

# SAN MIGUEL COUNTY LAND USE CODE

## ARTICLE 6

### DEFINITIONS

For the purpose of this Code, certain words or phrases are defined as follows. Words used in the present tense include the future; singular words include the plural; plural words include the singular, and masculine words include the feminine.

#### **Access**

The manner by which persons reach parcels (including lots). Parcels may be reached overland by foot, horseback and/or vehicles using roads, driveways and/or trails approved for motorized use. Access does not include reaching parcels by aircraft.

#### **Accessory Use/Structure**

A use or structure naturally and normally incidental to, subordinate to, and devoted primarily to the principal use or structure of the premises. An accessory use or structure:

- (1) does not change the basic character of the premises (as determined by its principal use or structure);
- (2) is subordinate in area, extent and purpose to the principal use or structure served;
- (3) contributes to the comfort, convenience or necessity of occupants of the principal use or structure served; and
- (4) is located on the same lot or contiguous lots under the same ownership as the principal use or structure.

In no event shall an accessory use be construed to authorize a use not otherwise permitted in the Zone District in which the principal use is located, and in no event shall an accessory use or structure be established prior to the principal use or structure to which it is accessory. Kitchen and/or bath facilities shall be allowed in accessory structures only when such structures are associated with active mining operations.

#### **Accessory Dwelling Unit**

An additional dwelling unit, limited to a maximum of eight hundred (800) square feet, accessory to a single-family residence in the High Density, Medium Density or Low Density Zone District. The Floor Area of the Accessory Dwelling Unit shall be included in the Calculation for employee housing Impact Fee mitigation as defined in, and is subject to, Section 5-13 of this Code unless such unit is voluntarily deed restricted pursuant to LUC Section 5-1303 G. XIX.

### **Active Open Space**

**Purpose:** The intention of this land use category is to maximize retention of the native plant and animal life but to allow more intense recreational uses than provided for in Passive Open Space. For example, the replacement of native grasses with sod would be incompatible with this type of open space. However, more impactful recreational uses than that allowed in Passive Open Space are allowed. This category serves as a middle ground between Passive Open Space and Recreation Areas.

**Definition:** Active Open Space is less-environmentally sensitive (than that in Passive Open Space) open land intended to be preserved for more intensive recreational uses than those allowed in Passive Open Space, but not to include those uses allowed in Recreational Areas. For example, organized play areas, developed Nordic ski trails or tracks, warming huts along trails, children's play equipment and commercial and non-commercial horseback trails riding are permitted. Motorized vehicles are prohibited except for: construction and maintenance of permitted structures, play areas, trails, warming huts and Nordic ski trails and tracks. A development application proposing Active Open Space must receive approval from the Planning Commission and/or the Board of Commissioners, including approval of the specific use(s) requested, with a finding that the proposed uses do not conflict with environmentally sensitive lands, wildlife habitat, or scenic vistas.

### **Activity of State Interest**

An activity that may be designated by the Board from among the following:

- (1) Site selection and construction of major new domestic water and sewage treatment systems and major extension of existing domestic water and sewage treatment systems.
- (2) Site selection and development of solid waste disposal sites.
- (3) Site selection of airports.
- (4) Site selection of rapid or mass transit terminals, stations, and fixed guideways.
- (5) Site selection of arterial highways and interchanges and collector highways.
- (6) Site selection and construction of major facilities of a public utility.
- (7) Site selection and development of new communities.
- (8) Efficient utilization of municipal and industrial water projects.
- (9) Conduct of nuclear detonations.

### **Affordable Housing**

Residential dwelling units in the Telluride Region that are permanently deed restricted by the County's R-1 Housing Deed Restriction that limit use and occupancy to persons (and their families) who live and earn their livings primarily in the R-1 School District of San Miguel County or such other deed restriction as approved by the BOCC.

### **Agricultural Employee Dwelling Unit**

A dwelling unit provided on-site for the housing of an employee of an agricultural operation or a working ranch, accessory to the principal use.

### **Agricultural Operation**

A business evidenced by a history of soil cultivation, crop production and/or the raising of livestock for human use or marketing purposes and occupying agricultural lands as classified by the County Assessor.

### **Agriculture**

Use of land for the production of food and fiber, including the growing of crops and/or the grazing of animals on natural prime or improved pastureland. Normal and customary agricultural activities include commercial greenhouses, tree farms and clearing of vegetation exclusively for growing of crops and/or grazing of animals.

### **Airport**

The Telluride Regional Airport.

### **Airport Height Zones**

- (1) Approach Surface: a surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface.
- (2) Conical surface: a surface extending outward and upward at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
- (3) Horizontal surface: a horizontal plane 150 feet above the established airport elevation.
- (4) Primary Surface: a surface longitudinally centered on a runway extending 200 feet beyond each end of that runway. The elevation of any point on the primary surface is the same as the elevation of any point on the runway centerline.
- (5) Transitional Surfaces: those surfaces extending outward and upward at right angles to the runway centerline extended at a slope of seven to one from the sides of the primary surface and approach surfaces. These surfaces continue until they intersect the horizontal and conical surfaces.

### **Area around a Key Facility**

An area immediately and directly affected by a key facility.

### **Alley**

A public way narrower than a street, permanently reserved as a secondary means of access to abutting property and not intended for general traffic circulation.

### **Alternative Living Space**

A structure that is built or designed outside of mainstream construction, such as a “Tiny Home,” recreational vehicle, yurt, or cargo container, that may not meet all building code requirements for a dwelling, or may be classified as a vehicle, but can provide housing that includes facilities for cooking, bathing, and sleeping. Cooking and bathing facilities may be located in a separate or communal service building. Alternative Living Spaces shall be limited to five hundred (500)

square feet in floor area, excluding loft spaces with an average height of no more than four (4) feet. (A small house built on a foundation, in accordance with applicable building codes, is considered a Dwelling Unit.)

### **Alternate Transportation**

Modes of transportation other than private automobile that provide adequately for the transportation needs of residents of a development or developments.

### **Animal Shelter**

A place for the impoundment and disposition of animals and/or an establishment that houses and feeds stray animals (this does not include animal boarding kennels).

### **Approved Water and Sewer System**

A system or facility utilizing distribution lines to bring water to a development, to provide it with fire-fighting capabilities and to treat, neutralize, stabilize and/or dispose of sewage, not including systems that utilize the absorption capability of soil to treat sewage, and approved by the appropriate fire protection district, the County Sanitarian and the Colorado Department of Health.

### **Area of State or Local Interest**

An area, which may be designated by the Board, containing mineral resources; prone to natural hazards; maintaining a significant impact upon historical, natural or archaeological resources of statewide importance; or in which development may have a material effect upon a facility or the surrounding community.

### **Arterial Highway**

Any highway constructed under the supervision of the State Department of Highways.

### **Auto Repair Shop**

A business for repair and maintenance of automobiles, trucks, and other motor vehicles. All motor vehicles on the premises must carry a current registration and a work order with a completion date not to exceed 30 days. Motor vehicles without valid registration and or a work order shall be classified as salvage and junk, and may not be kept, stored or worked on in an auto repair shop.

### **Avalanche**

A mass of snow or ice and other material that may become incorporated therein as such mass moves rapidly down a mountain slope.

**Basement**

That portion of a structure with fifty percent (50%) or more of its volume below natural grade.

**Bath Facilities**

That portion of a structure, which includes a bathtub, shower and/or other personal bathing or washing areas.

