

# San Juan County Regulations

- .1 Boundaries shown as following or approximately following the limits of any municipality are construed as following such limits.
- .2 Boundaries shown as following or approximately following streets and roads are construed to follow the centerline of such streets and roads.
- .3 Boundary lines which follow or approximately follow platted lot lines, mining claim lines or other property lines as shown on tax maps are construed as following such lines.
- .4 Boundaries shown as following or approximately following section lines, half-section lines, or quarter-section lines are construed as following such lines.
- .5 Boundaries shown as following or approximately following railroad lines are construed to lie midway between the main tracks of such railroad lines.
- .6 Boundaries shown as following or approximately following the centerline of streams, rivers, or other continuously flowing water courses are construed as following the channel centerline of such water courses taken at mean low water, and in the event of a natural change in the location of such streams, rivers, or other water courses, the boundaries are construed as moving with the channel centerline.
- .7 Boundaries shown as following or approximately following ridgelines are construed as following the highest points of the ridgelines.
- .8 Boundaries shown as separated from, and parallel or approximately parallel to, any of the features listed in paragraphs .1 through .7 above are construed to be parallel to such features and at such distances therefrom as are shown on the map.
- .9 If the zoning or overlay districts which apply to a specific property cannot be determined by an applicant, the Land Use Administrator will make the determination on a case by case basis. The applicant must provide all information needed to make the determination, such as a property survey and proof of ownership. If the Land Use Administrator is unable to make such determination or has a conflict of interest, the Planning Commission will make the determination.

1 – 106 STATEMENT OF INTENT AND PURPOSE FOR EACH ZONING AND OVERLAY DISTRICT

The following section specifies the purpose and intent of each Zoning and Overlay District established by this Resolution. In determining the boundaries of the Zoning Districts set forth hereunder, consideration has been given to the physiographic, scenic, historical, geological and other natural characteristics of the various areas of the County and the individual suitability of those areas for particular activities, uses, potential development and preservation.

.1 MOUNTAIN ZONING DISTRICT INTENT

The intent of the Mountain Zoning District is to preserve the natural and scenic environment of the mountains in San Juan County while allowing activities and uses that normally occur with seasonal access in the backcountry of San Juan County. Sections of the County which are unique because of location, physical and scenic characteristics, historic resources and natural hazards or that have economic potential are designated within certain Overlay Zoning Districts and may be subject to additional requirements.

.2 RURAL RESIDENTIAL ZONING DISTRICT INTENT

The intent of the Rural Residential Zoning District is to allow single-family residential use on larger tracts of rural land with individual on-site sewer and water services and good roadway access.

.3 URBAN RESIDENTIAL ZONING DISTRICT INTENT

The intent of the Urban Residential Zoning District is to permit smaller-lot subdivisions, lower density multi-family units and limited commercial businesses with approved sewer and water systems where appropriate near an existing town, resort or similar development.

.4 SCENIC PRESERVATION OVERLAY DISTRICT

The intent of the Scenic Preservation Overlay District is to prevent development from adversely affecting the scenic and historic assets of the County to the greatest degree possible. Recognizing that the unsurpassed natural beauty and historic remnants found in San Juan County are some of the County's most valuable assets and further realizing that the County and its people and economy are dependent upon visitors and their ability to enjoy such assets. To that end, the District seeks to preserve the County's natural, pristine appearance and historic sites visible from Highway 550, the Durango and Silverton Narrow Gauge Railroad, the Animas River above the Eureka townsite, the Silverton Historic District, and any other historic districts or sites in the County.

.5 MINERAL RESOURCE OVERLAY DISTRICT INTENT

The intent of this Resource Overlay District is to protect access to the mineral deposits which are known to be, or expected to be, within the district. Commercial and industrial uses, except for those related to mineral exploration and extraction, are not permitted within the Overlay District. Residential development shall be kept at a low density to avoid conflict between mining and residential uses.

