

SECTION 2

DEFINITIONS

Words and terms used in this Code shall be interpreted in accordance with the following definitions:

ACCESS. A legal point of entry and exit of a lot, tract or parcel of land. Entry and exit of a lot, tract or parcel of land may be provided by a dedicated public right-of-way or easement or as a driveway, shared with another structure or solely for a single use, provided that the road or driveway meets the minimum requirements as set forth under Section 15 of this Code.

ACCESSORY DWELLING UNIT (ADU). A structure - requiring and receiving a certificate of occupancy, subordinate to the primary dwelling unit on a property, and subject to the following conditions:

- A. Parcels less than 3-acres in size may include an ADU with a maximum size of 800 square feet and must be located within 100-feet of the primary dwelling unit.
- B. Parcels 3-acres or more in size may include an ADU, with a maximum size of 1200 square feet and must be located within 300-feet of the primary dwelling unit.
- C. For parcels 35-acres or greater in size that have current 'agricultural' status with the Ouray County Assessor, ADUs used as *units for employees* are allowed a maximum of 1200 square feet. Any additional dwelling units shall not exceed a density of one ADU per 35-acres.

For this use, the term "units for employees" shall mean an ADU on a parcel, with agricultural status that may be occupied solely by a current employee or employees, and their immediate family, of the farming or ranching operation where the unit is located.

- D. Parcels created through a court-ordered partition that do not comply with underlying zoning are limited to one dwelling unit and no ADU is allowed.
- E. The construction of any ADU must comply with all County standards and regulations; and
- F. The gross land area utilized by all accessory structures shall not exceed 10% of the gross land area of the parcel.
- G. New driveways (i.e. access to County Roads) for the sole purpose of accessing an accessory dwelling unit are prohibited.
- H. Property owners may apply for an *appeal* or *variance* per the provisions of Section 12 of the Land Use Code regarding the prohibition on new driveways and/or the primary dwelling unit/accessory dwelling unit proximity limitation.

ACCESSORY USES AND STRUCTURES. Non-commercial uses or structures, except for home occupations and home businesses, and licensed uses as defined in Section 20 of this Code, and licensed as defined by County ordinance, which are allowed and are typically incidental to a use by right and comply with all of the following conditions:

- A. Is clearly incidental and customary to and commonly associated with the operation of the use by right;
- B. Is operated and maintained under the same ownership as the use by right;
- C. Includes only those structures or uses consistent with the use by right;

ACCOMMODATIONS. A building containing individual rooms or suites of rooms or separate units used for temporary or overnight occupancy by paying guests.

AIRPORT. Any site used for commercial or public landing/take-off of aircraft, including helicopters. This does not include facilities used strictly for private, non-commercial purposes.

ALTERATION. The action or process of altering or being altered.

AMBIENT LIGHT. Indirect light, which is detectable beyond the illuminated area. Distinguished from glare.

APPEAL. A request by an applicant (appellant) for a review by the Board of Adjustment where the applicant (appellant) believes there has been an error in any order, requirement, decisions, or refusal made by a County administrative official or County agency based on or made in the enforcement of the Land Use Code.

APPLICANT. The owner of the land that is the subject of an application.

AREA OF INFLUENCE (AOI). An area of unincorporated land wherein development or use of land has an impact upon the adjoining municipality.

AREA OF SPECIAL FLOOD HAZARD (AREA). The land covered by the floodwaters of the base flood is the Special Flood Hazard Area (SFHA) on National Flood Insurance Program (NFIP) maps. The Special Flood Hazard Area is the area where the National Flood Insurance Program's flood plain management regulations must be enforced and the area where mandatory purchase of flood insurance applies.

AUTHORIZED AGENT. A representative, assigned by a land owner, authorized to submit an application to the Ouray County Land Use Department.

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

AVERAGE GRADIENT. An expression of slope or an angle of slope. Gradient may be expressed as a fraction, ratio, or percentage, for example, 1/16.4(1 in 16.4) feet indicates that the elevation changes (rises or falls) by one foot in a horizontal distance of 16.4 feet (or a 20% grade), 2:1 (Ratio of 2 feet horizontal to 1-foot vertical.). Average shall be calculated on the basis of a systematic sample of at least one point per acre, of buildable area, a minimum of 40 points per parcel.

BASE FLOOD. The flood having a one (1) percent chance of being equaled or exceeded in any given year. This is the regulatory standard, also referred to as the “100-year flood”. The base flood is the national standard used by the National Flood Insurance Program and all Federal agencies for the purposes of requiring the purchase of flood insurance and regulating new development. Base Flood Elevations (BFE) are typically shown on the Flood Insurance Rate Maps (FIRM).

BED AND BREAKFAST. A business within a building containing no more than four (4) individual rental sleeping units, which offers meals in connection with such lodging and which is designed for short-term rental to tourists and transients.

BLOCK. A tract of land bounded by platted streets, public parks, open space, cemeteries, railroad right-of-way, boundaries of the subdivision or the limits of the County's jurisdiction.

BOARD(S). A group of persons having managerial, supervisory, investigatory, or advisory powers. (See also “Committee”)

BOARD OF ADJUSTMENT. A board consisting of three (3) members appointed by the Board of County Commissioners. The Board of Adjustment may make special exceptions, approve variances, interpret zoning maps, or similar questions, as provided by C.R.S. 30-28-117, according to the procedures provided in the Land Use Code of Ouray County. Appeals to the Board of Adjustment may be taken by any person aggrieved by his or her inability to obtain a building permit or by the decision of Land Use Staff or other employee of the county made in the course of the administration or enforcement of the zoning resolution and Land Use Code.

BOCC (Board of County Commissioners). A group of elected officials charged with administering the County government of Ouray County. The BOCC acts as the executive body of the local government, administering local governmental services and oversight.

BUILDING. Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, chattel, or property of any kind.

BUILDING AREA, DESIGNATED BUILDING AREA. Area designated on a lot in which buildings, structures, roadways, access and other physical improvements may be constructed.