**Bear Proof Container**

An enclosed structure (such as garage, barn, shed) or waste management metal container with bear proof latch

**Bed and Breakfast**

A residential structure with an innkeeper in residence on-site that provides lodging and breakfast for temporary overnight occupants, limited to five separate bedrooms for compensation (except West End Zone District, where more rooms may be allowed). See Section 5-319 H. IV.e for the Wright's Mesa Zone Districts.

**Billboard**

An outdoor advertising sign placed along a right-of-way; billboards generally are prohibited in San Miguel County.

**Board**

The Board of County Commissioners of San Miguel County, Colorado.

**Board of Adjustment**

The San Miguel County Board of Adjustment as established in Section 1-14 of the Land Use Code.

**Boarding House**

See "Rooming House."

**Building**

Any structure including a roof supported by walls, designed or built for the support, enclosure, shelter or protection of persons, animals, chattels or property of any kind that is erected for permanent location on the ground. Building includes yurts, removable sheds, and similar uses, but does not include signs or fences.

**Building Official**

The County employee primarily responsible for implementation of the building code, or that person's designee.

**Building Permit**

A permit issued by the Building Official, after the Planning Director has issued a development permit, that allows a developer to erect, construct, reconstruct, excavate for a foundation, alter or change the use of a building or other structure or improvements of land.

**Caretaker Unit**

A second residential unit on a parcel in the F District, subject to the provisions of Section 5-307 C, that provides caretaking for a non-resident homeowner and/or a long-term rental opportunity for local workers.

**Character (of a developed area)**

The density, height, coverage, setback, massing, fenestration, materials and scale of materials.

**Clustering**

The act of consolidating and closely grouping development within a parcel for the purpose of protecting and/or preserving common open space areas, environmentally sensitive lands, wildlife habitats, view planes, open meadows, scenic foreground and wetlands, and to encourage the efficient provision of utility facilities and public transportation and, in the High Density Zone District, to facilitate non-vehicular access.

**Collector Street**

A street that functions primarily to distribute traffic within neighborhoods, and which carries through traffic and provides access to abutting property.

**Commercial Development**

Includes, but is not limited to: expansion or construction of office, retail, wholesale, warehouse, manufacture, commercial recreation, restaurant/bar and/or service-commercial operations by the addition of square footage. Commercial development creates growth impacts on the community.

**Common Open Space**

A parcel of land, area of water, or a combination of land and water within the site designated for a planned unit development designated and intended primarily for the use or enjoyment of residents, occupants and owners of the planned unit development. The common open space presumes Passive Open Space. Recreation Areas or Active Open Space shall be permitted within Common Open Space as allowed by Planning Commission or Board of Commissioner review. Common Open Space is presumed to be private unless otherwise agreed to by the landowner and the Board of Commissioners.

### **Community Water System**

A residential water system serving 25 or more year-round residents and/or 15 or more service connections used by year-round residents.

### **Compatible**

Having harmony in design and appearance, Use and/or function with existing vegetation, topography and/or existing land Uses in an area.

### **Condominium, Attached**

A residential dwelling unit in a structure containing two or more such units, the living spaces of which are individually owned; the balance of the property (both land and building) is owned either in common by the owners of the individual units or by an association consisting of such owners.

### **Condominium, Detached**

One of at least two individually owned, unconnected residential dwelling units located on property owned either in common by the owners of such units or by an association consisting of such owners.

### **Conservation Easement**

A voluntary, legally binding agreement that limits certain types of uses or restricts development from taking place on a piece of property now and in the future, while protecting the property's agricultural, ecological or open space values.

### **Construction/Contractor Office and Staging Area**

A facility from which a construction company or other building industry contractor operation is based, which may occur in addition to a single-family residence, and on which an office may be located and only vehicles registered to that company and materials for use off-site may be stored. No manufacturing, fabrication or other work involving those vehicles or materials, except for routine repair and maintenance, may be performed on-site.

### **Constructive Notice**

Notice that shall be deemed given as a result of actual notice or any action by the County recorded in the public record maintained by the County Clerk.

### **Contiguous**

Sharing a common border at more than a single point of intersection and in such a manner that the shared boundaries are touching and not separated except by boundaries of public or private rights-of-way, watercourses or water bodies, or other minor geographical divisions of similar nature running parallel and between the shared boundaries. Contiguity is not the mere touching of points at intersections.

**Corrosive soil**

Soil that contains soluble salts that may produce serious detrimental effects in concrete, metal or other substances it contacts.

**County Surveyor**

Elected official with the duties and powers defined by C.R.S. 30-10-903 and as authorized by the Board of County Commissioners.

**Critical Wildlife Habitat (applies to 5-1004 Golf Course Standards only)**

Areas including but not limited to Winter Concentration, Migration Corridors, Production as mapped by the Colorado Division of Wildlife and as documented by the Colorado Natural Heritage Program study, and where Development may potentially impact the health and survival of a species or of the population of the species resident in San Miguel County.

**Cul-de-sac**

A short local street terminating in a vehicular turnaround.

**Current Impact Rate**

The rate shall change at the beginning of each calendar year to reflect the trend of the purchasing power or real value of the United States Dollar. The adjustment shall be based on the Consumer Price Index for All Urban Consumers, U.S. City Average, for All Items (1983-1984 = 100) published by the United States Department of Labor, Bureau of Labor Statistics. The current trash-impact rate shall change by the same percentage as the percent change in the Index figure.

**Current Trash-impact Rate**

The current trash-impact rate is 10 percent of the current impact rate and shall be calculated in the same manner.

**Day Care Center**

A facility licensed by the Colorado Department of Social Services (defined by that department as "Child Care Center") that is maintained for the whole or part of a day for the care of five or more children under the age of 16 years who are not related to the owner, operator or manager thereof, whether such facility is operated with or without compensation for such care, and with or without stated educational purposes. A day care center must provide County and State approved water and sewer systems and shall provide one off-street parking space per employee, a child loading/unloading area of adequate dimensions (preferably off-street) and adequately sized indoor and outdoor play areas.

**Day Care Home**

An accessory use facility licensed by the Colorado Department of Social Services that provides care for two or more children not related to each other, or for children from more than one



family, not related to the care provider. Care shall be provided for each child for more than two consecutive full days (seven or more hours each) on a regular weekly basis. If established in conjunction with a residential use, a day care home shall meet the requirements of a home occupation. If established in conjunction with an institution or business, its use shall be limited to children of employees or guests of that institution or business and shall provide two off-street parking spaces.

### **Dedication**

The turning over by an owner or developer of private land for public use, and the acceptance of land for such use by the governmental agency having jurisdiction over the public function for which it will be used. Dedications for roads, parks, school sites, or other public uses often constitute conditions for approval of a development.

### **Deed Restricted Housing**

Affordable Housing with the Deed Restriction set forth in Section 5-1304 R-1 Housing Deed Restriction, or as approved by the BOCC. See definition for affordable housing.

### **Demolition**

The act of demolishing a structure.

### **Density**

The maximum number of dwelling units per gross acre of land permitted in a Zone District, as set forth in Article 5.

### **Developable Land**

Land as a location for structures and which can be developed free of hazards to, without disruption of, and without significant impact on, natural resource areas.

### **Developer**

Any person, partnership (public or private), association or agency that prepares raw land for the construction of buildings or causes to be built physical building space for use primarily by others, during which preparation the land or the creation of the building space is in itself a business and is not incidental to another business or activity.

