c. Side on Corner Space setback shall be 7.5 feet
  - d. Side setback shall be 5 feet
- F. 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.
- G. The manufactured home park developer shall provide improvements developed to the standards required in this Subsection of the OLUC and shall provide the following:
  - a. 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.
  - b. Refuse collection for each manufactured home space shall be provided.

## 3. **Recreational Vehicle (RV) Home Park Design Requirements**

- A. 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.**
- B. 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.

- C. Dimensional Requirements:
  - a. All RVs and any accessory structures shall be at least ten (10) feet from any other RV and accessory structure.
  - b. The number of RVs in the park shall not exceed 25 RVs per acre.
- D. 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.
- E. The RV park developer shall provide the following improvements:
  - a. A water system, including fire hydrants and fire mains.
  - b. A sanitary sewer system.
  - c. Streets with a minimum width as follows:
    - i. One-way/no parking – 11 feet;
    - ii. One-way/parking on one side – 18 feet;
    - iii. Two-way/no parking – 24 feet;
    - iv. Two-way/parking on one side – 27 feet;
    - v. Two-way/parking on both sides – 34 feet.
  - d. A storm drainage system.
  - e. Street signs to include traffic circulation and security lights.
  - f. A service building meeting the requirements of applicable state and city regulations.
  - g. The City may require reasonable utility easements to be dedicated to the public for the purpose of public and city utilities.
  - h. Designs for dump stations, when provided, shall be approved by the city.

#### **4. Maintenance of Manufactured Home and Recreational Vehicle (RV) Parks**

- A. 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.
- B. 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.

#### **5.2.3 Telecommunications Antenna and Tower Standards**

- 1. Telecommunication towers and antennas shall be located, and comply with the following provisions:
  - A. 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.

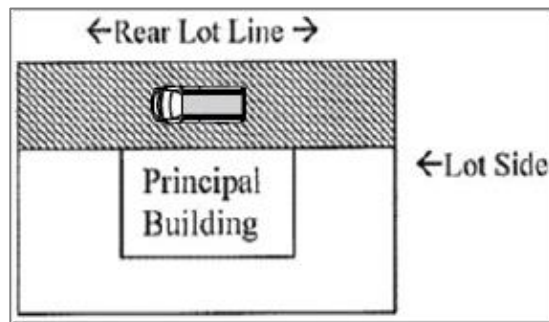
- B. Antennas for "personal wireless services" as defined in 47 USC 332(c)(7)(c)(i) shall be limited to the C-1 and C-2 Zoning Districts, or upon City-owned property in other zoning districts pursuant to leases or permits with the City, with terms and conditions adequate to insure safety and reasonable compatibility with the neighborhood in which they are located, including requirements for camouflaging where appropriate.
  - C. Commercial radio, television and other telecommunications transmitters and receivers shall be restricted to commercial zoning districts.
  - D. Additional receivers or transmitters may be installed on existing telecommunication towers regardless of the zoning district.
2. All telecommunication antennas and towers shall be limited to the maximum height set out in Table 7-5-D, with the following exceptions:
- A. 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.
  - B. 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:
    - a. A higher tower is necessary to be reasonably adequate for the domestic communications purposes;
    - b. No reasonable alternative exists; and
    - c. No adverse impacts will be created with respect to other property in the area.
  - C. 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:
    - a. 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;
    - b. No adverse effect on property values in the area will be caused and no safety hazard will be created; and
    - c. The design and color of the tower and appurtenances shall be reasonably compatible with the site and surrounding area.
  - D. A final decision to deny a variance shall be in writing and supported by a substantial written record.
  - E. 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.

#### 5.2.4 **Recreational Vehicle** Parking **add workforce permissions?**

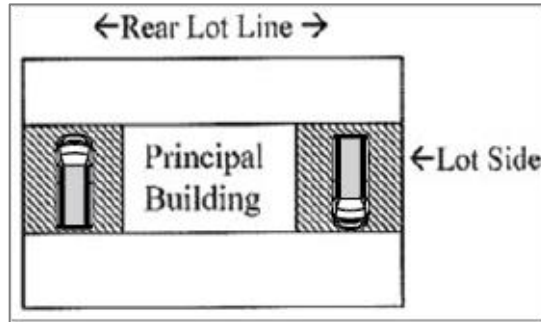
- 1. In the R-1, R-2, C-1, and C-2 districts, RVs may be parked as follows:
  - A. Occupied as temporary dwellings only within a licensed RV Park in a designated space or with a permit issued by the City.

Let's talk about the 7/14 day stay license and perhaps permissions for longer stays for workforce or home/site construction.

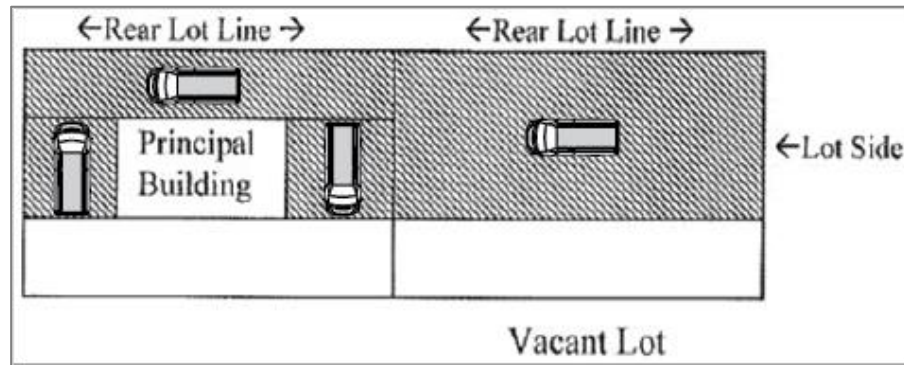
- B. RVs less than twenty (20) feet long may be parked, if unoccupied, in compliance with any of the following:
  - a. Upon the public rights of way or other designated public parking area, if registered under state law and lawfully parked in compliance with Section 14-8; provided, however, they may 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.
  - b. Upon a lawful RV sales lot.
  - c. In a licensed RV Park.
  - d. In a garage.
  - e. 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.
- C. One RV may be parked either:
  - a. 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;



- b. 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



- c. 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:
  - i. The lot with the principal building, the vacant lot, and the RV are owned by the same owner.
  - ii. The vacant lot is contiguous to the lot on which the principal building is located.
  - iii. Parked in compliance with building setback regulations as illustrated:



- iv. 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.
- d. 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.