.6 WATERSHED PROTECTION OVERLAY DISTRICT INTENT

The intent of this Overlay District is to protect the area needed for the protection and production of a safe public water supply. Activities and uses which create a hazard to health or a danger of pollution to the water supply of the community served by the watershed areas are prohibited.

.7 TOWN/COUNTY ZONE OF MUTUAL INTEREST OVERLAY DISTRICT INTENT

The intent of this Mutual Interest Overlay is to provide a cooperative review process for proposed development and uses in the County which are adjacent to the Town of Silverton where it is anticipated that Town streets, water, sewer, and other public services might be extended; and/or may be subject to annexation by the Town at some point in the future. Any proposed development or use within this Overlay District shall be reviewed by both the Town of Silverton and San Juan County.

## 1 – 107 USES BY RIGHT AND USES SUBJECT TO REVIEW

The uses permitted in each Zoning District correspond to the unique characteristics of that district. Some uses by right which are permitted in a Zoning District may be restricted because of the existence of an Overlay District. Some uses by right may require an Improvement or Use Permit, pursuant to Section 2 – 102 of this Code. The review and appeal process procedures are outlined in Chapter 4 of this Code.

### .1 MOUNTAIN ZONING DISTRICT USES

Within the Mountain Zone, only mining and milling, and activities which do not involve any construction or development of any sort (such as grazing, camping, picnicking, hiking, and outdoor recreation) are uses by right. All other uses and activities within the Mountain Zone are uses subject to review. Residential development of any sort within the alpine tundra ecosystem is strictly prohibited. All other development, including temporary and permanent structures, within the alpine tundra ecosystem is strongly discouraged and may be permitted only under limited circumstances when no reasonable or feasible alternative to such development is available. Ancillary uses associated with approved development at lower elevations (such as ski lift towers and other structures), necessary communication towers, and mining structures which cannot realistically be located underground are among the limited types of development which may be approved for location in the alpine tundra ecosystem. Special activities and uses as defined in Chapter 5 of this Code are subject to the review process and additional regulations described therein.

### .2 RURAL RESIDENTIAL ZONING DISTRICT USES

Within the Rural Residential Zone, only activities which do not involve any construction or development of any sort (such as camping, picnicking, hiking, and outdoor recreation) are uses by right. Other uses and activities including single-family dwellings, multiple family dwellings, and commercial businesses are uses subject to review and may be permitted within this zone. Industrial uses, including mining, milling and manufacturing are not allowed in this zone unless approved as a conditional use pursuant to Section 1-108. Special activities and uses as defined in Chapter 5 of this Code are subject to the review process and additional regulations described therein.

### .3 THE URBAN RESIDENTIAL ZONING DISTRICT USES

Within the Urban Residential Zone, only activities which do not involve any construction or development of any sort (such as camping, picnicking, hiking, and

outdoor recreation) are permitted as uses by right. Other activities including single-family dwellings, multiple-family dwellings, and limited commercial businesses are uses subject to review and may be permitted within this zone. Industrial uses, including mining, milling and manufacturing, are not be permitted in this zone unless approved as a conditional use as set forth in Section 1-108. Special activities and uses as defined in Chapter 5 of this Code are subject to the review process and additional regulations described therein.

#### .4 THE SCENIC PRESERVATION OVERLAY DISTRICT

Within the Scenic Preservation Overlay District, only activities which do not involve any construction or development of any sort, including disturbing of soil or trees (such as grazing, camping, picnicking, hiking, and outdoor recreation) shall be permitted as uses by right. All other uses within this zone shall be uses subject to review.

#### .5 PLANNED UNIT DEVELOPMENT USES

A Planned Unit Development (PUD) designation and review process may be required for any use or activity within any zoning district if the proposed activity or use is located on more than thirty-five (35) acres; or if two or more activities or uses are proposed for the same property; or if the County determines that other unique characteristics of the proposed location, activity or use require submittal and review of a PUD application.