### **Development**

The physical extension and/or construction of urban land Uses. Development activities include: Subdivision of land; change in the intensity of Use of land; construction, reconstruction, Demolition or partial Demolition or alteration of Buildings, roads, utilities, and other facilities; commencement of drilling (including wells and/or Soil sampling involving heavy equipment), Mining, or Excavation; installation of septic systems; grading; deposit of refuse, debris, or fill materials; and clearing of natural vegetation cover (with the exception of agricultural activities).

Exempted are routine repair and maintenance and normal and customary ranching and agriculture-related activities.

### **Development Fee**

See "Impact Fee."

### **Development Permit**

A permit issued by the Planning Director that allows a Developer to engage in Development in compliance with all applicable sections of this Code and further enables the Developer to seek a Building Permit that would allow the Developer to commence actual Development. A revegetation plan and a weed control plan shall apply to all Development Permits issued and shall be approved by the County.

### **Development Right**

A landowner's right to improve or develop a property with a residential use or structure allowed pursuant to a Zoning District designation in accordance with all applicable provisions of the Land Use Code.

### **Duplex Residence**

Two-family dwelling with the units either side-by-side or in an over-under configuration. In the side-by-side configuration, the units share a common wall, while in the over-under configuration, they are stacked. A minimum of twenty percent (20%) of the length of the two walls in common shall be shared between the units, regardless of whether the wall is shared by all floors of the units. The shared walls in common shall not be the walls of a breezeway, or similar accessory structure, but may include the walls of a garage.

### **Dwelling Unit**

A separately enterable, self-sufficient room or combination of rooms containing kitchen and bath facilities and designed for or used as a residence by an individual, single family or guests, independent of other families or guests.

### **Easement**

A property right given by an owner of land to another person or entity for specific limited use of that land.

### **Electric Distribution Line**

An Electric Distribution Line is any electric line operated at over 600 volts.

### **Electric Service Line**

An Electric Service Line is any electric line operated at less than 600 volts and is typically less than 300' feet in length.

**Employee Housing**

See definition for Affordable Housing.

**Employee Housing Impact Fee**

A fee paid in lieu of the provision of required deed restricted housing in order to mitigate the impacts of development and land use to the employee housing stock managed or controlled by the County.

**Employee Housing Mitigation Plan**

A plan that complies with Section 5-13 of this Code to provide appropriate employee housing mitigation for a proposed development.

**Encumber**

To legally obligate by contract or otherwise commit to use by appropriation or other official act of the County or Telluride R-1 School District.

**Engineer**

A registered professional engineer.

**Environmentally Sensitive Land**

All land within wetlands (designated by the Army Corps of Engineers and/or the Environmental Protection Agency) or the 100-year floodplain, within 50 feet of the centerline of any perennial stream, with slopes of 35 percent or greater encompassing at least one acre, and/or with known geologic hazard areas, wildlife migration corridors and/or critical wildlife habitats.

**Equestrian Center**

A facility in the Low Density (LD) Zone District, the primary activity of which is the business of recreational horseback riding and instruction, boarding of horses and competitive riding activities, subject to the equestrian center standards in Section 5-24.

**Erosion**

The loosening and transportation of rock and soil debris by wind, rain, or running water; the gradual wearing away of the upper layers of earth.

**Erosion Control Structures**

All facilities necessary to control the direction, depth, velocity and volume of water flow within a development, and to mitigate erosion and related water quality impacts resulting from development.

**Essential Personnel**

Employees who must be available to respond to a workplace (within a specific amount of time) in order to continue critical infrastructure operations or services.

**Essential Services**

The development or maintenance of public utilities or County-approved underground, surface or overhead gas, electrical, steam, fuel or water transmission or distribution systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment.

**Evidence**

Any relevant and competent testimony, map, table, chart, contract or other document offered, prepared or certified by a person qualified to attest to a specific claim or condition.

**Excavation**

The formation of a cavity formed by cutting, digging or scooping earth.

**Exclusionary Zoning**

Illegal development regulations resulting in the exclusion of individuals and/or families from a community on the basis of income or ethnic background.

**Expansive Soil and Rock**

Clay-containing soil and rock that expands upon wetting and shrinks upon drying.

**Exterior Architectural Feature**

The architectural style, design and general arrangement of the exterior of a structure, including but not limited to, texture, materials, windows, lights, signs and other fixtures appurtenant to a structure.

**Family**

Two or more persons related by blood or marriage, or between whom there is a legally recognized relationship, or not more than 5 unrelated persons occupying the same dwelling unit.

**Fee Payer**

That person or entity who pays an Impact Fee, or that person's legal successor in interest with the right or entitlement to any refund or reimbursement of previously paid School Impact Fees and which has been expressly transferred or assigned to the successor in interest.

**Fence**

A structure that serves as a barrier intended to prevent escape or intrusion, to mark a boundary, to

shield or screen view or to serve any similar purpose. Fences in the Open Space Zone District (see Section 5-314 C.) and in Wildlife Habitat Areas (see Section 5-407 A.) are subject to specific standards.

### **Final Plat**

A map of the subdivision showing accurate surveying by a registered surveyor. The map shall show all streets, alleys, blocks, lots and all other requirements listed in Sec. 4-5.

### **Finished Grade**

The elevation of the ground surface, following development, next to the completed walls of a structure, prior to placement of any fill material.

### **First Responder**

A person with specialized training who is among those responsible for going immediately to the scene of an accident or emergency to provide assistance; an emergency response provider.

### **Flex Space**

A use that provides spaces within a development of varying sizes, configurations and orientations that can be configured in ways that serve different uses and activities compatible with the project and property. Uses could include food/beverage processing (such as a brewery, distillery, coffee roaster, bakery, caterer, etc.); local services (such as laundry, dry cleaning, etc.); arts and crafts (art studios, media, maker spaces for jewelry/clothing, furniture, crafts, etc.); construction trades (such as carpenters, plumbers, welders, etc.) as well as compatible accessory/ancillary retail uses. Flex Space could include uses and activities typically associated with light industrial uses. Flex Space generally does not include uses and activities located outside of a building and does not require exterior storage yards and similar supporting areas outside of the building.

### **Flood Control**

All facilities necessary to control the direction, depth, velocity and volume of water flow within a development to mitigate potential damage to the development by flooding.

### **Floodplain**

An area adjacent to a stream that is subject to flooding by the "intermediate regional flood" of that stream and thus is sufficiently adverse to past, current or foreseeable construction or land use as to pose a significant hazard to public health and safety or to property. Where the "intermediate regional flood" has not been determined, floodplain shall mean an area five vertical feet or twenty horizontal feet, whichever is greater, from the high-water line or the high-water profile of the maximum flood of record, whichever method of computation is greater, on any river, stream, or natural drainage channel.

**Floor**

The top surface of an enclosed area within each story of a building, including storage areas, stairways, elevator shafts, basements and accessory uses and structures.

**Floor Area**

The sum area of all Floors protected by an impervious covering calculated using the exterior dimensions of the adjacent walls. This does not include covered decks, porches, patios, or covered surfaces not enclosed by exterior walls. Floor Area includes horizontal surfaces in Basements that have a vertical height in excess of five feet. A Garage, as defined in Article 6, is not included in the calculation of Floor Area. However, to encourage energy efficiency, where earth ship, cob, straw bale, or true adobe construction is used, Floor Area will be calculated using the interior dimensions of the adjacent walls.

**Floor Area Ratio**

The total floor area of a building or buildings on a lot divided by the gross area of the lot, expressed as a ratio.