#### 5.2.5 Accessory Dwelling Units – Check for current code compliance

1. 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.
2. 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.
3. One off-street parking space shall be provided for the accessory unit in addition to any other required off-street parking.
4. The accessory dwelling unit may not exceed 1,000 square feet of living area.
5. If any of the dwelling units are rented, a minimum of a 30-day rental period shall be required by written lease.
6. The accessory dwelling unit must be owned together with the principal residential unit in undivided ownership.
7. 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.
8. 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.
9. 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.

#### 5.2.6 Medical/**Retail** Marijuana

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

### 5.2.7 Short Term Rentals

1. **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.
2. **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.
3. **Prohibitions and Conditions**
  - A. STRs are prohibited in the R-1 Zone District.
  - B. STRs are prohibited in accessory dwelling units.
  - C. A maximum number of STR licenses, also known as a Cap, may be adopted by City Council from time to time.
  - D. 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.
4. **Exemptions**
  - A. 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.
  - B. Dwelling units located within a lodging business premises are exempt but those located outside the lodging business premises must have an STR license.
  - C. 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.
5. **Registration, Licensing, and Renewals**
  - A. 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.
  - B. The City Administrator, or any authorized staff, may issue and regulate short-term rental licenses, administratively.
  - C. 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.
  - D. 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.

- E. 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):
  - a. The transfer of title to real property if the grantee is a member of the grantor's family.
  - b. The transfer of title to real property from a grantor to a trust established by the grantor.
  - c. 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.
  - d. Any transfer of the property between the same parties creating or terminating a joint tenancy in such property.
  - e. 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.
  - f. 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.
  - g. 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.
  - h. 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.
  - i. The transfer of title between spouses or former spouses made pursuant to a separation agreement, decree of legal separation, or dissolution of marriage.
- F. The real property owner remains solely responsible for compliance with these regulations and any policies adopted by City Council from time to time.
- G. Licenses are valid for one (1) year; and all license renewals shall be due on or before February 28 of each year.
- H. 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.

#### **6. Signs and Advertising Standards**

- A. 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.
- B. 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.
- C. Signs in the C-1 and C-2 zone districts shall comply with the City Sign Code.
- D. 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.

#### **7. Rules**

- A. The maximum number of persons per short-term rental shall be two (2) per bedroom, plus two (2) additional persons.
- B. Noise Ordinance shall be followed.
- C. 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.
- D. 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.

#### **8. Parking Standards**

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

#### **9. 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.

#### **10. Building Code Requirements**

- A. 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.
- B. 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.

#### **11. Refuse**

- A. The real property owner is responsible for proper disposal of garbage, refuse and trash collection in accordance with the Ouray Municipal Code.
- B. 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.
- C. All trash shall be properly stored within containers that are not visible from any public street or sidewalk.

#### **12. Other General Requirements**

- A. Short-term rentals must replace any exterior open light fixtures with dark sky compliant lighting.
- B. Real property owner must abide by all other applicable local, state, and federal laws and regulations.

### **13. License Posting Requirements**

- A. The STR License must be posted in a conspicuous place and contain the following items.
  - a. Contact information for the owner or responsible party.
  - b. The STR address and license number.
  - c. Maximum number of guests.
  - d. Location of fire extinguishers.
  - e. A copy of the noise ordinance.
  - f. Parking and snow storage rules.
  - g. Trash disposal information.
  - h. How to sign up for emergency notifications.
  - i. Information on any City fire bans, or water use restrictions.
  - j. Map showing locations where trailer and large vehicle parking is allowed.

### **14. Revocation or Suspension of License**

- A. 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.
- B. 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.
- C. A license may be suspended after notice to the real property owner for:
  - a. One or more violations of any condition of the license or of any provision of these regulations during the licensing period.
  - b. Written notice of any violation shall be mailed to real property owner at the address provided in the most recent application.
  - c. The suspension is effective seven (7) days after the date of the notice.
  - d. 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.

### **15. Violations and Penalties**

- A. 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.
- B. 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).
- C. Enforcement and penalties for violations of these Short-term Rental regulations shall be as provided for in OMC, Section 7-3.

### **16. 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.

#### 5.2.8 Outdoor Displays of Merchandise

1. 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

#### 5.2.9 Intermodal Shipping Containers

1. Intermodal Shipping Containers. Intermodal shipping containers are allowed for temporary construction storage in all zoning districts in association with permitted construction provided:
  - A. The maximum length of time is one (1) year from the date of building permit issuance;
  - B. 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;
  - C. Shipping containers will not be stacked; and
  - D. 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.

Workforce/affordable housing

Temporary Uses (180 days)

Section 6: Dimensional Requirements or Development Standards

6.1 Table of Dimensional Standards

All primary and accessory structures are subject to the dimensional standards set forth in table 6.1. These general standards may be further limited or modified by other applicable sections of this Land Use Code. General rules for measurement and exceptions are in **Section 7.1**.