### 1 – 108 CONDITIONAL USE

Certain uses which are not generally allowed within a zone may be allowed in unique circumstances, provided that under special conditions and in specific locations the use is compatible with the zoning district.

- .1 All conditional-use permit applications shall be submitted to the Land Use Administrator. All applications shall be accompanied by maps, drawings, or other documentation as needed in support of the request. The granting of a conditional-use permit shall not exempt the applicant from compliance with other relevant provisions of this code.
- .2 Upon determination of a completed application, the Land Use Administrator shall assist the applicant in scheduling an appearance with the Planning Commission. Such appearance shall occur no later than 40 days from the submission of the completed application.
- .3 The Planning Commission shall review the application to determine if the proposed use is compatible and harmonious with neighboring uses within the zoning district. Within 5 days of the completion of the review, the Planning Commission will submit their recommendation to the Board of County Commissioners.

- .4 Upon receipt of a recommendation of the Planning Commission, The Board of County Commissioners shall schedule a public hearing to be held no sooner than 7 days after notice of the hearing has been properly posted and published. Within 45 days of the receipt of the recommendation of the Planning Commission, the Board of County Commissioners shall make a decision regarding the conditional-use permit application.
- .5 Any granted conditional-use permit shall expire one year after the date of approval if not exercised. A conditional-use permit shall be considered exercised when the use has been established or when a building permit has been issued and substantial construction accomplished. If such permit once exercised, is abandoned or discontinued for a period of one year, it will become null and void. A conditional-use permit may be revoked at any time if the applicant fails to comply with the conditions imposed by the Board of County Commissioners.
- .6 GENERAL CONDITIONS: A request for a conditional use shall be permitted to be approved, approved with conditions or denied. Each request for a conditional use approval shall be consistent with the criteria listed below:
  - (a) The request is consistent with all applicable provisions of the master plan.
  - (b) The request shall not be unduly detrimental to surrounding properties nor infringe upon the right of residents to enjoy a peaceful occupancy of their home.
  - (c) The request is compatible with the existing or allowable uses of adjacent properties.
  - (d) The request demonstrates adequate public facilities, including roads, drainage, potable water, sanitary sewer, and fire protection exist or will exist to serve the requested use.
  - (e) The request demonstrates adequate provision for maintenance of the use and associated structures.
  - (f) The request has minimized all adverse affects on the natural environment.
  - (g) The request will not adversely affect the public health, safety or welfare.
  - (h) All processing and storage shall be conducted wholly within a building or shall be screened from view from surrounding properties.
  - (i) Noise, vibration, dust, odor, or other objectionable factors involved in any activity shall be confined or reduced so as to not be unduly detrimental to surrounding properties.
  - (j) Additional setback distances from adjoining properties may be required to mitigate any potential adverse impacts.

.1 MOUNTAIN ZONING DISTRICT STANDARDS.

- (a) Size. Minimum parcel or lot area: five (5) acres.
- (b) Density. 1 unit/parcel.
- (c) Setbacks. Minimum setbacks: twenty (20) feet from property lines adjacent to public lands; and thirty (30) feet from property lines adjacent to private lands.

.2 RURAL RESIDENTIAL ZONING DISTRICT STANDARDS

- (a) Size. Minimum parcel or lot area: five (5) acres.
- (b) Density. 1 unit/parcel.
- (c) Setbacks. Minimum setbacks: twenty (20) feet from property lines adjacent to public lands; and thirty (30) feet from property lines adjacent to private lands.

.3 URBAN RESIDENTIAL ZONING DISTRICT STANDARDS

- (a) Size. Minimum parcel or lot area: 6,000 square feet.
- (b) Setbacks. Minimum setback: ten (10) feet from the property lines. The County reserves the authority to modify these standards for those proposals where the impact of development or land use under less restrictive minimums is deemed inconsequential, or where the minimums are deemed inappropriate for the proposed use.