**Freestanding Sign**

Any sign permanently affixed to the ground, supported by a standard or legs or other self-supporting structure used solely for that sign, and physically separated from any building or structure.

**Front Yard**

The yard extending the full width of a parcel, the depth of which is measured by the least horizontal distance between the front lot line and the nearest surface of the principal building, and such distance is referred to as the front yard setback.

**Garage**

A building or portion of a Building in which only motor vehicles used by the residents, owners, and/or tenants of the Building or Buildings on the premises are stored or kept.

**Gasoline Station**

A place of business for the retail sales of gasoline, which may or may not exist in conjunction with an auto repair shop, based upon specific zoning requirements.

**Geologic Hazard**

A geologic phenomenon sufficiently so adverse to past, current or foreseeable construction or land use as to constitute a significant hazard to public health and safety or to property, including:

- (1) Avalanches, landslides, rockfalls, mudflows, and unstable or potentially unstable slopes;
- (2) Mancos shale, talus slopes, and faults;
- (3) Seismic effects;

- (4) Radioactivity;
- (5) Ground subsidence; and
- (6) Areas of expansive soil and rock, and corrosive soil.

### **Geologic Hazard Area**

An area that contains or is directly affected by one or more geologic hazards.

### **Gross Area**

The total area of a site minus any dedicated rights-of-way and surface easements.

### **Ground Subsidence**

The downward displacement of surface material caused by natural phenomena such as removal of underground fluids, natural consolidation or dissolution of underground minerals, or by manmade phenomena such as underground mining.

### **Groundwater**

Subsurface water within and below the zone of continuous saturation.

### **Guest Ranch**

An establishment providing lodging for no more than 40 temporary overnight occupants. Full meals must be provided for overnight guests and may be provided for others. It may include employee lodging and accessory facilities for overnight guests.

### **Hazard to Air Navigation**

Any structure, growth, stationary or mobile object that has an adverse effect on the safe and efficient utilization of navigable airspace.

### **Height**

The maximum possible upward distance to the top of a building, measured adjacent to a building at a right angle to the horizon line from each and every point on the finished grade, except that:

- (1) The ridge of a gable, hip, gambrel or similar pitched roof may extend up to five feet above the specified maximum height limit;
- (2) Chimneys, flues, vents or similar structures may extend up to ten feet above the specified maximum height limit, ski lift towers may extend up to 50 feet above the specified maximum limit, and wind turbines may extend above the specified maximum limit with One-step Planning Commission Special Use Permit Approval;
- (3) Water towers and mechanical equipment may extend up to five feet above the specified maximum height limit;
- (4) Church spires, bell towers and like architectural features, as well as flag poles, may extend over the specified maximum height limit;
- (5) Schools, churches and public administration buildings in residential zone districts may

exceed the established height limitation by fifty percent, provided they comply with all other requirements for the zone district and that the total floor area of the structure does not exceed the total area of the lot on which the building is located.

### **Historic and Archaeological Resource**

Any known historic or archaeological structures, site or areas within unincorporated San Miguel County.

### **Historic and Archaeological Resource of Statewide Importance**

Historic and Archaeological Resource that has been officially included in the National Register of Historic Places, designated by statute or included in an established list of places compiled by the State Historical Society.

### **Home Occupation**

A non-retail service, business, occupation or trade conducted entirely within a residential building or accessory structure for gain or support by a resident of the dwelling, and no other, which:

- (1) Is clearly incidental and secondary to the residential use of the building;
- (2) Does not change the essential residential character of the use;
- (3) Employs no more than one non-resident of the building;
- (4) Operates pursuant to a valid occupational license for the use held by the resident of the dwelling unit, if required;
- (5) Is confined to no more than fifty percent of the total floor area of the main level of the dwelling, or up to 2,000 sq. ft. of floor area, whichever is less;
- (6) Complies with all applicable provisions of Section 5-704 D.II.c. regarding signs;
- (7) Does not sell any stock in trade, merchandise, supplies or products on the premises, except that such items may be sold if accessory to the non-retail home occupation use;
- (8) Does not store outside of the dwelling unit any equipment or materials used in the home occupation;
- (9) Does not utilize mechanical, electrical or other equipment or items that produce noise, electrical or magnetic interference, vibration, heat, glare, smoke, dust, odor or other nuisance outside the residential building or accessory structure;
- (10) Provides off-street parking to accommodate the needs of the home occupation; and
- (11) Does not include any of the following uses: antique shop, beauty parlor, medical clinic, mortuary, nursing home, restaurant, veterinary clinic or dance studio.

### **Home Occupation for the West End Zone District**

A service, business, occupation or trade conducted entirely within a residential building or accessory structure for gain or support by a resident of the dwelling, which:

- (1) Is clearly incidental and secondary to the residential or agricultural use of the building;
- (2) Does not change the essential residential or agricultural character of the use;
- (3) Provides off-street parking to accommodate the needs of the home occupation; and
- (4) Multiple Home Occupation uses are allowed per residence.



## **Hospital**

A public or private facility that:

- (1) Provides in- and out-patient care, medical and/or dental, ward, surgery, laboratory, physical therapy, diagnostic, radiology, emergency medical and/or pharmacy services;
- (2) Contains administration offices, gift shop, waiting rooms, kitchen (to service hospital patients, staff and visitors), and similar uses; and/or
- (3) Health service and prepaid health maintenance offices, ambulance garage, heliport and/or parking lot.

## **Hotel**

A building containing three or more individual rooms for the purpose of providing overnight lodging facilities on a short-term basis to the general public, for compensation, with or without meals, and that has common facilities for reservation and cleaning services, combined utilities and on-site management and reception.

## **Hunting Lodge**

A seasonal establishment providing lodging for no more than 15 temporary overnight occupants during hunting seasons only (except in the Wright's Mesa Rural Agricultural and West End Zone Districts where more occupants may be allowed), the primary purpose of which is to provide a base for hunting excursions led by the proprietor or other employee or contractor of the establishment.

## **Impact**

The effect of any direct manmade actions or indirect repercussions of manmade actions on existing physical, social, or economic conditions.

## **Impact Fee**

A fee, also called a development fee, levied on the developer of a project by a city, county or other public agency as compensation for otherwise-unmitigated impacts the project will produce.

## **Impervious Surface or Cover**

Material placed over the surface of the ground (e.g. pavement, sidewalks, roofs, driveways) that reduces the infiltration of precipitation into the ground.

## **Improvement**

Any additions to raw land or buildings such as structures, infrastructure (i.e., streets, sewers, etc.)

## **Improvement Permit**

A permit issued by the County Building Official after Final Plat approval that allows

development of required improvements within a subdivision.

### **Indirect Lighting**

Reflected light sources, not including internal illumination or luminous materials.

### **Key Facility**

A public facility or public service structure that serves or would serve the residents of a community or region.

### **Kitchen**

Any room in a structure for the preparation and cooking of food that contains any of the following facilities: stove, refrigerator (except those not larger than 6 cubic feet), sink (excluding wet bar sinks not larger than 12"x12"), oven, range, and cooktop. Second kitchens and the installation of electrical wiring, gas piping and/or plumbing to accommodate the aforementioned appliances in a potential second kitchen are prohibited in the Affordable Housing Planned Unit Development (AH PUD) Zone District and the San Miguel Canyon Area. Commercial kitchens may be installed as second kitchens in all areas of the County; however, a commercial kitchen must be inspected and approved by the County Environmental Health Director. In areas where second kitchens are prohibited, a commercial kitchen, if installed must be removed if the commercial operation ceases, and may not be used for preparation of food consumed in the residence.