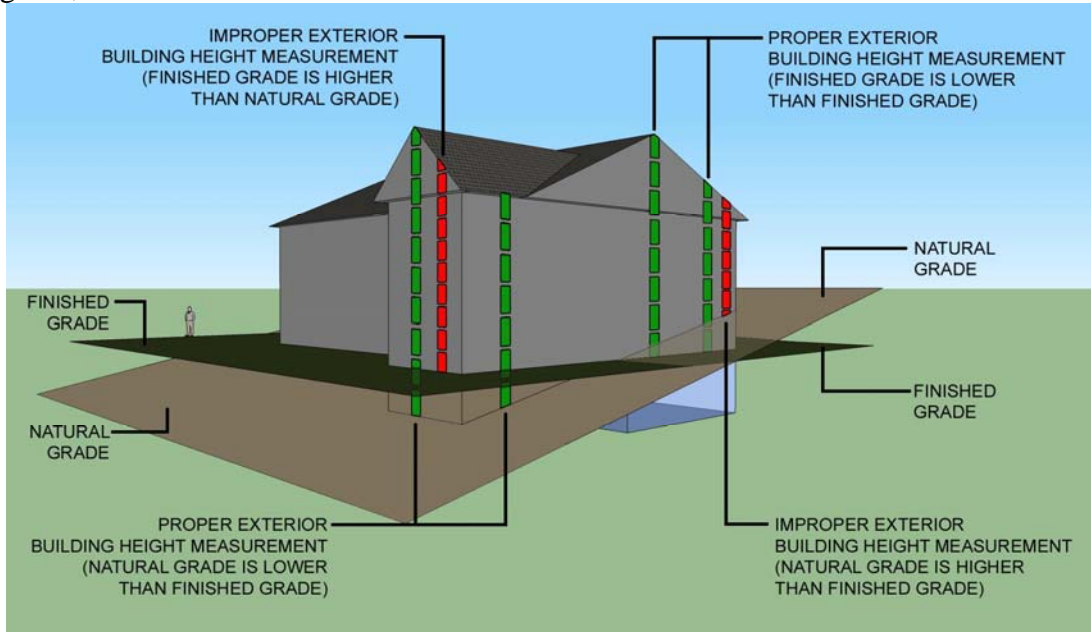
BUILDING ENVELOPE. A three-dimensional area, within a parcel, where a building and/or structure may be constructed. The vertical limitation (z axis) of a building envelope is established by the maximum building height.

BUILDING FOOTPRINT. The outline created by the exterior walls of a building. In the absence of surrounding exterior walls, the building footprint shall be the area under the horizontal projection of the roof.

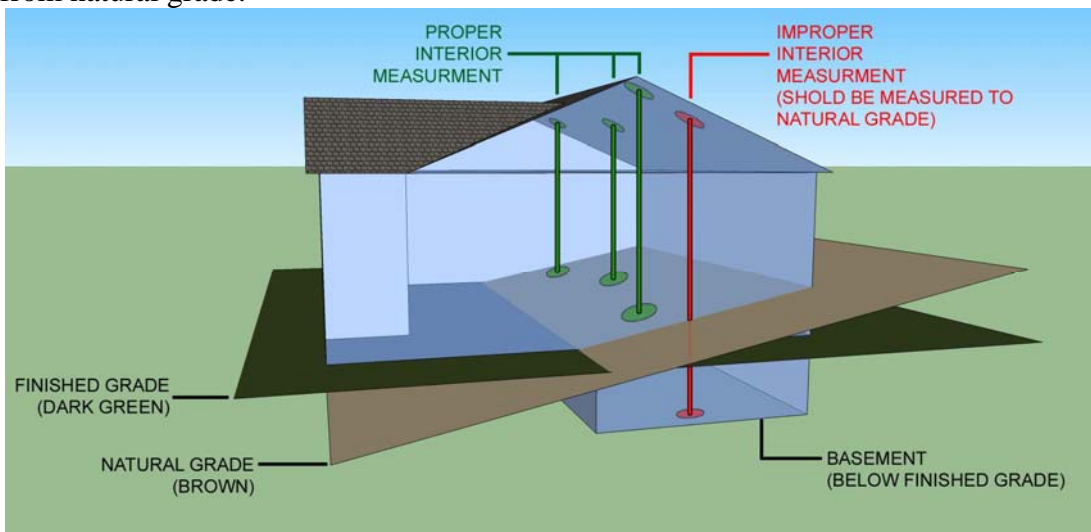
(SEE NEXT PAGE FOR BUILDING HEIGHT DEFINITION)

BUILDING HEIGHT. The vertical measurement of a building, measured as follows:

- 1) Exterior measurement: The vertical height of a building at all points along its perimeter (at face of wall), measured from natural (pre-construction) or finished (post-construction) grade, whichever is lower.



- 2) Interior Measurement: The vertical height at all points of the building footprint, measured from natural grade.



Architectural design features that do not add habitable floor area to a building and are not accessible from such building, including but not necessarily limited to cupolas, skylights and chimneys, shall not be considered when measuring building height.

BUILDING SETBACK. A line extending across the full width or side of a lot, parallel with the street right-of-way line or property line and outside of which no building or structure shall be constructed.

CAMPGROUND AND RV PARK. A parcel of land divided into two or more sites for rental occupancy by persons using travel trailers, truck campers, motor homes, or tents for overnight or short-term duration (120 days maximum).

CEMETERY. A facility on a parcel of land of at least thirty-five (35) acres, except for existing cemeteries, used for the burial or keeping of the remains of the dead, whether human or animal, including crematoriums, mausoleums, and columbaria operated within the boundaries of the cemetery.

CERTIFICATE OF OCCUPANCY (CO). A document issued by the Ouray County Land Use Department, certifying a building's compliance with all applicable building and Land Use regulations and indicating that it is in a condition suitable for occupancy.

CHURCH. A building where people regularly assemble for religious services and worship, together with its accessory buildings and uses, maintained and controlled by an organization to sustain public worship, and that does not have a short or long term residential or retreat component except for a limited and incidental on site residence for the head of congregation of the church.

CISTERN. An underground water storage tank.

CONSTRUCTION. The art or process of constructing.