1-114 SCENIC PRESERVATION OVERLAY DISTRICT STANDARDS

The following general standards must be observed in planning, design and construction within the Scenic Preservation Overlay District.

- .1 The District includes all sites located within 1,500 feet of the centerline of U.S. Highway 550 and/or within 1,500 feet of the centerline of the track of the Durango and Silverton Narrow Gauge Railroad and within 1,500 feet of the Alpine Loop from the Eureka townsite north to the County boundary.
- .2 The site must be designed in a manner that protects the environmental assets of the area including timber, plants and wildlife, streams and drainage courses and geologic features. All site design and development must be done in a manner which minimizes impacts upon scenic views or vistas.
- .3 All site design and development must be done in a manner that protects the historical assets of the area including historic structures, sites, and other cultural assets located within San Juan County.

- .4 Design plans must take into account characteristics of soils, slopes and geological hazards, in a manner intended to protect the health, safety, and welfare of users of the site, and the scenic value of the site.
- .5 Design of the site must include safe, convenient, and adequate arrangements for pedestrian circulation, roadways, driveways, off-road parking and loading space.
- .6 Additional setbacks, landscaping, screening, or design requirements may be required by the County in order to preserve the natural, pristine appearance of the area and to minimize the visual impact to view sheds and view corridors.

1-115 WATERSHED PROTECTION OVERLAY DISTRICT STANDARDS

The following general standards shall be followed for the planning, design and construction of activities and uses within the Watershed Protection Overlay District:

- .1 The facility must be designed in a manner that protects the purity of the water located in the watershed and preserves the area's environmental assets including soils, ground cover, plants, trees, etc..
- .2 Plans shall be designed taking into account characteristics of soils, slopes and potential geological hazards, and in a manner intended to protect the health, safety, and welfare of the community.
- .3 No development, use or activity will be permitted which may adversely affect the water source and the water quality for human consumption.

1-116 MINERAL RESOURCE OVERLAY DISTRICT STANDARDS

The following general standards shall be followed for the planning, design, and construction of activities or uses within the Mineral Resource Overlay District:

- .1 This District identifies areas that contribute to the unique mineral resources of San Juan County, according to Township, Range and Section as projected on the Official Zoning and Land Use Maps, as follows:

T41N-R7W-S10	T41N-R7W-S22	T41N-R7W-S25
T41N-R7W-S14	T41N-R7W-S13	T41N-R7W-S16
T41N-R7W-S15	T41N-R7W-S14	T41N-R7W-S17

- .2 The protection of mineral resources requires special attention when any non-mineral development or structure is proposed for activity or use within a designated area.
- .3 Plans submitted for any Improvement Permit or Use Permit that includes any portion of a designated area shall demonstrate how access to minerals will be preserved.

- .4 The activity or use shall be developed in a manner that protects the environmental assets of the area including soils, plants and wildlife, streams and drainage courses, and scenic vistas and preserves historical resources. Compliance with the State of Colorado Mined Land Reclamation Board (MLRB) reclamation requirements by a mining operator shall be deemed to indicate compliance with this section.
- .5 Plans shall be designed taking into account characteristics of soils, slopes and potential geological hazards and in a manner intended to protect the health, safety, and welfare of users of the area.
- .6 Design of the area shall include safe, convenient, and adequate arrangements for pedestrian circulation, roadways, driveways, off-road parking and loading space.

1-117 TOWN/COUNTY ZONE OF MUTUAL INTEREST OVERLAY DISTRICT  
STANDARDS

The Town/County Zone of Mutual Interest identifies areas which, because of their proximity to the Town of Silverton, are deemed to be a commonality of interest by both the Town and County in regards to future development.