	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
<b>Minimum Lot Area</b>	NA	NA	7,100 sf	7,100 sf	7,100 sf	3,500 sf	7,100 sf	7,100 sf for any use
<b>Maximum Density</b>	NA	NA	3,500 sf/DU	2,370 sf/DU 790 sf/LU	3,550 sf/DU 1,183 sf/LU	NA	3,550 sf/DU 1,183 sf/LU	3,550 sf/DU 1,183 sf/LU
<b>Minimum Front Setback</b>	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.	<b>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 south boundary of Sampler Mill site, the front setback</b>	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.

	<b>Parks Developed (P1)</b>	<b>Park Conservation (P2)</b>	<b>Residential (R1)</b>	<b>Residential High Density (R2) South of Skyrocket</b>	<b>Residential High Density (R2) North of Skyrocket</b>	<b>Commercial District (C1)</b>	<b>Commercial District – Industrial (C2) South of Skyrocket</b>	<b>Commercial District – Industrial (C2) North of Skyrocket</b>
						equal to the average of the existing building front setbacks along the same block or 10 feet, whichever is less.		
<b>Minimum Side Setback</b>	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.
<b>Minimum Rear Setback</b>	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.
<b>Maximum Roof Eaves</b>	NA	NA	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
<b>Minimum Floor Area</b>	NA	NA	Must comply with current	Must comply with current	Must comply with current	Must comply with current Building code	Must comply with current Building	Must comply with current Building

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	<b>Parks Developed (P1)</b>	<b>Park Conservation (P2)</b>	<b>Residential (R1)</b>	<b>Residential High Density (R2) South of Skyrocket</b>	<b>Residential High Density (R2) North of Skyrocket</b>	<b>Commercial District (C1)</b>	<b>Commercial District – Industrial (C2) South of Skyrocket</b>	<b>Commercial District – Industrial (C2) North of Skyrocket</b>
			Building Code adopted by City	Building code adopted by City.	Building code adopted by City.	adopted by City.	code adopted by City.	code adopted by City.
<b>Maximum Floor Area</b>	NA	NA	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 the primary structures on the block front or 4,260 sq. ft., whichever is less  All other properties: 10,650 sq. ft.	10,650 sf	Ouray Commercial Historic District and Fronting Highway 550: 9,585 sf 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.
<b>Maximum Site Coverage</b>	5%	5%	30%	50%	40%	90%	50%	40% for residential use  50% for mixed use  60% for commercial use
<b>Maximum Building Impervious Surface Site Coverage</b>	NA	NA	80%	80%	80%	100%	80%	80% for any use

	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
Maximum Height	20	10	30	35	35	35	35	35
Maximum Size for Accessory Buildings	NA	NA	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.	NA	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.

**6.2 Maximum Density/Minimum Lot Area:**

Maximum density is the maximum number of dwelling units allowed (D.U.) or lodging units (L.U.) per sq. ft. of gross lot area listed. The density is determined by dividing the number of units on a site by the gross acreage of the site, including any land area required to be dedicated for right-of-way. In the determination of the number of units to be allowed on a specific parcel of land, a fractional unit equal to or greater than one-half of a unit shall be rounded up to equal a full unit; a fractional unit less than one-half of a unit shall be rounded down.

**6.3 Setbacks**

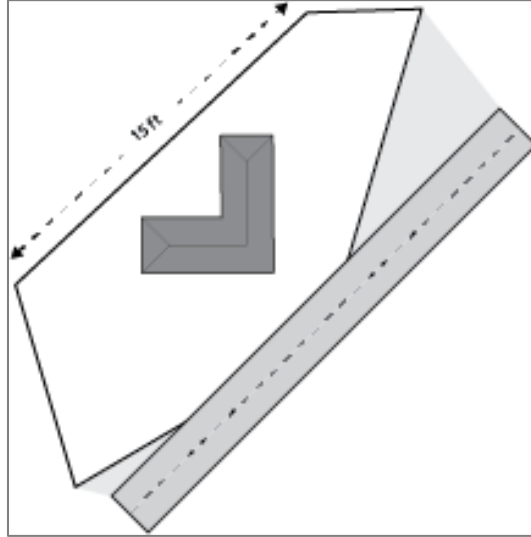
1. Except as provided in this Land Use Code, every required front, side, and rear setback space shall be open and unobstructed from the ground to the sky.

**A. SETBACKS on CORNER LOTS:** A corner lot abutting upon two (2) streets in a residential zone shall have the front setback determined by where the home fronts. The remaining street frontage will be a side setback.

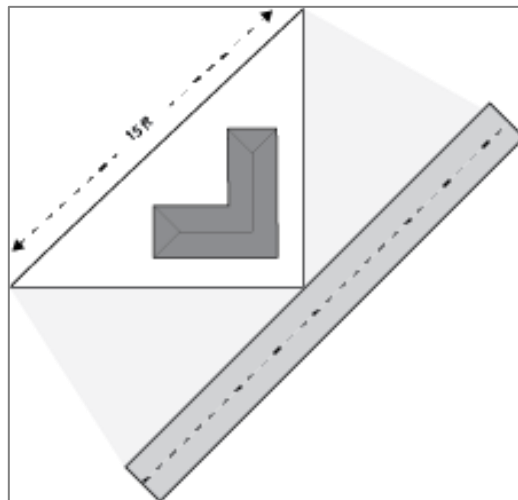
**B. SETBACKS MEASURED from PROPERTY LINES:** Verification of boundaries is the responsibility of the owner. In all zones, which require front, side, and/or rear yards, the required depth of said yards shall be measured from the property line along a line perpendicular to the property line.