### **Landslide**

Falling, slipping or flowing of a mass of land from a higher to a lower elevation.

### **Licensed Premises**

Means the premises specified in an application for a license under Article 43.3 (House Bill 10-1284), which are owned or in possession of the licensee and within which the licensee is authorized to cultivate, manufacture, distribute, or sell medical marijuana in accordance with the provisions of this article.

### **Local Street**

A street that functions primarily to provide access to abutting property.

### **Lot**

A legally created parcel of land shown with a separate and distinct number or letter on a subdivision plat recorded in the San Miguel County Courthouse, or a parcel described by metes and bounds with access to at least one dedicated public right-of-way and held under separate ownership.

**Lot Area**

The total horizontal area within the lot lines of a lot, including any covering public and private subsurface easements, except any area beneath the mean-water line of a water body or within any public or private right-of-way.

**Lot Depth**

The shortest horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

**Lot Lines**

- (1) Front: the property boundary line dividing a lot from a street or from the property boundary line from which road access is obtained.
- (2) Rear: the property boundary line opposite the front lot line.
- (3) Side: any property boundary lines other than front and rear lot lines.

**Lot Width**

The mean distance between the side lot lines measured parallel to the front yard setback line.

**Lumber Mill**

A facility for the sawing, joining, pressing, or other processing of cut timber into planks, boards, and other building materials. A facility that generates finished wood products, such as furniture, is not a lumber mill.

**Mass Transit**

A coordinated system of transit modes providing transportation for the general public.

**Master Plan**

**The San Miguel County Comprehensive Development Plan** and/or one of its constituent Master Plans, such as the **Telluride Regional Area Master Plan**.

**Mineral**

An inanimate constituent of the earth, in either solid, liquid or gaseous state which, when extracted from the earth, is usable in its natural form or is capable of conversion into usable form as a metal, a metallic compound, a chemical, an energy source, a raw material for manufacturing or construction material. Excluded are surface or ground water subject to appropriation for domestic, agricultural or industrial purposes, as well as geothermal resources.

**Mineral Exploration**

The prospecting and exploration stages of mining. Prospecting involves the initial search for an area, utilizing geological, geophysical, geochemical and/or topographical surveys. Exploration

involves determining whether an area contains commercially viable mineral reserves, utilizing drilling and trenching techniques to obtain samples of ore deposits for testing.

### **Mineral Processing**

The processing of mined material including, but not limited to: screening, crushing, storing, washing, mixing, leaching, separating, batching for concrete or asphalt, and other similar or related operations or processes.

### **Mineral Resource Area**

An area with commercially viable mineral reserves, including but not limited to areas of significant historical mining activity, significant present mining activity or planned mining development, or where mineral rights are held by mineral permit or valid mining claim.

### **Minimization**

To reduce to as low as reasonable attainable.

### **Mining**

The act or process of extracting resources, such as coal, oil or minerals from the earth.

### **Mobile Home**

A structure designed to be transported after fabrication and equal to or exceeding eight feet in width and/or 32 feet in length, excluding towing gear and bumpers. Such a structure is suitable for human habitation on a year-round basis when equipped with required plumbing, heating and electrical facilities. Mobile homes have integral chassis or permanent hitches to allow future movement. Any substandard-size mobile homes occupied at the time of adoption of these regulations shall be allowed to continue.

### **Mobile Home Park**

Any plot of ground upon which two or more mobile homes occupied or intended to be occupied for dwelling or sleeping purposes are located for any period of time, regardless of whether a fee is required for such accommodations and whether the mobile home and/or land are owned by the occupants.

### **Mobile Home Park Accessory Building**

A building providing laundry facilities operated by the mobile home park management, recreational facilities, storage and all other activities, facilities and uses authorized or approved by the Board under Section 5-504.

### **Mobile Home Park Accessway**

A way providing access for vehicular traffic from a mobile home stand to an abutting collector street, cul-de-sac street or a service street.

**Mobile Home Park Stand**

That portion of an individual mobile home space reserved for the placement of a mobile home, and structures or additions appurtenant to the mobile home.

**Multi-family Unit**

A dwelling unit in a structure containing three (3) or more such dwelling units, not including hotels and lodges, but including town houses, with accessory use facilities limited to an office, laundry, recreation facilities and off-street parking used by the occupants. One or more dwelling units located within an office, retail, or service commercial building, including (a) Live-work Housing unit(s) (See Section 5-1305 B.V.), shall also be considered (a) multi-family dwelling unit(s).

**Natural Grade**

The highest natural elevation of the ground surface, prior to development, next to the proposed walls of a structure. If the natural grade has been disturbed immediately prior to development, the Building Official may establish the natural grade.

**Natural Resources of Statewide Importance**

Shorelands of major publicly owned reservoirs and significant wildlife habitat areas in which particular wildlife species identified by the Colorado Division of Wildlife of the Colorado Department of Natural Resources could be endangered.

**Neighborhood**

The area adjacent to or surrounding existing or proposed development and characterized by common use or uses, density, style and age of structures and environmental characteristics.

**Net Leasable Commercial and Office Space**

The area within a commercial or office building designed for lease to a tenant for commercial or office use, excluding any area dedicated to bathrooms, stairways, circulation corridors and mechanical areas, but including any areas exterior to the building designed for lease to a tenant for commercial or office use.

**Noise**

Any sound that interferes with speech and hearing, is intense enough to damage hearing or is otherwise annoying or unwanted.

**Nonconforming Lot**

A lot that fails to meet the minimum lot size or width standards for the Zone District in which it is located.

### **Nonconforming Structure**

Any structure legally permitted at the time it was first developed that is not permissible under the area and bulk requirements for the Zone District in which it is located.

### **Nonconforming Use**

Any use legally permitted at the time it was first developed that is not permissible under the regulations for the Zone District in which it is located.

### **Non-community Water System**

A non-residential water system that serves 25 or more people per day for at least 60 days per year in such facilities as restaurants, motels, campgrounds, etc.

### **Non-transient, Non-community Water System**

A non-residential, non-community water system that regularly serves 25 or more of the same people for more than six months per year in such facilities as schools, workplaces, hospitals, etc.

### **Non-unit Space**

The commonly shared floor area within a lodge or hotel, such as lobbies, hallways, stairways, recreational areas and dining rooms.

### **Office**

A use where business, professional, or governmental services are made available to the public, including:

- (1) Business Office - an office for use by persons such as realtors, travel, advertising or insurance agents and property managers providing both products and services, or the home office of a company that sells retail or wholesale products or provides professional services.
- (2) Professional Office - an office for use by persons such as physicians, dentists, lawyers, architects, engineers, accountants and other professionals who primarily provide services rather than products.

### **Off-site Sign**

A type of directional sign generally prohibited in San Miguel County that directs attention to a business, commodity, service, entertainment, attraction or product sold, offered or existing elsewhere than upon the same lot where the sign is located, including billboards.

### **Off-street Parking**

Land anywhere except within a public right-of-way used for parking, storing, or displaying motor vehicles, mobile homes and similar items. Off-street parking shall be paved with all-weather surfacing or covered with gravel and shall be maintained in a usable condition at all times.

**Optional Premises**

Means the premises specified in an application for a medical marijuana center license with related growing facilities in Colorado for which the licensee is authorized to grow and cultivate marijuana for a purpose authorized by Section 14 of Article XVIII of the State Constitution.