CODE. Refers to the Ouray County Land Use Code or the current building code(s) as may be adopted, updated, and revised by the County.

COMMERCIAL CAMPING WHEN ADMINISTERED BY STATE/FEDERAL AGENCIES. Overnight and short duration (not in excess of 30 days occupancy) where a fee is paid or charged for such occupancy.

COMMERCIAL EQUESTRIAN ACTIVITIES. Activities related to horses held for educational, instructional, or recreational purposes, including but not limited to horse shows, gymkhanas, training clinics, team roping and rodeos.

COMMERCIAL HOUSING UNITS. Hotel lodging accommodations which are designed and built to be used in conjunction with a resort or conference center and which are in close proximity to service facilities (e.g., restaurants and conference facilities) when they have been approved by the County as part of a PUD.

COMMERCIAL LOGGING. A timber-cutting operation involving more than 150,000 board feet per year.

COMMERCIAL OUTDOOR RECREATION – DAY USE. Use of a site for a fee for daytime outdoor activities that may include but shall not be limited to hiking, climbing, cross-country skiing, motorized vehicle and horseback riding, where a structure and/or improvement is not required to conduct the use.

COMMERCIAL USE. A use characterized by the selling of tangible goods, merchandise or services directly to the consumer.

COMMITTEE(S). A group of persons having investigatory or advisory powers as authorized by this Land Use Code. (See also “Board”)

COMMUNICATIONS FACILITY. A fixed structure, including **a)** all installed electrical and electronic wiring, cabling, and equipment and **b)** all supporting structures, such as towers, utilities, ground network, electrical supporting structures, and equipment shelters.

CONDOMINIUM. The ownership of a single unit in a multi-unit structure plus joint ownership of common areas or facilities.

CONDOMINIUM SUBDIVISION. The division of real property into individual airspace units and their appurtenant common elements.

CONFERENCE CENTER. A commercial use intended to accommodate and provide food service to short-term tourists and visitors, together with meeting facilities. Distinguished from resorts and lodges by its emphasis on facilities for larger meetings and group activities.

DEMOLITION. The act or process of being deconstructed.

DESIGNATED BUILDING AREA. See “Building Area”.

DEVELOPMENT. Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations. Any construction or activity that is subject to the provisions of this code.

DIRECT LIGHT. Unshielded light rays.

DISREPAIR. The state of being in need of repair.

DRIVEWAY. A private vehicular right-of-way from a road to a garage, house or other structure.

DWELLING, MULTI-FAMILY. A building containing two or more *dwelling units*, not including hotels and lodges. Such units are attached, having one or more common walls.

DWELLING, SINGLE FAMILY. A building containing no more than one *dwelling unit*, *except for the attached “accessory dwelling unit”*.

DWELLING UNIT. A building or portion thereof consisting of a room or suite of rooms designed to be used as a residence by an individual, single family, or guests, or no more than 5 unrelated individuals, independent of other families or guests, living place including toilet and kitchen facilities, but not including hotels, motels, clubs, boarding houses or any institution such as an asylum, hospitals or jails where human beings are housed by reason of illness or under legal restraint. The term dwelling unit shall also include a mobile home which complies with the requirements of Section 11 of this Code.

EASEMENT. A grant by the property owner to the public, a corporation or person for the use of land for specific purposes.

EDGE OF ESCARPMENT. (This definition supersedes the definition found in Section 9.6.A) The upper line of intersection whereby a cliff or steep slope (50% or greater) separates two comparatively level or gently sloping surfaces.

EMPLOYEE HOUSING. Dwelling units provided, within a Planned Unit Development Resort/Conference Center, that are specifically restricted to be occupied by employees associated with the development.

EXCEPTION. A deviation and /or appeal from the Land Use Code, granted by the Board of County Commissioners, following a review by the Planning Commission, subject to the provisions of Section 12 of the Land Use Code.

EXCEPTION, SPECIAL. A deviation and /or appeal from the Land Use Code, granted by the Board of Adjustment, subject to the provisions of Section 12 of the Land Use Code.

EXEMPTION. A deviation and /or appeal from the Land Use Code, granted by the Board of County Commissioners, following a review by the Planning Commission, subject to the provisions of Section 12 of the Land Use Code.

EXISTING CONDITIONS MAP. A map submitted as part of a Planned Unit Development, Preliminary Development Plan, or Special Use Permit that depicts the existing site features of a parcel proposed for development in relation to the surrounding area.

FAIR CONTRIBUTION FOR PUBLIC SCHOOL SITES. The requirement, as stated in Section 18 of this code, for land dedication or conveyance for public school sites or payments in lieu of land dedication or conveyance for public school sites or a combination thereof.

FAIR CONTRIBUTION FOR PUBLIC SCHOOL SITES METHODOLOGY. The methodology which determines the per acre and cash in lieu of an amount of a Fair Contribution For Public School Sites. The methodology apportions the cost of acquiring public school sites made necessary by new residential development.

FARMING/RANCHING. The production of a tangible commodity as it relates to natural resource utilization, (i.e. land, water). Landowners, their managers or lessees shall be directly

involved in the production of said commodity. Farming may include the cultivation, preparation, planting, harvesting, retailing or wholesaling of crops, produce, forage or horticulture products. Ranching may include breeding, raising, feeding, training, buying, retailing or wholesaling of domestic livestock, poultry, and swine.

FINAL DEVELOPMENT PLAN (FDP). A site plan, map(s), and supporting documentation, including all required elements as listed in Section 6.8C, submitted by the Applicant/Developer subsequent to an approved “Preliminary Development Plan”. A FDP must include the specific elements found in Section 6.8C.

FINAL PLAT. A map, or maps of a land subdivision prepared in accordance with this Code, with necessary affidavits, dedication and acceptances and with complete bearings and dimensions of all lines defining all lots, boundaries, easements, roads, driveways, building areas, non-building areas, intended as an instrument for recording with the County's Clerk and Recorder. All Final Plats must be in substantial conformance with an approved Final Development Plan and must be signed by a representative of the Board of County Commissioners. Requirements for a Final Plat are described in detail in Section 6 of this Code.