**C. IRREGULARLY SHAPED LOTS**

- a. In the case of lots having more than four (4) lot lines or lots which vary considerably from a rectilinear or trapezoidal shape, the rear lot line shall be considered as the line most nearly opposite from and parallel with the street line on which the lot abuts as illustrated below.



- b. In the case of a triangular shaped lot, the rear lot line shall be considered as a straight line fifteen feet (15) in length which:
- i. Is parallel to the front lot line or its chord; and
  - ii. Intersect the two (2) side lot lines at points most distant from the front lot line as illustrated below.

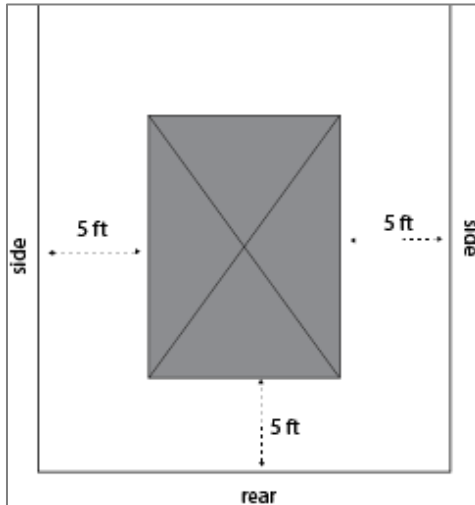


## 2. Building Setback Requirements

- 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 as illustrated below.
- 3) Rear setback shall be five (5) feet as illustrated below.

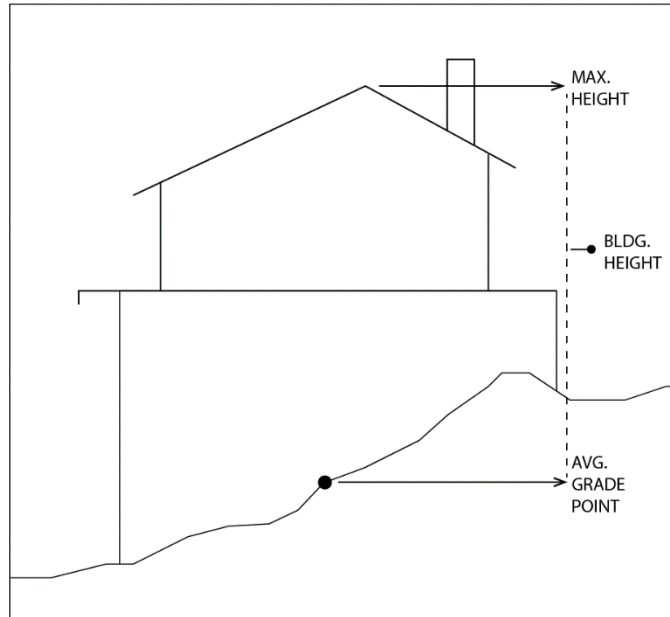


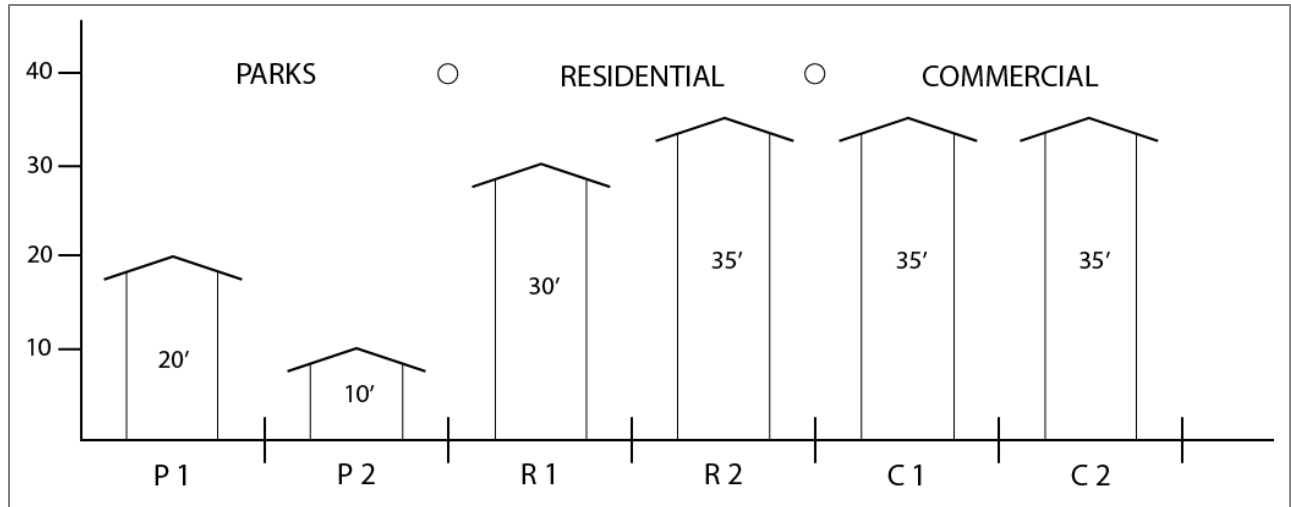
- 4) Exceptions: STRUCTURES PERMITTED to INTRUDE INTO REQUIRED YARD SETBACK AREA. The following structures may intrude into any required yard which is five (5) feet or greater in width or depth, provided however, that no such structure shall intrude into the required yard a distance greater than is permitted in this Section:
  - a. Cornices, eaves, vigas, sills, buttresses, or other similar architectural features – one foot.
  - b. Fireplace structures not wider than eight (8) feet measured in the general direction of the wall of which it is part – one foot.
  - c. Open stairways, balconies, and fire escapes -- one foot.
  - d. Uncovered porches and platforms which do not extend above the floor level of the first floor – one foot into required side and rear yards and six feet (6) into required front yards.
  - e. Permanent planters not exceeding forty-two inches in height – one foot.
  - f. Portable sheds or small storage units 120 sq. ft. or less in size and not on a permanent foundation are allowed to encroach on rear and side setbacks. They may not be located in the front setback or create snow shed, drainage or other issues for neighbors.
  - g. Little free libraries, other similar free boxes, and temporary uses such as lemonade stands are permitted in the front setback area as long as they do not obstruct the public right of way.
  - h. Eaves shall not extend more than one (1) foot into the required setback, and shall never extend beyond the property line.