- .1 Any application for an Improvement or Use Permit within the Town/County Zone, shall be subject to the Review Process as defined in Chapter 4 of this Code.
- .2 Applicants for a permit shall submit two (2) copies of the information and materials required in Section 3 – 102 of this Code, as well as any other materials specified in this Code, and any materials which the applicant feels may support the application, to the Land Use Administrator.
- .3 Upon receipt of the above described submission, the Land Use Administrator shall, within fifteen (15) days, determine whether the submission is complete.
- .4 Upon making the determination that the submission is complete, the Land Use Administrator shall, within three (3) days, deliver a copy of said materials to the Town of Silverton.
- .5 Upon receipt of the above described submission, the Town of Silverton shall respond, within fifteen (15) days, with written comments and recommendations regarding the submission.
- .6 Upon receipt of written comments and recommendations from the Town, the Land Use Administrator shall assist the applicant in scheduling their first appearance with the Planning Commission. Such appearance shall occur no later than thirty-five (35) days from the date the Land Use Administrator received written response from the Town.

76 on June 2, 1976, copies of which are filed with the Land Use Administrator.

- (b) A document entitled "Avalanche Atlas, San Juan County, Colorado", prepared by Len Miller, Betsy R. Armstrong and Richard L. Armstrong, Institute of Arctic and Alpine Research, for San Juan County in 1976, published as Occasional Paper No. 17 by INSTAAR, University of Colorado, Boulder, Colorado, and approved as part of the identification of said hazards by the County Commissioners by Resolution 16-76 on June 2, 1976, copies of which are filed with the Land Use Administrator and the County Clerk and Recorder.
- (c) A document entitled "Century of Struggle Against Snow: A History of Avalanche Hazard in San Juan County, Colorado", prepared by Betsy R. Armstrong, Institute of Arctic and Alpine Research, for San Juan County in 1976, published as Occasional Paper No. 18 by INSTAAR, University of Colorado, and approved as part of the identification of said hazards by the County Commissioners by Resolution 16-76 on June 2, 1976, copies of which are filed with the Land Use Administrator.
- (d) A series of maps entitled "Overall Hazard Map", prepared by INSTAAR for San Juan County in 1976, involving and including all, or part, of eleven USGS 1:24,000 topographic quadrangle maps within San Juan County, copies of which are filed with the Land Use Administrator.

## 8 – 104 PROCEDURES

Applicants for an Improvement Permit are required to obtain clearance from the Land Use Administrator regarding avalanche hazards prior to the issuance of an Improvement Permit. The procedures to be used in the granting, or denial, of this clearance shall be as follows:

- .1 Upon receipt of the information required by Section 3-102, the Land Use Administrator shall determine the avalanche hazard relative to the property in question by consultation of the maps specified in 8-103.1. The Land Use Administrator may, at his discretion, conduct an on-site inspection of the property.
- .2 At the completion of the consultation, the Land Use Administrator may do one of the following:
  - (a) Find that the property in question is not adversely affected by any avalanche hazard, and that special impact analysis for avalanche hazards does not apply.
  - (b) Find that avalanche hazards may affect the property or the improvement in question, but that plans of the applicant include sufficient mitigating techniques or elements to allow the use or improvement to proceed.
    - (i) In such a case, clearance shall be subject to conditions specified, in writing, to the applicant by the Land Use Administrator.