**Optional Premises Cultivation Operation**

Means a person licensed to operate a business as described in the State Medical Marijuana Code. An optional premises cultivation license may be issued only to a person who grows and cultivates medical marijuana at an additional Colorado licensed premises contiguous or not contiguous with the licensed premises of the person's medical marijuana center license or the person's medical marijuana-infused products manufacturing license.

**Overburden**

All earth and other materials lying above natural mineral deposits and other excavated materials that are disturbed from their natural state in the process of excavation.

**Owner**

Any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by entirety with concurrent legal or beneficial title to the whole or to part of a building or land.

**Parcel**

Any quantity of land and water for which location and boundaries can be established that is designated by its owner or developer as land to be used or developed as a unit, or which has been used or developed as a unit.

**Park**

Publicly owned land used for active or passive recreational purposes or as a wildlife refuge.

**Park Maintenance Building**

A building within a park used for park operation and maintenance purposes, including but not limited to storage and repair of park vehicles and equipment, greenhouse or park offices.

**Passive Open Space**

**Purpose:** The intention of this land use category is to maximize retention of the native plant and animal life and to minimize the impact of human uses. For example, the replacement of native grasses with sod would be incompatible with this type of open space, as would recreational activities that disturb the native plant and animal life.

**Definition:** Passive Open Space is environmentally sensitive open land, wildlife habitat, scenic vistas intended to be preserved in their natural state free of development, structures, and organized play areas. Passive recreational uses including walking, biking, jogging, nature and undeveloped Nordic ski trails, picnicking, and non-commercial horseback riding trails and bike paths are permitted. Active recreational uses and motorized vehicles are prohibited. Normal and customary agricultural and ranching activities, public access easements and rights-of-ways,

underground utility easements, unpaved trails and interpretive signage are allowed. Unqualified references to Open Space in this Land Use Code means Passive Open Space.

**Patient**

Means a person with a valid patient medical marijuana registry card and adequate, currently valid proof of identification.

**Person**

An individual, corporation, corporate agent, government agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest or any other legal entity.

**Planning Director**

The County employee primarily responsible for planning and zoning administration for the County, or that person's designee.

**Plat**

A map and supporting materials describing land proposed for development and serving as an instrument for recording of real estate interests with the County Clerk and Recorder.

**Platted subdivision lot**

Any lot created pursuant to state law, which has received subdivision approval by the Board of County Commissioners since September 1, 1972. (See also Lot.)

**Population Density**

A measure of the number of persons that could be accommodated in a development, determined on the following basis:

- (1) Hotel or Lodge Unit, Guest Ranch or Bed and Breakfast Bedroom - 1.5 people;
- (2) Dwelling Unit with Floor Area less than 900 sq. ft. - 2 people
- (3) Dwelling Unit with Floor Area between 900 sq. ft. and 1,500 sq. ft. - 3 people
- (4) Dwelling Unit with Floor Area greater than 1,500 sq. ft. - 4 people

**Population Level**

The potential number of people accommodated by a development, in accordance with the population density allowed on a final plat.

**Portable/Wheeled Sign**

A sign not permanently affixed to the ground, a building, or other permanently affixed structure, which may be moved from place to place and which may be mounted on wheels.



**Potentially Unstable Slope**

An area susceptible to landslide, mudflow and/or rockfall hazard(s) or to accelerated creep of slope-forming materials.

**Pre-application Conference**

An informal conference held between County staff and a potential developer for the purpose of obtaining information and guidance prior to formal filing of a land use application.

**Preliminary Plan**

The map or maps of a proposed subdivision and specified supporting materials, drawn and submitted in accordance with the requirements of adopted regulations, to permit the evaluation of the proposal prior to detailed engineering and design.

**Present Value**

The current value of past School Impact Fee payments, taking into account inflation. In making the Present Value calculation, the Consumer Price Index (CPI) for All Urban Consumers, U.S. City Average, for all items (1983-1984) published by United States Department of Labor, Bureau of Labor Statistics shall be used. Present Value is calculated by multiplying the past School Impact Fee payment by the ratio of the CPI for current year to the CPI for the year in which the payment was made.

**Primary Caregiver**

Means a natural person, other than the patient or the patient's physician, who is eighteen years of age or older and has significant responsibility for managing the well-being of a patient who has a debilitating medical condition and provides medical marijuana to the patient pursuant to the State Medical Marijuana Code,

**Primary Residence**

A Primary Residence is considered the main dwelling on a parcel. This dwelling can be a single-family home, a condominium, a one-to-four unit residential building or a manufactured home. There can be only one Primary Residence.

**Principal Use**

The primary use for which a parcel and any buildings thereon may be developed. Only one principal use is allowed per legally created parcel, except as allowed through the Planned Unit Development process, or through the One-step Planning Commission Approval and Special Use Permit processes in the Forestry, Agriculture and Open (F), Heavy Commercial (HC), Public (PUB) Zone Districts. See Section 5-319 E. IV. Principal Use for the Wright's Mesa Zone Districts. Two principal uses per parcel are allowed in the West End (WE) Zone District. Normal and customary agricultural and ranching activities may occur where there exists another principal use.

**Projecting Sign**

Any non-free-standing sign, affixed to or supported by a building or structure, that projects beyond the surface of that portion of the building or structure to which it is affixed or supported by more than six inches.

**Prospecting**

Inspection and exploration of an area for mineral deposits.

**Public Facilities/Services**

Major capital improvements, including but not limited to transportation, sewer, solid waste, drainage, water, education and parks and recreation facilities.

**Public Land**

Land owned by a not-for-profit organization.

**Public Lands for Dedication and Ownership**

Parks, playgrounds, schools, drainage channels, trails, highways, roads and streets or other areas of land to be dedicated to public use.

**Public Right-of-way**

Any parcel of land unobstructed from the ground to the sky dedicated or appropriated to the general public.

**Public Use**

Land, buildings and/or facilities owned or operated by a government agency.

**Rear Yard**

A yard extending the full width of a parcel, the depth of which is measured by the least horizontal distance between the rear lot line and the nearest surface of the principal building, and such distance is referred to as the rear yard setback.

**Recreational Areas**

Recreational Areas are non-environmentally sensitive land intended to be preserved for more intensive, active recreational uses than those allowed in Active Open Space. Development and structures for athletic fields, golf courses, tennis courts, play grounds, equestrian facilities (including paddocks, training rings, stables and indoor riding facilities), and other sites requiring construction and maintenance, other than trails allowed in Passive or Active Open Space are permitted. A development application proposing Recreational Areas must receive approval from

the Planning Commission and/or the Board of County Commissioners including approval of the specific use(s) requested, with a finding that the proposed uses do not conflict with environmentally sensitive lands, wildlife habitat, and scenic vistas.

### **Recreation Building**

A building devoted to public recreation use including but not limited to, golf, swimming pool and tennis clubhouses, exercise rooms, playground and playfield activity centers or clubhouses. A recreation building may include kitchen facilities, bath facilities, toilets, locker facilities and halls for assembly.