#### 6.4 Building Height:

1. No building shall be erected or altered that will exceed the height limit for the respective zoning district, unless otherwise provided for below or elsewhere in this Land Use Code.

- A. The following building elements and appurtenances may exceed the height limits, but only to the minimum degree necessary to achieve compliance with applicable building codes, or if not regulated by building codes, to provide for appropriate function:
- a. Chimneys, vents, attic fans, cupola vents, plumbing vents, solar panels, and light collection domes for daylighting systems.
- B. The following may extend up to 10 feet above the height plane, provided that, collectively, they do not occupy more than 10 percent of the area of the roof (measured horizontally):
- a. Non-habitable towers, spires, belfries, and domes;
  - b. Screened mechanical equipment;
  - c. Green roof vegetation;
  - d. Roof access, elevator, and stair towers; and
  - e. Clock towers or other similar structures.





### 6.5 Parking

Off street parking shall be provided for all new uses in compliance with Table \_\_\_\_\_, this section and all other applicable sections of this land use code and adopted infrastructure standards. Uses not specifically identified in Table \_\_\_\_\_ shall be classified within the use group which most nearly resembles the actual use or determined based on a specific study by a qualified transportation planner or traffic engineer. The following standards and exceptions apply:

1. 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.
2. 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.
3. 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.
4. 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.
5. Accessible parking shall be provided in compliance with the Americans with Disabilities Act.
6. When six or more spaces are required, the required parking and maneuvering areas shall be paved.

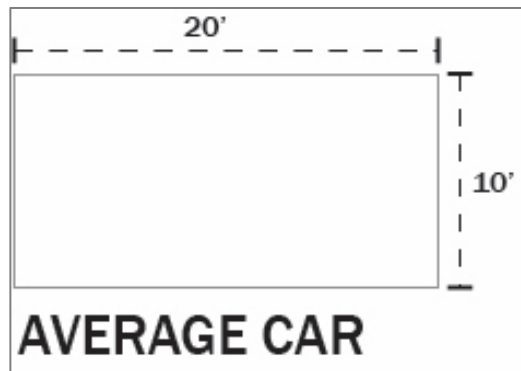
<u>Use</u>	<u>Number of Parking Spaces Required</u>
Dwelling Unit – Single Family	2 per dwelling unit

Dwelling Unit – Multi-Family	2 per dwelling unit Or: 1 bedroom/studio – 1 per dwelling unit 2 bedrooms and up – 1.5 per dwelling unit
Lodging Unit	1 per lodging unit
Schools	1 per classroom
Churches	1 per 8 seats
Retail/Service Business	2 sq. ft. for each sq.ft. of floor space
Accessory Dwelling Units	1 additional space (allow tandem?? – yes?)
Manufacturing/warehousing	1 space per employee

Do you want to add loading standards?

