

Section 22

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 23 of this Code.

ACCESSORY USES AND STRUCTURES. A non-commercial use and/or structure, except for home occupations and home businesses as defined in Section 28 of this Code which are allowed, naturally and normally incidental to a use by right and complying 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 structural features consistent with the use by right;
- D. Includes accessory dwelling units subject to the following conditions:
 - (1) The maximum living area allowed for an accessory dwelling unit shall be limited to 800 square feet with the exception of units for employees which shall have no area limitation; and
 - (2) Accessory dwelling units shall be located within 100 feet of the main structure with the exception of units for employees which shall have no separation limitation; and
 - (3) The minimum parcel size to allow an accessory dwelling unit shall be 3 acres. One accessory dwelling unit shall be allowed per parcel. Any additional accessory dwelling units shall not exceed a density of 1 accessory dwelling unit per 35 acres; and
 - (4) The construction of any accessory dwelling unit must comply with all County standards and regulations; and
 - (5) An accessory dwelling unit may be occupied without payment of rent for any period, or may be leased or rented to a tenant for a lease term of not less than ninety (90) days.

E. The gross land area utilized by all accessory uses of all uses by right on the same property shall not exceed ten (10) percent of the gross land area utilized by all the uses by right.

ACCOMMODATIONS. A building containing individual rooms or suites of rooms or separate unit 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.

APPEAL. A request for a review of the Building Official's interpretation of any provision of these regulations or a request for a variance.

APPLICANT. The owner of land, or the owner's authorized representative or agent.

AREA OF SPECIAL FLOOD HAZARD. The land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year.

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 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). 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.

BED AND BREAKFAST. 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.

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 HEIGHT. The vertical height of a building at all points measured from natural (pre-construction) or finished (post-construction) grade, whichever is lower. 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 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, 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.

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.

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 and motel 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.

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.

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.

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

DWELLING. A structure or portion thereof that is used exclusively for human habitation.

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

DWELLING, SINGLE FAMILY. A building containing one 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 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 15 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.

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.

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 and wholesale (nontaxable) of crops, forage or horticulture products. Ranching may include, breeding, raising, feeding, training, buying and wholesaling (nontaxable) of livestock and other animals.

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.

GEOLOGIC HAZARD. A geologic phenomenon 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, avalanches, landslides, rock falls, mudflows, unstable or potentially unstable slopes and ground subsidence.

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 use, that promotes the health, safety and welfare of the general public.

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.

HOTEL. A building designed for occupancy by short-term or part-time residents who are lodged with or without meals and in which no facilities are provided for cooking in individual rooms.

This building is specifically for transient accommodation use and is distinguished from other similar uses by an on-site restaurant, and a central lobby or lounge area adjacent to or in connection with an on-site reservations facility.

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. The perimeter of a lot.

LOWEST FLOOR. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for the parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the application non-elevation design requirements of these regulations.

MINERAL OPERATION. Any site development and/or exploration that result in surface disturbance of one (1) acre or more, and extraction or processing of minerals other than underground mining and oil, gas, and sand and gravel operations.

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.

MINING: The development or extraction of a mineral from its natural occurrences on affected land. The term includes, but is not limited to, open mining and surface operation 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.

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.

MOTEL. A group of attached or detached units containing individual sleeping and/or living units, designed for rental for specific periods of time to tourists and transients, with garage or parking space adjacent to or near each rental unit.

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 when (a) no fee (except a trespass fee for hunting or fishing or an outfitters fee) is paid or charged for such occupancy, (b) such occupancy is in conformance with any applicable State or Federal regulations, (c) written permission from the owner of the tract occupied has been obtained, (d) no permanent structure is installed and no permanent changes are made to the tract occupied, (e) and adequate sanitation is available.

NON-CONFORMING BUILDING. A building, or portion thereof, legally constructed prior to the effective date of this Code or any addition thereto, which does not conform to the regulations of the zoning district in which it is located.

NON-CONFORMING PARCEL. A parcel or tract of property which exists in its present configuration as a legal or non-conforming parcel at the time this Code is adopted and which, by reason of its size, does not comply with the minimum lot size or density provisions of this Code.