### **Referral Agencies**

Agencies or persons that may, in the opinion of the Planning Office or the Board, be affected by a development proposal or be otherwise competent to provide relevant information or analysis concerning the potential impacts of the proposal. These agencies include, but are not limited to:

- (1) The appropriate school district;
- (2) Appropriate offices of each municipality within a two-mile radius of any portion of the Site;
- (3) Appropriate offices of each county within a two-mile radius of any portion of the Site;
- (4) Utility, local improvement and service districts, or ditch companies;
- (5) Each planning commission with jurisdiction over the area;
- (6) Neighborhood caucus groups;
- (7) Homeowner's associations;
- (8) The appropriate soil conservation district board(s);
- (9) The County Attorney;
- (10) The County Building Official;
- (11) The County Engineer;
- (12) The County Extension Agent;
- (13) The County Road and Bridge Department;
- (14) The County Environmental Health Director;
- (15) The Colorado Department of Health;
- (16) The Colorado Department of Highways;
- (17) The Colorado Division of Mines;
- (18) The Colorado Division of Wildlife;
- (19) The Colorado Engineer;

- (20) The Colorado Forest Service;
- (21) The Colorado Geological Survey;
- (22) The Colorado Historical Society;
- (23) The Colorado Land Use Commission;
- (24) The Colorado Oil and Gas Commission;
- (25) The Colorado Water Conservation Board;
- (26) The U.S. Forest Service;
- (27) Canal and Ditch Company; and
- (28) In cases of Wetland reviews, a qualified hydrologist.

**Remodeling**

Any act that changes one or more of the exterior architectural features of a building.

**Request for Interpretation**

A legal interpretation of (a) specific section(s) of the Land Use Code and/or of a particular boundary or designation of the County Zoning Map as such pertains to a specific development proposal.

**Residence**

A single-family, duplex or multi-family structure.

**Residential Use**

Used or legally could be used for dwelling purposes, not including hotel or lodge uses.

**Retirement of a Development Right**

A permanent, irrevocable prohibition of any and all development on a property.

**Ridgeline**

Any landform comprised of connected topographic high points from which at least one slope descends.

**Right-of-way**

Land on which facilities such as roads, railroads, canals, utilities, and other similar uses exist or may be constructed.

### **Riparian Lands**

Riparian lands are comprised of the vegetative and wildlife areas adjacent to perennial and intermittent streams. Riparian areas are delineated by the existence of plant species normally found near freshwater.

### **Road Improvements**

Improvements to public roads including widening existing alignments, changing road surface types (*e.g.*, dirt to gravel, gravel to paved) and major realignments. Such improvements may be subject to Section 30-28-110(1)(d), C.R.S.

### **Road Maintenance**

Maintenance to public roads includes grading, repairs, pothole repairs, placing fill, or replacing drainage structures (maintenance includes the use of updated materials for culverts, cribbing and drainage related repairs). Blasting in the HCA Zone District is limited to maintenance activities as described herein. Repair or restoration of damage to existing public roads in the HCA Zone District, as a result of natural catastrophes or “acts of God”, may be allowed Subject to One-step Board of County Commissioner Review, as set forth in LUC section 5-321 G. IV. Expedient Repairs are allowed to provide for public safety in bona fide emergencies as determined by the San Miguel County Road Superintendent.

### **Rock**

A relatively solid and consolidated naturally formed mass of mineral material.

### **Rockfall**

The descent of rocks from higher to lower elevation.

### **Rooming House**

Any structure where persons are housed for compensation, by the day or week, including hotels, motels, lodges, boarding houses and dwellings into which the general public is received. Each room intended for sleeping shall be maintained in a clean and sanitary condition and has:

- (1) At least 70 square feet of habitable floor area;
- (2) At least 30 additional square feet of floor space for each additional intended occupant; and
- (3) Access to a flush toilet, lavatory, basin, and tub or shower in working order and properly connected to water and sewer systems, with a minimum of one toilet for each four occupants.

Sleeping shall not be permitted in the halls of rooming houses without the express permission of the Board of County Commissioners in response to a public emergency.

### **Runway**

An area of an airport prepared for aircraft takeoff and landing along its length capable of accommodating aircraft of 12,500 maximum gross pounds or greater under visual flight rules.

### **San Miguel Canyon Area**

All developable land within one mile of the San Miguel River between the western edge of the Telluride Region and the base of Norwood Hill, excluding parcels or portions thereof that lie atop one of the mesas adjoining the river canyon.

### **School (as relating to a Medical Marijuana Business)**

Means a public or private preschool or a public or private elementary, middle, junior high or high school. The State or Local Licensing Authority shall not receive or act upon an application for the issuance of a state or local license if the building in which medical marijuana is to be sold is located within one thousand feet of a school, an alcohol or drug treatment facility, or the principal campus of a college, university, or seminary, or a residential childcare facility. The local licensing authority of a county by rule or regulation, the governing body of a county, by resolution, may vary the distance restrictions imposed by the state for a license or may eliminate one or more types of schools, campuses, or facilities from the application of a distance restriction established by or pursuant to the state regulations.

### **School Capital Facilities**

An improvement with a useful life of ten (10) years or more, by new construction or other action, which increases the service capacity the Telluride R-1 School District.

### **School Impact Fee**

The payment of money imposed upon and paid by new residential development as a condition of development approval as its proportionate share of the cost of providing School Capital Facilities needed to serve such development.

### **Seismic Effects**

Direct and indirect effects caused by an earthquake or an underground nuclear detonation.

### **Separate Ownership**

Pertains to a lot or parcel not contiguous with or adjacent to another lot or parcel or real property owned by the same owner.

### **Setback**

Open space at grade between a structure and the property line of the lot on which the structure is located, measured by the horizontal distance between the lot line and the closest projection of the principal or accessory building. Each setback shall remain unoccupied and unobstructed from the ground upward, except for fences. Where no public dedication exists and the lot line extends to the centerline of the right-of-way, the required yard setback shall equal the distance specified under zone district regulations, plus an additional distance equal to one-half the right-of-way width.

### **Shop-craft Business or Industry**

Any establishment producing one-of-a-kind products made by hand or with limited mechanical assistance, including but not limited to cloth and basket weaving, pottery making and glass blowing.

### **Short-Term Rental**

A Primary Residence (residential dwelling) that is rented for durations of less than thirty (30) consecutive days to a single party. This includes dwellings rented out by individual owners and dwellings rented out on behalf of an owner by a property management entity. A Short-Term Rental may be an entire dwelling or a single bedroom. Accessory Dwelling Units and/or Caretaker Units and County R-1 Housing Deed-Restricted Units are not eligible for Short-Term Rental. The rental of accessory structures, recreational vehicles, camping spaces, and other spaces not located in a primary dwelling unit is not allowed as a Short-Term Rental. A Permit for a Short-Term Rental is not required in the West End (WE) Zone District. Short-Term Rentals are prohibited in the Open Space (OS) Zone District and the High Country Area (HCA) Zone District. Hotels, Bed and Breakfasts, Guest Ranches, and Hunting Lodges are excluded from this definition and require an application and review through a Special Use Permit process.

### **Short-Term Rental Permit**

Property owners must obtain a "Short-Term Rental Permit" from the County prior to Short-Term renting a residence pursuant to Land Use Code Section 5-30.

### **Sidewalk**

That portion of the sidewalk area paved with an impervious surface for use by pedestrians.

### **Sidewalk Area**

That portion of a street between the curb line, or the lateral line of a roadway, and the adjacent property line, intended for use by pedestrians, and also known as "border area," "parkway," "park strip" or "planting strip."

### **Side Yard**

A yard extending from the front yard to the rear yard, the width of which is measured by the least horizontal distance between the side lot line and the nearest surface of the principal building, and such distance is referred to as the side yard setback.

### **Sign**

Any object, device, display, symbol, light or structure affixed to, painted on, placed on or incorporated in a building surface or structure, or displayed from or within a building or structure, or standing freely upon a site, and which is designed to be visible from outside and used, intended or designed to convey or direct information or a message to the public concerning the identification of the premises, or to advertise or promote the interests of any private or public firm,

person, organization, service or product.