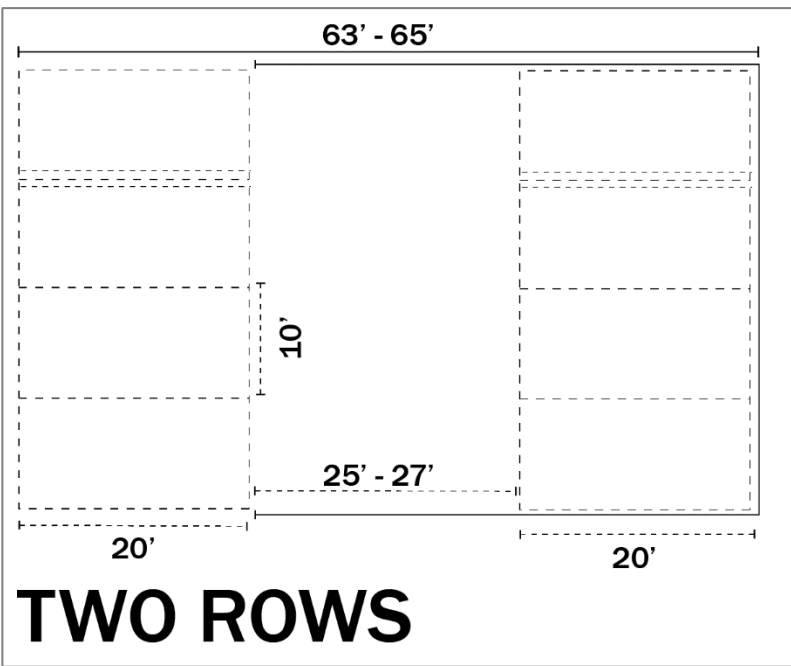
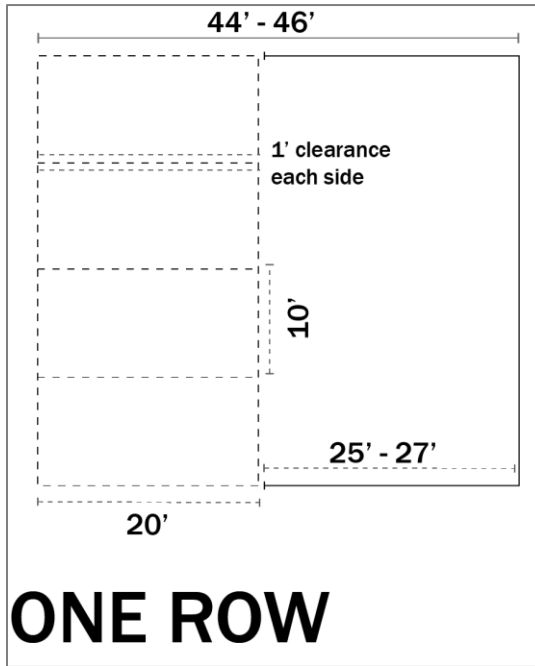
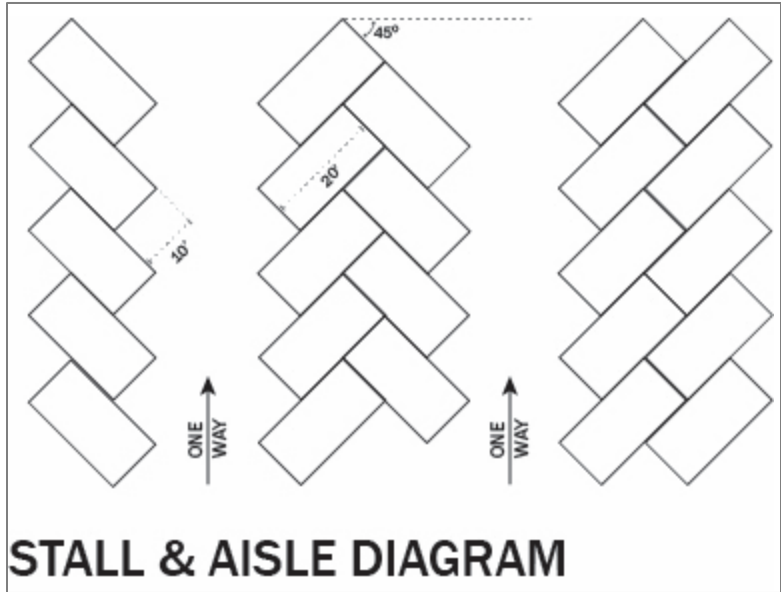
How about bicycle parking? Most communities require some and grant bonuses for more

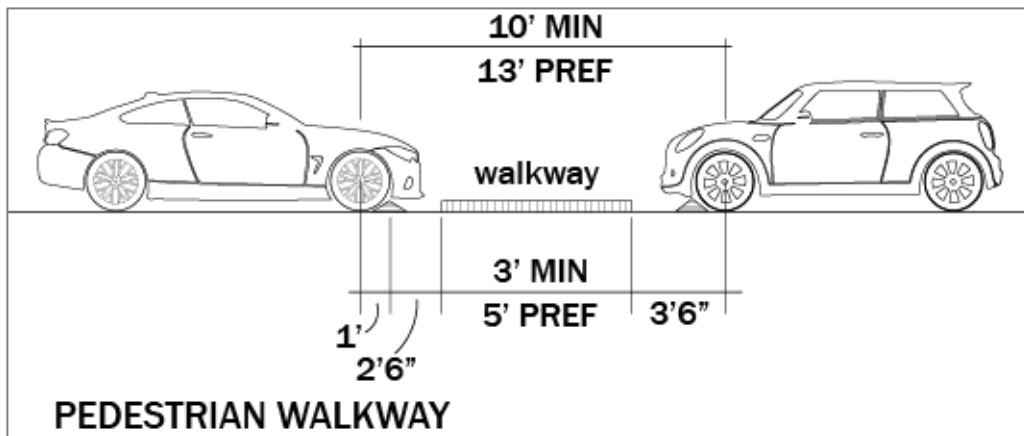
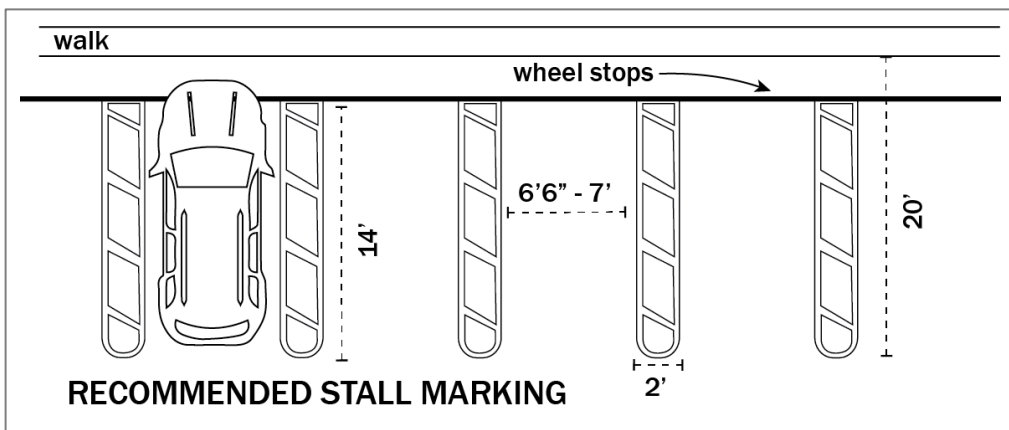
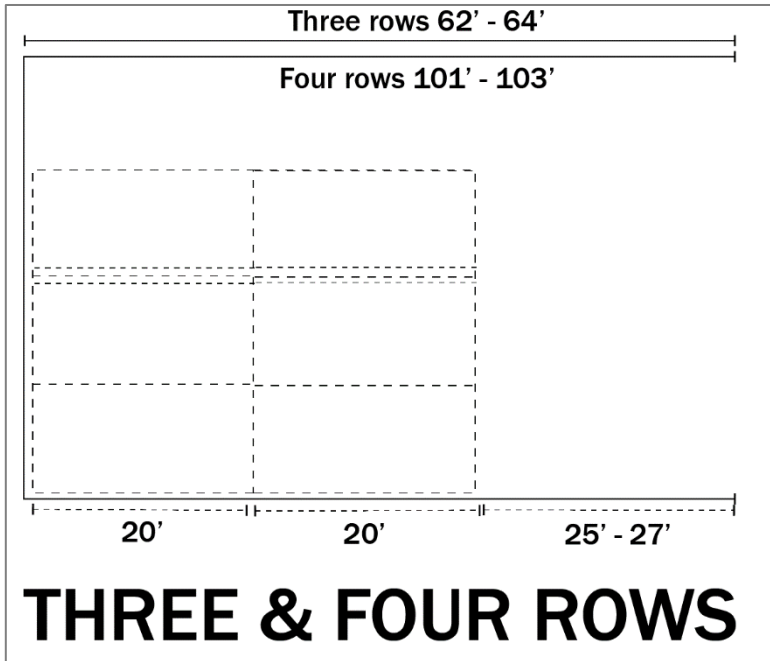
Parking shall be designed and intended to be occupied by a parked automobile. Each space shall contain 200 sq. ft. in area and measuring 20' by 10', exclusive of maneuvering and roadway space as seen in illustration below.