NON-CONFORMING USE. Land or building lawfully occupied prior to the effective date of this Code, or any amendment thereto, by a use which does not conform with the regulations of the zoning district in which it is located.

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. Within a Planned unit development, a parcel of land, an area of water or a combination of land and water as designated by the plat or covenants.

PARKING SPACE. An off-street, hard surfaced area designed and intended to be occupied by a parked vehicles, 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 and bulk of buildings and other structures, intensity of uses or density of development, utilities, private and public streets, ways, roads, pedestrian areas and parking facilities, 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. An area of land, controlled by one or more landowners, to be developed under unified control or unified plan of development for a number of dwelling units, commercial, educational, recreational or industrial uses, or any combination of the foregoing, the plan for which does not correspond in lot size, bulk or type of use, density, lot coverage open space or other restrictions to the existing land use regulations.

PLAT, FINAL. A map, or maps, and supporting documentation 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 lots and blocks, streets and alleys and public areas, intended as an instrument for recording with the County's Clerk and Recorder.

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.

PROPERTY LINE. See "Lot Line".

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, telephone and cable TV services and other like services.

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.

PUD PLAN, FINAL. A map or maps and supporting documentation of a proposed land development showing the character and layout of the property, including the exact location, size and dimensions of proposed buildings, yards, courts, parking, fences, common open space, water, and sanitary sewer facilities and other features; the proposed use of each building and area; the architectural elevations of buildings, indicating height, materials and color; detailed landscaping plan, if applicable; streets, curb cuts and alleys; utilities, drainage and other easements. Where a Final Plat is required to accompany a Final PUD Plan, the two (2) may not be combined in one document, but must be two separate documents.

PUD PLAN, PRELIMINARY. A map or maps and supporting documentation of proposed land development showing in conceptual form the character and layout of the proposed development including the approximate location, size and dimensions of proposed buildings, yards, courts, parking, fences, common open space, water and sanitary sewer facilities and other features; the proposed use of each building and area; the architectural elevations of buildings indicating height, materials and color; conceptual landscaping plan, if applicable; streets, curb cuts and alleys, utilities, drainage and other easements; and the relationship of the proposed development to adjacent areas which it may affect.

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.

RESORT. A commercial use including lodging, food service and recreational amenities provided on a short-term basis to tourists and other visitors. Distinguished from hotels and motels by its emphasis on attracting guests for two or more nights and by the provision of more recreational activities.

RESORT CORE AREA. That portion of an application for 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.

RESORT, MULTI-SEASON. A resort whose recreation amenities are designed to be used by tourists and other visitors during two or more seasons of the year.

REZONING. The process by which the zoning classification of a zoning district is changed. The process for rezoning is set out in Section 20.2. Standards for consideration of a rezoning petition are set out in Section 20.3. Submittal requirements for a petition to rezone are set out in Section 20.4.

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 bedrock of any size from a cliff or other very steep slope.

SAND AND GRAVEL OPERATION. The extraction, processing and the transportation of rock and rock materials.

SCHOOL. A private or public accredited facility for the education of young people (K-12). The term school does not include home schooling of the children of the owner or lessee of a dwelling unit.

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.

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 25 of this Code, or a Final Subdivision Plat approved as part of a Development Agreement approved pursuant to Section 25.6 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, drawn and submitted in accordance with the requirements of this Code, to evaluate the feasibility and design characteristics 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.

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.

START OF CONSTRUCTION. Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date.

The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a mobile home on a foundation. Permanent construction does not include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

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.

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 or 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.

C. Is not residential in nature.

D. Does not emit or create excessive noise, smoke, dust, light or other pollutant.

E. Will not permanently alter the land and does not require the use of permanent structures.

F. Is not inconsistent with the purpose of this Code.

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

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.

USEABLE PUBLIC OPEN SPACE. Open area designed and developed for uses including, but not limited to, recreation, courts, gardens, parks and walkways. The term shall not include space devoted to streets and parking and loading areas, but may include lands in their natural state. The degree to which open space is "usable" will include consideration of its shape - where open space areas more square and less linear are more usable and size - where a smaller number of larger open space areas is considered more useable than a larger number of smaller areas.

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 the requirements of these regulations, excluding requirements pertaining to use, which permits construction in a manner that would otherwise be prohibited by this regulation.

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.

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

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.

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.