**Single-family Dwelling** (same as Single-family Residence)

**Single-family Residence**

An individual residential dwelling that is developed with open yards on all sides of the dwelling unit. Single-family Residence includes all manufactured housing (pursuant to C.R.S. 30-28-115(3)), including all mobile homes on permanent foundations, but does not include recreational or other wheeled vehicles.

**Site**

One or more parcels with one or more structures.

**Sketch Plan**

A map of a proposed subdivision, drawn and submitted in accordance with the requirements of this Code, to evaluate feasibility and design characteristics at an early state in the planning of development.

**Ski Area**

All ski slopes and trails and other places under the control of a ski area operator and administered as a single enterprise within the state of Colorado.

**Slope**

The gradient of the ground surface defined in degree or percent.

**Soil**

Relatively loose, unconsolidated earth material overlying bedrock.

**Solid Waste**

A general category of disposed goods that includes organic wastes, paper products, metals, glass, plastics, cloth, brick, rock, soil, leather, rubber, yard wastes, and wood.

**Square Footage**

The size of a structure measured in "square feet," as defined in the Uniform Building Code.

**Stream or Creek**

Any natural channel or depression through which water flows continuously, intermittently or periodically, including any artificial modification of a natural channel or depression.



**Street**

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

**Structure**

Anything constructed, installed or portable that requires location on a parcel, including a movable building that can be used for housing, business, commercial, agricultural or office purposes, either temporarily or permanently, and also including roads, walkways, paths, fences, swimming pools, tennis courts, signs, sheds and other accessory construction, but not including poles, lines, cables or other transmission or distribution facilities of public utilities.

**Subdivider**

A developer proposing to create a subdivision.

**Subdivision**

The division of any parcel of land into two or more parcels, separate interests or interests in common, except when such division:

- (1) Creates parcels of land each 35 or more acres, none of which is intended for use by multiple owners;
- (2) Creates parcels of land, such that the land area of each parcel, when divided by the number of interests therein, results in 35 or more acres per interest;
- (3) Is caused by order of any court in this state or by operation of law;
- (4) Is caused by a lien, mortgage, deed of trust or any other security instrument;
- (5) Is caused by a security or unit of interest in any investment trust regulated under the laws of this state, or any other interest in an investment entity;
- (6) Creates cemetery lots;
- (7) Creates an interest or interests in oil, gas, minerals, or water that is now and hereafter severed from the surface ownership of real property; or
- (8) Is caused by the acquisition of an interest in land in the name of a husband and wife or other persons in joint tenancy, or as tenants in common; unless the Board finds that steps were taken to establish one of the above conditions (1-8) solely to prevent the division from qualifying for this definition. The Board of County Commissioners may choose to exempt any specific division of land from this definition when it finds that the division is beyond the intent and purpose of subdivision regulations. See Section 5-12.

**Subdivision Improvements Agreement**

One or more security arrangement(s) that may be accepted by the County to secure the construction of such public improvements as are required by this Code as a condition of the approval of a subdivision.

### **Tiny Home**

A small house built on a trailer that includes cooking and bathing facilities, generally classified as a recreational vehicle. A Tiny Home may or may not comply with Federal Motor Vehicle Safety Standards and/or other applicable regulations. (A small house built on a foundation, in accordance with applicable building codes, is considered a Dwelling Unit.)

### **Tourist Accommodation**

Any dwelling unit intended to be occupied primarily by visitors to San Miguel County, located in a facility which offers customary on-site management and services for visitors, excluding any structure used primarily as a residence but used occasionally by visitors to San Miguel County.

### **Trail**

A multi-purpose easement designed to provide safe and easy passage for non-motorized means of travel.

### **Trail Clearing**

The vertical (v.) clearance from the trail tread to overhead obstructions, or the horizontal (h.) clearance from the edge of the trail tread to obstructions within the required vertical clearance. Figure 5-2 shows the total required horizontal clearance for both sides combined. For Nordic skiing trails, the vertical clearance shown indicates distance above maximum snow depth, and the horizontal clearance indicates the overall requirement including the trail tread width.

### **Trail Cross Slope**

The slope measured perpendicular to the centerline of the trail.

### **Trail Cross-slope (X-slope) Range**

The range of existing topographic slopes on which a particular type of trail may be constructed economically.

### **Trail Maximum Profile**

The maximum slope measured along the centerline of a trail commonly accepted for a particular type of use. Profiles shown in Figure 5-2 for Nordic skiing trails are for easy, recreational use.

### **Trail, Multi-use**

Multi-use trails are designed for the most restrictive of several types of uses they can accommodate. Urban multi-use trails typically accommodate high-volume pedestrian and road biking uses; rural multi-use trails typically accommodate equestrian, hiking, mountain biking and sometimes road biking uses; mountain multi-use trails typically accommodate equestrian, hiking and mountain biking uses.

**Trail Switchback Radius**

The distance from the point where opposing legs of a trail switchback meet to the inside edge of the trail tread on either leg.

**Trail Tread**

The useable surface of a trail.

**Treeline**

The elevation above which trees do not grow (generally ranging from 11,200' to 11,900' above mean sea level in San Miguel County), usually characterized by the lack of soil and the predomination of rock at the surface.

**Use**

The purpose for which land or a building is designated, arranged or intended, or for which it either is or may be occupied or maintained.

**Variance**

A departure from any provision of zoning requirements for a specific parcel, except use, without changing the zoning ordinance or the underlying zoning of the parcel. A variance usually is granted only upon demonstration of hardship based on the peculiarity of the property in relation to other properties in the same zone district.

**Visual Runway**

A runway intended solely for the operation of aircraft using visual approach procedures.

**Wall Sign**

Any sign painted, placed on, incorporated in or affixed to a building wall, window or canopy, or any sign consisting of cut-out letters or devices affixed to a building wall, window or canopy with no background defined on the building wall, window or canopy, with the exposed face of the sign located in a place substantially parallel to the wall, window or canopy surface on which it is placed.

**Wetlands**

Areas periodically inundated and normally characterized by the prevalence of vegetation that requires saturated soil conditions for growth and reproduction, excluding lands periodically irrigated for agricultural purposes.

**Wildfire Area**

An area containing or directly affected by a wildfire hazard.

**Wildfire Hazard**

The potential for a wildfire sufficiently adverse to past, current or foreseeable construction or land use as to constitute a significant hazard to public health and safety or to property. Wildfire hazard is based on terrain slope, historical wildfire behavior and vegetation types.

**Winter Maintenance**

Winter Maintenance on public roads includes snow plowing, snow cat grooming or the use of similar equipment or machinery for the purpose of clearing and/or opening the road so it may be traveled on by conventional automobiles and trucks including 4-wheel drive vehicles.

**Working Ranch**

Land used for profit-oriented agricultural operations such as cattle and sheep grazing and/or farming.

**Yard**

Open space not wholly or partially enclosed by buildings, not in an alley or street, unoccupied and unobstructed from the ground skyward, except by building eaves, architectural projections, balconies, fire escapes, uncovered porches, slabs, patios, walks and steps, fences, hedges and walls. Areas within public and private subsurface easements shall be included in the yard area. (See "Front Yard," "Rear Yard," and "Side Yard.")

**Zone District**

A designated area of the County for which prescribed land use requirements and building and development standards are uniform and listed in this Code.