- (ii) In such a case, clearance can be given by the Land Use Administrator only after approval has been given by the Building Inspector, based upon the provisions of the Uniform Building Code as amended, to the plans submitted in accordance with Section 3-102 of this Code.
- (c) Find that impact cannot be sufficiently determined without further study of the property, or the avalanche hazard involved, by the Planning Commission, with final decision to be made by the County Commissioners.
  - (i) In such a case, the Land Use Administrator shall require the applicant to utilize the Review and Appeal Process detailed in Chapter 4 of this Code, as specifically authorized in 4-102.1 (b).
  - (ii) In such a case, the Planning Commission shall be required to consult and seek the written recommendation of the San Juan Avalanche Board. The Planning Commission shall supply the Avalanche Board with copies of material presented by the applicant and the County Commissioners, and the Avalanche Board shall respond to the Planning Commission with recommendations and findings, in writing, prior to the public hearing called for in 4-106.4 of this Code. The Avalanche Board shall be empowered to make recommendations regarding avalanche hazard and/or the need for, or adequacy of, avalanche defenses or other mitigating techniques.
  - (iii) In such a case, the Land Use Administrator shall require the applicant to meet additional submission requirements as listed in 8-105 below.
- (d) Deny avalanche hazard impact clearance based upon the provisions of this chapter.
- .3 If the San Juan Avalanche Board is convened, the Land Use Administrator shall require the applicant to pay a fee to cover the administrative costs of conducting the study and evaluation, the amount of such fee to be determined by resolution of the Board of County Commissioners.

#### 8 – 105 ADDITIONAL SUBMISSION REQUIREMENTS

Applicants for an Improvement Permit shall be required to submit additional materials beyond those specified in 3-102 of this Code under certain circumstances.

- .1 Additional materials shall be submitted to the Board of County Commissioners by applicants who:
  - (a) Are required by the Land Use Administrator to utilize the Review and Appeal Process under 8-104.2 (c).
  - (b) Seek a variance to any provision of this chapter.

- (c) Wish to appeal an administrative decision made under the provisions of this chapter.
- .2 The additional materials for any of the cases above shall consist of at least four (4) copies of:
- (a) A vicinity map, showing the location of the property in question, portrayed on the appropriate USGS 1:24,000 quadrangle map.
  - (b) A topographic map, or maps, at a scale no less detailed than 1"=500' and with contour intervals of 10' or smaller, showing the location, nature, and density of the proposed improvement.
  - (c) A narrative or graphic report detailing the following information or data:
    - (i) Location of existing and proposed structures.
    - (ii) Location of proposed areas of concentrated activity, including roads, parking areas, storage areas, and recreation sites.
    - (iii) Avalanche frequency.
    - (iv) Avalanche flow depth.
    - (v) The areal extent of the runout zone.
    - (vi) Location and description of any, and all, proposed avalanche defense structures, or other mitigating devices or techniques.
    - (vii) Design stress loads of any structure, as certified by a registered professional engineer.
    - (viii) Statement explaining why the avalanche hazard area could not be avoided completely in the improvement plans.
- .3 Unless otherwise specified, the following map standards shall be adhered to in this chapter.
- (a) Maps will be in compliance with national map accuracy standards as promulgated by the US Bureau of Budget.
  - (b) All maps shall show a true north arrow and shall show the monumented corners of the property in question as required by 3-102.6(a) of this Code.
  - (c) One of the four copies of each map shall be in reproducible form, ie: mylar, sepia, or clear film positive.
- .4 All engineering work prepared under this chapter shall be prepared by, or under the direction of, and signed by, a registered professional engineer.

- .5 The County Commissioners may waive any part, but not all, of the submission requirements imposed by this chapter upon the written petition of the applicant that full compliance with the submission requirements would be an unreasonable burden for the applicant and that the proposed improvement will have an insubstantial impact on the surrounding area.

## 8 – 106 CRITERIA FOR CLEARANCE

An applicant for an Improvement Permit shall be given avalanche hazard clearance only if all of the following are met:

- .1 The requirements of Chapter 8 have been complied with.
- .2 Provision has been made for the long-term protection of the public from avalanche hazards.
- .3 The proposed improvement will not impose a financial burden upon residents of the area or upon the County.
- .4 The proposed improvement will not intensify the hazard for avalanche.
- .5 The improvement is engineered and will be constructed in a manner that will minimize hazards to public health and safety, or to property, due to avalanche.
- .6 Structures designed for human habitation or occupancy will not be located in any established avalanche area.
- .7 Areas of concentrated human winter activity will be protected by properly designed arresting or diverting structures, or other effective mitigating techniques.
- .8 Provision is made for disclosure, prior to sales, of all avalanche hazards and mitigation procedures undertaken, and for attaching a delineation and description of the avalanche hazard and mitigation measures to all deeds, titles and recorded documents involving a transfer of ownership of the property, or any part of said property.
- .9 Open space uses are incorporated into the improvement plan to the greatest practicable extent, in addition to, rather than in place of, other mitigation procedures.