FLOOD INSURANCE RATE MAP (FIRM). The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY. The official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Boundary-Floodway Map and the water surface elevation of the base flood.

FORESTRY. The cultivation and/or harvesting of timber up to 150,000 board feet per year. (*See Also “Non-Commercial Logging.”*)

GEOLOGIC HAZARD (GEOHAZARD). A geologic condition or feature which is 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. The term includes but is not limited to:

- A. Avalanches;
- B. Seismic effects;
- C. Radioactivity;
- D. Ground subsidence;
- E. Mass wasting, debris flows, landslides, rock falls, mudflows, and unstable or potentially unstable slopes;
- F. Expansive soil;
- G. Heaving bedrock;
- H. Corrosive soil and rock;
- I. Shallow ground water; and
- J. Flash flooding

GLARE. Intense and/or blinding light, causing visual discomfort or disability.

GOVERNMENTAL FACILITY. The use of structures and/or land by governmental agencies for fire protection, road and bridge operations, emergency medical services, police protection, or other similar uses, that promote the health, safety and welfare of the general public.

GRADE (FINISHED OR POST-CONSTRUCTION). The finished ground level adjoining a building or structure, at all exterior surfaces, following construction.

GRADE (NATURAL OR PRE-CONSTRUCTION). The natural ground level; the ground level of a building site existing prior to construction.

GUEST RANCH. A facility renting a maximum of 20 rooms and lodging by the night or week to paying customers, and providing on-site meals, which offers activities associated with western ranching and agriculture to guests as part of the accommodations package. Such activities may include but are not limited to horseback riding, livestock management, roping and other activities typically involved in running a working ranch. The facility shall be principally a working ranch, whose primary purpose is agriculture with the intent to produce income. A guest ranch shall include a minimum of 150 contiguous acres of privately owned land.

HISTORICAL MUSEUM. An institution that may be either *for profit* or *non-profit* that houses and cares for a collection of rare or curious natural artifacts or other objects of historical or cultural importance and makes them available for public viewing through exhibits that may be permanent or temporary. May offer programs or activities for the public consisting of, but not necessarily limited to, lectures, tutorials, films, music or dance performances, technology demonstrations and field trips. Historical Museums may also provide services including research facilities/library, photo archival and internet access. Not-for-profit fundraising activities may include special events (eg. craft sale, bake sale, holiday sale, dinner, dancing, music, silent/live auction) provided adequate parking is available as approved and detailed in the Special Use Permit. May also provide a retail component provided that said activities are incidental and subordinate to the building or structure's primary purpose as an historical museum, not to exceed 20 percent of the gross floor area. Retail sales shall be limited to drinks and/or snacks to be consumed on the premises and various items associated with the *purpose* or *theme* of the museum.

HOME OCCUPATION. Defined by the standards in Section 20 of this Code

HOME BUSINESS. Defined by the standards in Section 20 of this Code

HOTEL. A building designed for human occupancy by short-term or part-time residents in which no facilities are provided for cooking in individual rooms. This building is specifically for guest accommodation use and is distinguished from other similar uses by an on-site restaurant, and a central lobby or lounge area.

IMPACT FEES. Fees that may be required to mitigate the impacts of development.

IMPROVEMENT STANDARDS. Requirements, detailed in Section 7 of the Land Use Code, which are designed to promote the health, safety, convenience, order, prosperity and welfare of the present and future citizens of Ouray County and insure adequate and convenient open spaces for public roads and other forms of access, recreation, drainage facilities for protection against flood, and safe, potable water supplies and adequate sanitary disposal systems.

JOINT PLANNING BOARD (RIDGWAY AREA / OURAY AREA) – An 8 member board, consisting of 5 members of the Ouray County Planning Commission and three members selected by either the Ridgway Town Council or Ouray City Council, respectively. The purpose of the board is to review designated applications for properties located within either Area of Influence and/or either Urban Growth Management Area.

LIVERY OR HORSE RENTAL OPERATION. Wherever horses are kept for hire and/or where boarding in a livery stable is provided for a fee.

LODGE. A hotel designed primarily to be used and occupied on a seasonal basis.

LOT. A tract, lot or portion of land, whether or not platted, intended as a unit for the purpose of transfer of ownership or for building development.

LOT, DOUBLE FRONTAGE. A lot which runs through a block from street to street and which has two non-intersecting sides abutting on two or more streets.

LOT LINE. A line which defines a legal boundary of a property as described through a plat or legal description.

MANUFACTURED HOME. (Per Colorado State Statute; 24-32-3302) Any pre-constructed building unit or combination of pre-constructed building units that:

- A. Include electrical, mechanical, or plumbing services that are fabricated, formed, or assembled at a location other than the site of the complete home;
- B. Is designed for residential occupancy in either temporary or permanent locations;
- C. Is constructed in compliance with the federal act, factory-built residential requirements, or mobile home standards;
- D. Does not have motor power; and
- E. Is not licensed as a recreational vehicle.

MASTER PLAN. A comprehensive, long-range guide, prepared and approved by the County Planning Commission, to be used in making decisions that affect the physical, cultural, and socioeconomic development of the County. The Master Plan provides a realistic and achievable image of the County, both present and future, through a framework of goals and policies.

MIGRATION CORRIDOR. A specific mappable site through which large numbers of animals migrate and a loss of which would change migration routes.

MINERAL EXTRACTION/PROCESSING. Any site development and/or exploration that results in surface disturbance of one (1) acre or more, and extraction or processing of minerals.

MINERAL RESOURCE AREA. An area in which minerals are located in sufficient concentrations in veins, deposits, bodies, beds, seams, fields, pools or otherwise, as to be capable of economic recovery.

MINIMUM FIREFLOW WATER SUPPLY: A water supply of at least 250 gallons of water per minute for at least a continuous two-hour period, with a residual pressure of 10 pounds per square inch.

MOBILE HOME. Any portable structure originally constructed to have no foundation other than wheels, jacks or skirting and so designed or constructed to permit occupancy as living and sleeping quarters. Mobile homes shall not include manufactured homes as defined in Colorado Revised Statutes, Section 30-28-115, when such manufactured homes meet or exceed an equivalent engineering performance basis standard established by the Ouray County Building Code.