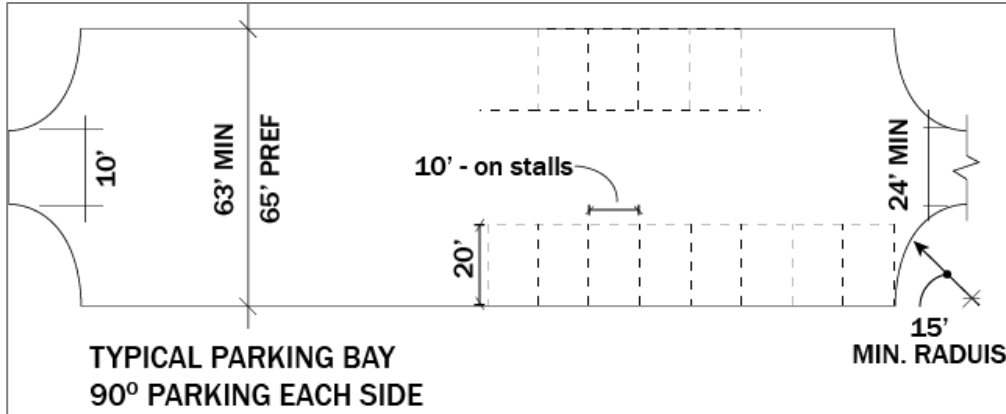


Standards for vehicular maneuvering are contained in the City’s Specifications and Design Standards for Infrastructure Construction.

ADD STANDARDS HERE (Design/Dimensions)







## 6.6 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.

### 6.7 Street Numbering

All development is required to number and display street addresses at all times consistent with the adopted City policy. All numbers must be approved by City staff prior to posting.

- ~~1. 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.~~
- ~~2. 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.~~
- ~~3. 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.~~
- ~~4. 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.

5. 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.
6. 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.
7. 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.
8. 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.
9. 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.
10. 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

### **6.8 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.

### **6.9 Public Improvements (sidewalks)**

### **6.10 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.

## **Section 7: Subdivision Design and Improvement Standards**

### **7.1 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.

### **6.2 General**

#### **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.**

**6.3 Subdivision Design**

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

- 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

- 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.
- 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.

#### **6.4 Subdivision Dedication Requirements**

Parks move here?

Schools?

Any others?

#### **6.5 Subdivision Improvements and Development Agreements**

##### **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.

##### **b. 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.

## **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.

## Section 8: Sign Code

### A. Purpose & Intent

The sign regulations and procedures have been developed to ensure the safety, welfare, and convenience of all Ouray residents. The city of Ouray recognizes the value of signs as a means of providing the public with necessary information. The intent of these sign regulations is to provide proper control of signs that is in accordance with the First Amendment guarantee of free speech. It is not the intent of these regulations to regulate signs based on the content. Rather, these regulations will provide a framework for signs that is narrowly tailored to serve compelling government interests.

In general, these regulations will apply to the:

- 1) Size of signs
- 2) The location of signs.
- 3) The building material of signs.
- 4) The lighting of signs.
- 5) The portability of signs.
- 6) The total number of signs.
- 7) The time restrictions of signs.

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.

### C. 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, display, banner or structure that contains a visual display designed to advertise, announce, 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.

### **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.
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.

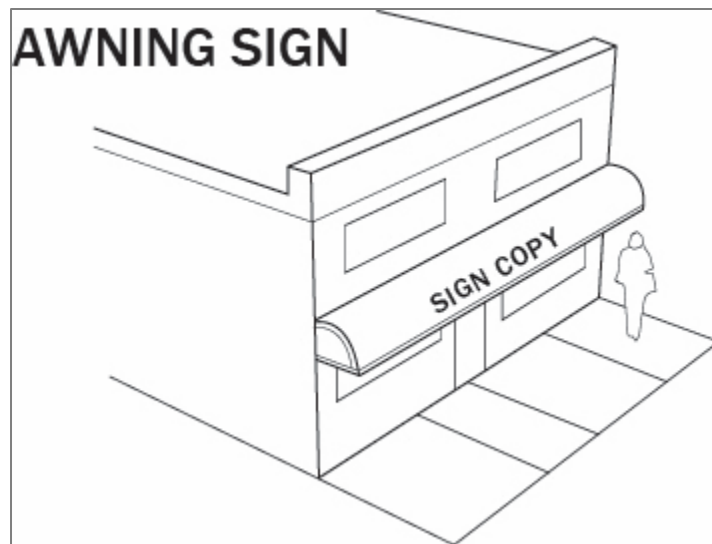
### **C. Performance Criteria**

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.