## 8 – 107 LIMITATIONS OF AVALANCHE MAPS

- .1 Maps and documents referred to in this chapter are not intended to serve as a forecast of all possible avalanche activity within the areas depicted, and should not be relied upon as such by the public. Neither San Juan County, nor any of its agents, employees, or appointed boards, can assume responsibility for unforeseen effects of extraordinary winter storms, changes in climate, destruction or alteration

does not detract from the scenic quality of adjacent public lands, existing trails or historic resources.

- (c) Include evidence to demonstrate that the site improvements are designed and/or oriented in ways that allow them to blend in with and utilize the natural topography and vegetation. The report shall include, but not limited to, site photos, perspective sketches, photo-simulations and/or three-dimensional models at an appropriate scale.
- (d) Provide written descriptions and photos of the proposed building materials, colors and textures. Utilizing and integrating elements, colors and textures found naturally in the landscape are strongly encouraged while use of reflective materials, such as highly reflective glass or metals is prohibited.
- (e) Describe any plans to remove and store topsoil on-site, prior to any grading or excavation, and how it will be replaced and reused for re-grading and re-vegetation purposes.
- (f) Provide a written description and plans that illustrate how the proposed development has been integrated into the landscape and that site disturbance and grading have been minimized. Roads, structures and other improvements shall bear a logical relationship to existing topography, vegetation and other site features.
- (g) Show how utilities will be located and installed in ways that will minimize impacts to the view shed and natural environment.

#### .20 Square Footage Limitations

- (a) All residential development located at or above 11,000 feet and below the alpine/tundra zone shall be limited to a maximum floor area of up to one thousand (1,000) square feet. Residential development of any sort within the alpine tundra ecosystem is strictly prohibited. All other development, including temporary and permanent structures, within the alpine tundra ecosystem is strongly discouraged and may be permitted only under limited circumstances when no reasonable or feasible alternative to such development is available. Ancillary uses associated with approved development at lower elevations (such as ski lift towers and other structures), necessary communication towers, and mining structures which cannot realistically be located underground are among the limited types of development which may be approved for location in the alpine tundra ecosystem. The source of elevation

shall be based on the 1927 North American Vertical Datum 10,000-foot grid based on Colorado coordinate system, south zone.

The following elements are excluded from the Floor Area calculation:

- (1) Porches, decks, and terraces that do not have roofs or floors above and are open to the sky:
  - i. If such improvement is equal to or less thirty (30) inches above grade and is two hundred fifty (250) square feet or less;
  - ii. If such improvement is more than thirty (30) inches above grade or greater than two hundred fifty (250) square feet, then it is calculated as Floor Area at fifty percent (50%) of the actual area.
- (2) A single-story, detached accessory building, no greater than 200 square feet.
- (3) Structures associated with mining activities are exempt from Square Footage Limitations (Section 4-110.20).

#### .21 Density and Use Limitations

- (1) All Improvement Permits for single-family residential development, if approved, shall allow a maximum of one (1) unit/parcel.
- (2) All Improvement Permits for single-family residential buildings, if approved, shall be limited to private, personal, residential use.
- (3) Use of single-family residential buildings for Vacation Rental/commercial use shall require approval of a separate Use Permit and require that all services and capacities be evaluated at the maximum possible occupancy, intensity and duration of use to ensure there are adequate services and capacities to accommodate the increased demand for potable water, wastewater facilities, trash, satellite or cell phone service, emergency access and parking.