MUDFLOW. A flowing mass of predominately fine-grained earth material possessing a high degree of fluidity during movement.

NON-BUILDING AREA/DESIGNATED NON-BUILDING AREA. Area designated on a lot in which buildings, structures and other improvements may not be constructed, excepting Colorado Division of Wildlife-approved fences, roads and/or access as may be approved by the County.

NON-COMMERCIAL CAMPING. Overnight and short duration (not in excess of 30 days) occupancy as described and allowed by Ouray County Ordinance 2014-01.

NON-COMMERCIAL LOGGING. The cultivation and/or harvesting of timber up to 150,000 board feet per year. (*See Also "Forestry".*)

NOTICE OF VIOLATION. A document issued by the Land Use Department to a property owner, notifying the recipient of a possible violation of the Land Use Code or building code, including specific direction on required steps to mitigate or resolve the violation.

OIL AND GAS EXPLORATION AND FACILITIES. A site for oil and/or gas exploration or production of petroleum and/or gas and equipment, and/or facilities and/or appurtenances, which shall include but not be limited to: separators, dehydrators, pumping units, tank batteries, gathering lines and/or water collection lines, drip stations, vent stations, pigging facilities, chemical injection stations, transfer pump stations and valve box, well head compression facility, storage yards or construction staging areas, compressor stations, water injection stations and gas treating facilities.

OPEN SPACE. Area of land shown on the final plat of an approved PUD or subdivision, in essentially undisturbed or natural state, or enhanced for the purpose(s) of resource preservation, conservation, or recreational uses such as parks or trails. Areas designated as open space shall be protected from further development or subdivision and shall not be transferred into private ownership.

OWTS (On-Site Wastewater Treatment System). On-site (or decentralized) wastewater treatment system, used to treat wastewater from a residence or business. OWTS systems are commonly referred to as *septic systems*. OWTS systems for dwelling units must be designed by a Colorado Licensed Professional Engineer.

PARCEL. A portion or area of land.

PARCEL, LEGAL CONFORMING. Any parcel of land that conforms with current county zoning and Land Use Code Regulations, and:

- A. Is 35 acres in size, or greater; or
- B. Was created and approved through a County subdivision, exemption, exception process; or
- C. Was in existence, and has maintained its current configuration, since the adoption of the Ouray County Zoning Regulations, on August 23rd, 1971.

PARCEL, LEGAL NON-CONFORMING. Any parcel of land that that does not conform with current county zoning and Land Use Code Regulations, and:

- A. Was created and approved prior to current zoning or land use regulations through a County subdivision, exemption, exception process; or
- B. Was in existence, and has maintained its current configuration, since the adoption of the Ouray County Zoning Regulations, on August 23rd, 1971.

PARCEL, ILLEGAL NON-CONFORMING. Any parcel of land that does not conform with current county zoning and Land Use Code Regulations, and:

- A. Was not created and approved through a County subdivision, exemption, exception process; or
- B. Was not in existence, or has not maintained its current configuration, since the adoption of the Ouray County Zoning Regulations, on August 23rd, 1971.

PARKING SPACE. An off-street, hard surfaced or graveled area designed and intended to be occupied by a parked vehicle, and which is a minimum of nine (9) feet by eighteen (18) feet in size for a regular space and twelve (12) feet by eighteen (18) feet for a handicap space.

PERMIT. A document issued by the County which grants permission to perform an act or service which is regulated by the County.

PERMIT AUTHORITY. The Board of County Commissioners of Ouray County.

PLAN. The provisions for development of a Planned Unit Development which may include, but need not be limited to, easements, covenants and restrictions relating to use, location of structures, intensity of uses or density of development, utilities, private and public streets, ways, roads, common open space and other public facilities. *Provisions of the Plan* means the written and graphic materials referred to in this definition.

PLANNED UNIT DEVELOPMENT AGREEMENT. A legal document that requires an Applicant or Developer to undertake terms and conditions as specified and identified by the County as relevant to the project.

PLANNED UNIT DEVELOPMENT – LIMITED. A subdivision of land of a maximum of 3 lots as allowed by zoning definitions and as described in detail in Section 6 of this Code.

PLANNED UNIT DEVELOPMENT – REGULAR. A subdivision of land consisting of any number of lots at a maximum density of 1-unit per 6-acres as allowed by zoning definitions and as described in detail in Section 6 of this Code.

PLANNED UNIT DEVELOPMENT-RESORT/CONFERENCE CENTER. A large acreage development that includes a restaurant, hotel, and various outdoor recreational uses such as skiing, snowshoeing, hiking, fishing, tennis, golf, horseback riding, as allowed by zoning definitions and as described in detail in Section 6 of this Code.

PLANNING COMMISSION. An advisory board or commission appointed by the Board of County Commissioners, to review matters related to applications for development and other matters related to planning and zoning.

POTABLE WATER. Water which complies with all requirements of the Colorado State Health Department for drinking water and related to chemical and bacterial content and which, in addition, complies with other potability standards which may be imposed by the Ouray County Commissioners, by resolution, from time to time.

PRODUCE. A generalized term for agricultural products including plants, fruits, vegetables, grains, forages, and animal products.

PRELIMINARY DEVELOPMENT PLAN (PDP). A site plan, map(s), and supporting documentation submitted by the Applicant/Developer, subsequent to an approved “Sketch Plan”. Describes the proposed Planned Unit Development (PUD) in detail and includes all required elements as listed in Section 6.8, including but not limited to: existing conditions map, site plan, reports, summary of ownership, financing, improvements, and other information as may be required by Land Use Staff.

PRIMARY DWELLING UNIT. The first dwelling unit constructed on a lot or parcel that allows an Accessory Dwelling Unit (*ADU*), or as designated by the owner.

PROPERTY LINE. A line which defines a legal boundary of a parcel as described through a plat or legal description.

PUBLIC HEARING. A quasi-judicial public meeting held by an official County Board or Commission, at which time, citizens' testimony may be voiced concerning the subject of the hearing.