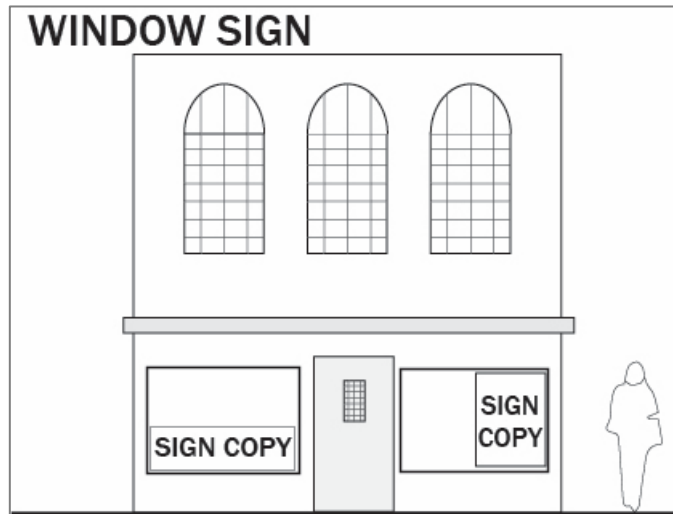
#### **A. Requirements**

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 as seen in illustration below.

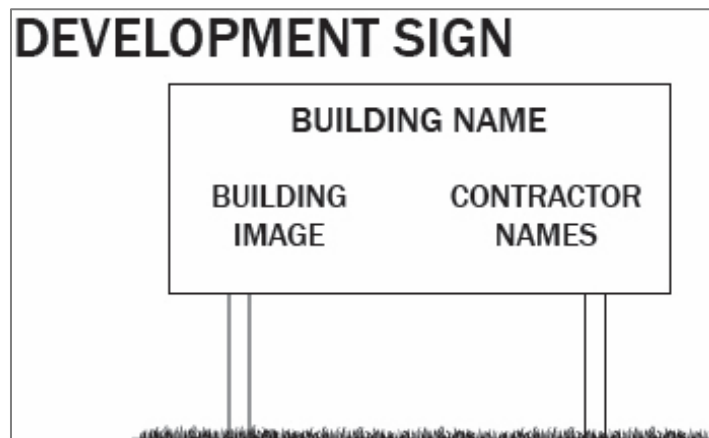


16. Window signs shall not occupy more than 50% of the area of subject window as seen in illustration below.

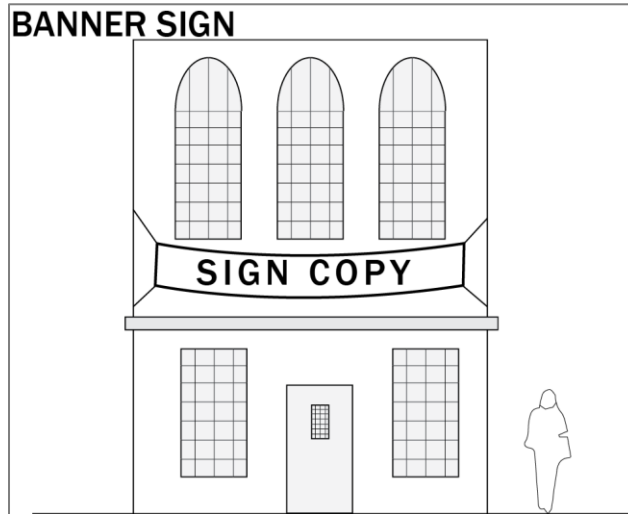


17. The City may approve real estate development identification signs, used during construction or as permanent identification, to be erected and maintained subject to the following:

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 as seen in illustration below.



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 as seen in illustration below.

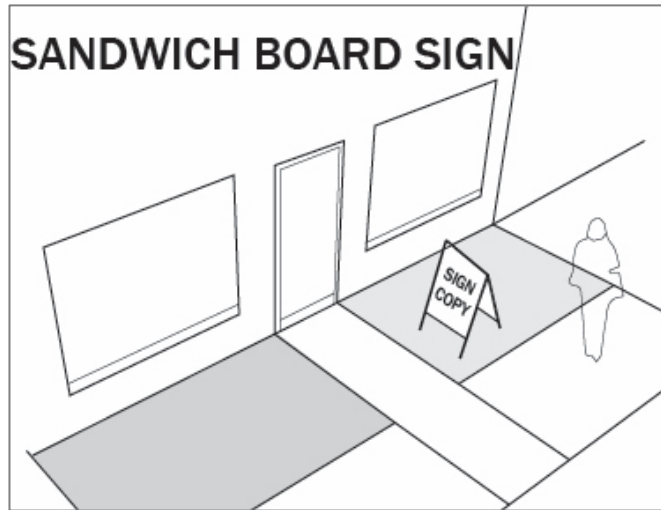


19. Portable freestanding signs may not exceed 24 square feet of total signage area. The signage area includes both sides of a freestanding sign.

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 as seen in illustration below.



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:

- 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 curb line.
- 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 as seen in illustration below.



- 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.

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.

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.

#### Section 9: 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.
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.



Section 10: Impact fees (Reserved)

Section 12: Annexation (Joint Planning Commission)