PUBLIC PARK OR WILDLIFE RESERVE. Land set aside for general public recreational uses and/or preservation of wildlife habitat.

PUBLIC SERVICE FACILITY. The use of structures and/or land by governmental or public service entities for fire protection, road and bridge operations, emergency medical services, police protection or other similar use that promotes the health safety and welfare of the general public.

PUBLIC UTILITY. Transmission, generation and storage and treatment facilities of providers of electrical, water, gas, and other like services.

PUD (Planned Unit Development). A County-approved subdivision, allowed by underlying zoning, which is intended to allow for development of land, subject to those development regulations set forth in the Land Use Code. .

PUD AGREEMENT. One or more security arrangements which may be accepted by the County to secure the construction of such public improvements as are required by these regulations in conjunction with a development and shall include collateral, such as, but not limited to, performance or property bonds, private or public escrow agreements, loan commitments, assignments of receivables, liens on property, deposits of certified funds or other similar surety agreements.

RESIDENTIAL DENSITY. A statement of the average number of dwelling units per unit of area, usually a number of dwelling units per acre or the number of acres per dwelling unit. Such density shall be calculated by dividing the "allowable area" by the number of dwelling units.

RESIDENTIAL LAND DEVELOPMENT APPLICATION. An application, submitted to Ouray County, for approval of a subdivision or Planned Unit Development which creates additional residential lots.

RESORT. For Resort//Conference Center PUD's, a development including lodging, food service and recreational amenities provided on a short-term basis to tourists and other visitors.

RESORT CORE AREA. For Resort/Conference Center PUDs, that portion of a resort development containing the principal resort lodging and service uses, such as a hotel, recreational uses and structures containing restaurants, retail facilities and other uses. The Designated Building Area shall be included in, and exclusive to, the Resort Core Area.

RESORT, MULTI-SEASON. For Resort/Conference Center PUD's, a resort whose recreation amenities are designed to be used by tourists and other visitors during two or more seasons of the year.

RESORT RESIDENTIAL AREA. For Resort/Conference Center PUDs, the land outside the 160-acre minimum Resort Core Area, established for the purpose of including residential units (single-family, multi-family) as part of a Resort/Conference Center PUD application. The Designated Building Area shall be included in, and exclusive to, the Resort Residential Area.

REZONING. The process by which the zoning classification of a zoning district is changed. The process for rezoning is set out in Section 14.1 and 14.2. Standards for consideration of a rezoning petition are set out in Section 14.4. Submittal requirements for a petition to rezone are set out in Section 14.3.

RIDGELINE. The line or surface formed along the high point of differential slopes. (Note: This definition shall supersede the definition stated in Section 9.6.)

RIGHT-OF-WAY. The entire dedicated tract or strip of land that is to be used by the public for circulation and service.

ROAD. See "Street".

ROCKFALL. The relatively free falling or precipitous movement of a newly detached segment of rock of any size from a cliff or other very steep slope.

SAND AND GRAVEL OPERATION. . The commercial extraction, processing, and transportation of rock and rock materials, and/or the extraction, processing, and transportation of rock and rock materials when a permit is required by the State of Colorado, Mined Land Reclamation Board.

SCHOOL – A private or public facility used primarily for the education of people (Pre-K – 12) or post-secondary institution designed to provide vocational education or technical skills required to perform the tasks of a particular job. The term school does not include home schooling as defined by the State.

SCREENING. The use of existing land forms, structures existing at the time of adoption of this Code, new structures conforming with all the provisions of this Code, natural vegetation or landscaping techniques consistent with the character of the area to shield a structure from view.

SIGN – An exterior object used to convey a message or information regardless of content, but not including religious artifacts and symbols or flags of a government or organization.

SINGLE-FAMILY DWELLING . *SEE DWELLING, SINGLE FAMILY.*

SITE DEVELOPMENT PERMIT. Written authorization by the Land Use Department, subsequent to an on-site inspection, to proceed with an application for a building permit to construct a single-family dwelling. Inspection criteria is detailed in Section 13.10 of the Land Use Code. (Note: *Site Development Permits not required for lots within county approved subdivisions or Planned Unit Developments.*)

SITE PLAN. A drawing that is typically produced by a professional architect, engineer, or land use planner and prepared to provide a general overview of a proposed development. Site plans may include, but are not limited to, proposed lots, building areas, non-building areas, open space, driveways, proposed or existing easements, existing structures, and significant topography, drainage, vegetation, or wildlife areas.

SITE SPECIFIC DEVELOPMENT PLAN. A Special Use Permit granted pursuant to Section 5 of this Code or a Planned Unit Development, Final Development Plan or combined Preliminary/Final Development Plan application which has been submitted to Ouray County and has received approval or conditional approval by the Board of County Commissioners, a Development Agreement approved in accordance with Section 17 of this Code, or a Final

Subdivision Plat approved as part of a Development Agreement approved pursuant to Section 17.6 of this Code shall constitute a Site Specific Development Plan. No other plan, plat, application, submission or approval shall constitute a Site Specific Development Plan. Final or conditional approval by the Board of County Commissioners creates vested rights pursuant to Article 68 of Title 24, as amended. No other type of land-use application or approval shall be considered a Site Specific Development Plan.

SKETCH PLAN. A map of a proposed subdivision or Planned Unit Development, drawn and submitted in accordance with the requirements found in Section 6 of this Code, to evaluate the feasibility, design characteristics, and density of the proposed subdivision at an early stage in the planning.

SKYLINE. The visual line where the earth or vegetation and the sky seem to meet. Additional trees or other vegetation may be used to create or extend perceived skyline. (Note: This definition supersedes the current definition found in Section 9.6.)

SPECIAL USE. A use allowed in the indicated zoning district only with permission by the County Commissioners. Permission for a special use may be granted or denied in accordance with the basic purposes and intent of this Code.

STREET. A public roadway for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, lane, place or however otherwise designated.

STREET, CUL-DE-SAC. A minor street having one end open to vehicular traffic and having one closed end terminated by a turnaround.

STRUCTURE. That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

STRUCTURE, LEGAL CONFORMING. Any structure that conforms with current county zoning and Land Use Code Regulations, and:

- A. Was issued a building permit by Ouray County; or
- B. Was in existence, and has maintained its current configuration, since the adoption of Ouray County Zoning and Building Regulations, on August 23rd, 1971.
- C. Was constructed lawfully.

STRUCTURE, LEGAL NON-CONFORMING. Any structure that does not conform with current county zoning and Land Use Code Regulations, and:

- A. Was constructed prior to the adoption of Ouray County Zoning and Building Regulations, on August 23, 1971; or
- B. Was issued a proper building permit by Ouray County
- C. Was constructed lawfully.

STRUCTURE, ILLEGAL NON-CONFORMING. Any structure that does not conform with current county zoning and Land Use Code Regulations, and:

- A. Was not constructed prior to the adoption of Ouray County Zoning and Building Regulations, on August 23, 1971; and/or
- B. Was not issued a proper building permit by Ouray County

SUBDIVIDER. Any person, firm, partnership, joint venture, association or corporation who shall participate as owner, promoter, developer, or agent in the planning, platting, development, promotion, sale or lease of a subdivision, whether immediate or future. Where the party seeking approval of the subdivision is not the owner of the property in question, written consent for any subdivision shall be required from the owner of record of the property.

SUBDIVISION AND SUBDIVIDED LAND.

- A. Any parcel of land in the state which is to be used for condominiums, apartments or any other multiple-dwelling units, unless such land, when previously subdivided, was accompanied by a filing which complied with the provisions of this Code with substantially the same density, or which is divided into two (2) or more parcels, separate interests or interests in common, unless exempted under Paragraph (B), (C) or (D) of this definition. As used in this definition, "interests" includes any and all interests in the surface of land, but excludes any and all subsurface interests.
- B. The terms "subdivision" and "subdivided land", as defined in Paragraph (A) of this definition, shall not apply to any division of land which creates parcels of land, each of which comprises thirty-five (35) or more acres of land and none of which is intended for use by multiple owners.
- C. Unless the method of disposition is adopted for the purpose of evading this section, the terms "subdivision" and "subdivided land", as defined in Paragraph (A) of this definition, shall not apply to any division of land:
 - (1) Which creates parcels of land, such that the land area of each of the parcels, when divided by the number of interests in any such parcel results in thirty-five (35) or more acres per interest;
 - (2) Which could be created by any court in this State pursuant to the law of eminent domain, or by operation of law, or by order of any court in this State if the Board of County Commissioners of the county in which the property is situated is given timely notice of any such pending action by the court and given opportunity to join as a party in interest in such proceeding for the purpose of raising the issue of evasion of this section prior to entry of the court order; and, if the Board does not file an appropriate pleading within twenty (20) days after receipt of such notice by the court, then such action may proceed before the court;

(3) Which is created by a lien, mortgage, deed of trust or any other security instrument;

(4) Which is created 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;

(5) Which creates cemetery lots;

(6) Which creates an interest in oil, gas, minerals or water which is severed from the ownership of real property;

(7) Which is created by the acquisition of an interest in land in the name of the husband and wife or other persons in joint tenancy or as tenants in common and such interest shall be deemed for purposes of this subsection as only one interest; or

(8) Which is created by the combination of contiguous (common boundary) parcels of land into one larger parcel. If the resulting parcel is less than thirty-five (35) acres in land area, only one interest in said land shall be allowed. If the resulting parcel is greater than thirty-five (35) acres in land area, such land area, divided by the number of interests in the resulting parcel, must result in thirty-five (35) or more acres per interest. Easements and rights-of-way shall not be considered interests for purposes of this subparagraph.

(9) Which is created by a contract concerning the sale of land which is contingent upon the purchaser's obtaining approval to subdivide, pursuant to this Code and any applicable regulations, the land which he is to acquire pursuant to the contract.

(10) Which creates parcel(s) of land as a result of the division of land or creation of a Planned Unit Development under the terms of this Code, when such parcel(s) is thirty-five (35) or more acres. By way of example only, when there is a division of a parcel of land, which in its original configuration consists of fifty (50) acres, into a five (5) acre parcel and a forty-five (45) acre parcel, the five acre parcel would have to comply with all provisions of this Code concerning the division of land, while the remaining forty-five acre parcel would not be considered subdivided land or part of the subdivision or PUD.

D. The Board of County Commissioners may, pursuant to rules and regulations or resolution, exempt from this definition of the terms "subdivision" and "subdivided land" any division of land if the Board of County Commissioners determines that such division is not within the purposes of this definition.

SUBSTANTIAL IMPROVEMENT. Any repair, division, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- A. Before the improvement of repair is started; or
- B. If the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

- (1) Any project for improvement of a structure to comply with existing state or local health, sanitary or safety resolution specifications which are solely necessary to assure safe living conditions; or
- (2) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

TEMPORARY USE. Any use of land within Ouray County which:

- A. Will not continue for a period in excess of 180 consecutive days in any calendar year.
- B. Is not residential in nature.
- C. Does not emit or create excessive noise, smoke, dust, light or other pollutant.
- D. Will not permanently alter the land and does not require the use of permanent structures.
- E. Is not inconsistent with the purpose of this Code.

TUNDRA. Alpine tundra ecosystems are typically found above tree line and are characterized by scattered, stunted tree coverage, generally less than twenty (20) feet in height. Several distinct plant communities are found in the delicate high alpine tundra ecosystem, and typically include: low shrubs, cushion plants, small forbs, lichens, willows, krummholz, and lush meadows of sedges and grasses.

UNDERGROUND MINING. The underground development and extraction of a mineral from its natural occurrences within, on, and under affected land. The term includes, but is not limited to; surface operations and the disposal of refuse from underground and in situ mining. The term includes the following operations on affected lands: transportation; concentration; milling; evaporation; and other processing.

UNSTABLE OR POTENTIALLY UNSTABLE SLOPE. An area susceptible to a landslide, a mudflow, a rockfall or accelerated creep of slope-forming materials.

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

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

USE BY RIGHT. A use which is listed as a use permitted by right in any given zoning district in this Code. Uses permitted by right are not required to show need for their location.

USE, LEGAL CONFORMING. Any use by right, or use allowed though an approved special use permit, occurring in a building, or on a parcel, that conforms to the current zoning regulations.

USE, LEGAL NON-CONFORMING. Any use occurring in a building, or on a parcel, that does not comply with the current zoning regulations, but was previously granted approval through the county. Legal, Non-Conforming uses are subject to the restrictions and limitations set forth in Section 4 of this Code.

USE, ILLEGAL NON-CONFORMING. Any use occurring in a building, or on a parcel, that does not comply with the current zoning regulations and was not approved through a county process.

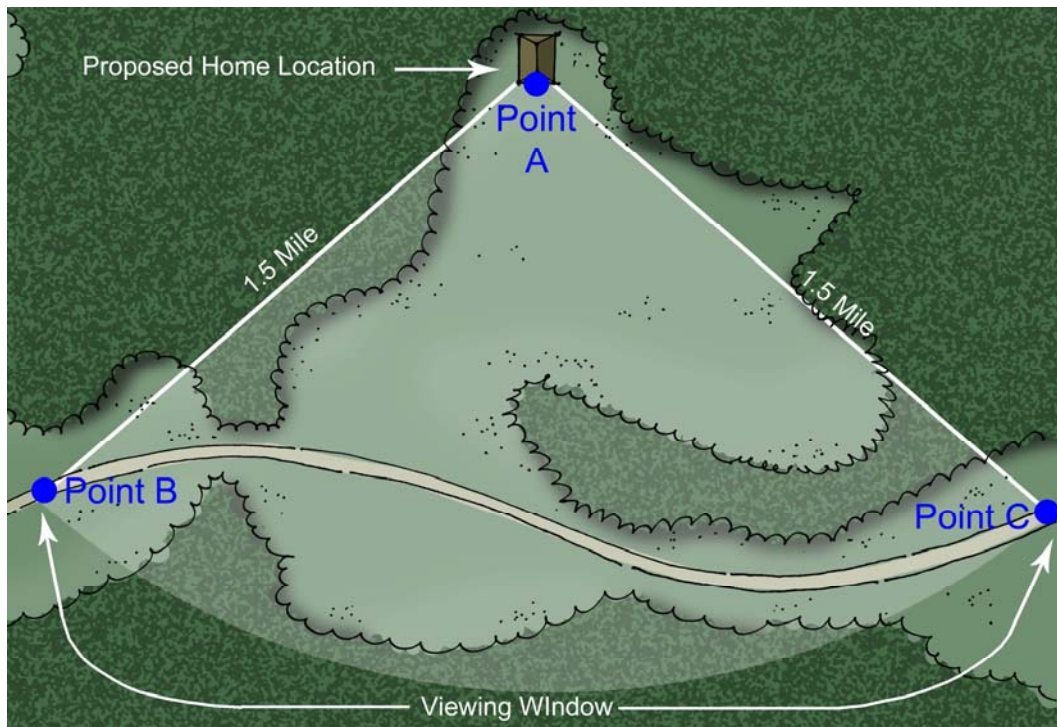
UNINCORPORATED. Situated outside of cities and towns, so that, when used in connection with "territory", "areas", or the like, it covers, includes and relates to territory or areas which are not within the boundaries of any city or town.

VARIANCE. A grant of relief from a requirement of the Land Use Code, as provided for in Section 10 or Section 12.4 of this Code.

VESTED PROPERTY RIGHT. The right to undertake and complete the development and use of property under the terms and conditions of a Site Specific Development Plan.

VIEWING WINDOW is defined as follows:

- (1) Determine the nearest point of the structure to any point along the centerline of the highways or roads listed in Section 9.3 A. That point of the structure becomes Point A.
- (2) From Point A, strike an arc with a radius of 1.5 miles until it crosses the centerline of any of the highways or roads listed in Section 9.3 A. That point of intersect becomes Point B.
- (3) Continue the arc above, until it again crosses the centerline of the highway or road. That point of intersect becomes Point C.
- (4) The Viewing Window is that portion of the road or highway between Point B and Point C.



- (5) Multiple Viewing Windows shall be established if the centerline of more than one of the above highways or roads listed in Section 9.3A is at or within 1.5 miles of the nearest point of any structure of a development.

VISUAL IMPACT. The degree of contrast between an object or group of objects and the existing environment in the same locality.

VISUAL IMPACT CORRIDOR. An area defined as being 1.5 miles from the centerline of all roads or highways listed in Section 9.3A of this Code.

VISUAL IMPACT PLAN. A map or maps and supporting documentation detailing the visual impact mitigation measures being taken to assure compliance with Section 9 of the Ouray County Land Use Code.

VISUAL IMPACT REVIEW COMMITTEE. An advisory board or commission appointed by the Board of County Commissioners, which reviews appeals from decisions by Land Use Staff based upon interpretation and enforcement of the Visual Impact Regulations found in Section 9 of this Code.

WATER STORAGE. All above ground water storage tanks for fire fighting purposes shall be of fireproof material. All PUD water storage tanks shall be pumped or gravity fed into hydrant lines.

WILDFIRE HAZARD MITIGATION (PLAN). A document that outlines what specific steps will be taken to avoid or minimize the risk of wildfire damage to property and/or infrastructure.

WILDLIFE HABITAT. A geographical area containing those elements of food, water, cover, space and general welfare in a combination and in quantities adequate to support a species for at least a portion of a year.

WILDLIFE REHABILITATION FACILITY. A not-for-profit organization/facility that provides rescue and rehabilitation to native wildlife species that are injured or otherwise unable to care for themselves. Facilities shall be licensed by the Colorado Division of Wildlife. “Native wildlife” shall be as defined by C.R.S. § 33-1-102 (28.5), as the same may be amended from time to time. Facility’s primary mission shall be rehabilitation for the purpose of releasing such wildlife into its native habitat, as approved and directed by the Colorado Division of Wildlife. Wildlife Rehabilitation Facilities shall not include the following, as defined by the Colorado Division of Wildlife: *scientific collections, commercial wildlife parks, wildlife exhibitors parks, wildlife sanctuaries.*