

The entirety of Section 5-323 is new proposed text.

5-323 Mixed Use Development (MXD)

5-323 A. Purpose

- I. The purpose of the Mixed-Use Development (MXD) Zone is to provide areas suitable for the development of a balanced mix of land uses that are compatible with the Telluride Region as contemplated by the Telluride Regional Area Master Plan. Uses and activities should complement those occurring in the Town of Telluride, Town of Mountain Village, and Lawson Hill, enhancing the overall mix of uses serving local residents, employees and visitors alike.
- II. Development of property included in the MXD Zone shall occur in accordance with the Telluride Regional Area Master Plan, the San Miguel County Comprehensive Plan, the PUDR Zone, this MXD Zone and other applicable provisions of the San Miguel County Land Use Code.

5-323 B. Planned Unit Development (PUD) and Subdivision

- I. Applicability. All development proposed within the MXD Zone shall be reviewed pursuant to the Planned Unit Development (PUD) and subdivision review procedures, which shall be used to establish permitted uses, densities, Area and Bulk Requirements, lot layouts, phasing, infrastructure and other relevant elements of the proposed development for property located in the MXD Zone. Refer to Section 3-7 for PUD procedures and Section 5-14 for PUD review standards and this Section 5-323 for further review standards. Refer to Section 3-7 for Subdivision procedures and, applicable portions of Sections 5-1 to 5-10 for Subdivision review standards and this Section 5-323 for further review standards. The PUD review will be combined with a subdivision review, referred to hereafter as a “Combined PUD/Subdivision Plan.”
- II. Combined PUD/Subdivision Plan Review. The purpose and intent of the Combined PUD/Subdivision Plan review process will be to establish relevant elements and components of the proposed development on property located in the MXD Zone that will control development that may occur on the separate lots and parcels in the project, which factors and elements shall include, without limitation, the following:
 - a. A range of Allowable Uses;
 - b. Maximum allowable density for each of the Allowable Uses;
 - c. Maximum overall allowable density for the development, which Applicant may allocate among each of the Allowable Uses, not to exceed any maximum density established for an individual Allowable Use;
 - d. Maximum building height(s);

- e. Building areas and envelopes, along with minimum required setback(s);
- f. Site access, roads and sidewalks;
- g. Minimum required parking;
- h. Required employee housing mitigation;
- i. Landscaping/hardscaping;
- j. Evaluation and potential reduction of the 200-foot scenic setback requirement for property located in the Scenic Foreground and the 100-foot major highway setback requirement;
- k. Preliminary review and approval of required infrastructure to serve the development, including timing and phasing;
- l. Location of open space, recreational facilities and amenities;
- m. Project Phasing and vesting;
- n. Review and approval of Design Guidelines for the overall development, which shall be applied to the review of site-specific development proposed on a lot or parcel as part of a PUD Architectural Review Plan application.

III. PUD Architectural Review Plan. Prior to obtaining a building permit for particular building(s) contemplated on one or more lots or parcels, an applicant is required to submit a site-specific architectural design plans (“PUD Architectural Review Plan”) for review and approval by the County as provided for in Section 5-1405 and this Section 5-323.B.III. When approving a Combined PUD/Subdivision Plan, the County will establish certain Area and Bulk Requirements for building(s) occurring on lots or parcels in the project as provided for in Section 5-323.D, which shall be followed and applied by the applicant and the County as part of the review of the PUD Architectural Review Plan under Section 5-1405. An applicant can elect to submit and complete the review of the PUD Architectural Review Plan as follows:

- a. An applicant may submit an application and supporting materials to enable the review and final approval of all elements of a PUD Architectural Review Plan required to be reviewed under Section 5-1405 and Section 5-323.D for one or more buildings on one or more lots or parcels as part of the Combined PUD/Subdivision Plan; or
- b. An applicant may elect to defer the submission and review of one or more separate PUD Architectural Review Plan for individual building(s) on individual lots or parcels, provided that the plan is ultimately reviewed by the County prior to development of any such building and conforms with this Section 5-323.B.III. Unless obtained as part of the review of Combined PUD/Subdivision Plan, an applicant shall secure the approval of PUD Architectural Review Plan prior to initiating development on a particular lot.

The PUD Architectural Review Plan will be reviewed by the decision-making body identified in Section 5-323 C and subject to the requirements of Section 3-2. The purpose of the review of a PUD Architectural Review Plan is to allow the

County to evaluate: (a) that the building design meets the provisions of Section 5-1405, Section 5-21, and this Section 5-323 and other relevant provisions of the LUC in terms of architectural styles/themes, color/materials, lighting, landscaping, and the like; and (b) that the building design conforms to the particular elements approved for the lot as part of the Combined PUD/Subdivision Plan, such as the Area and Bulk Requirements (building height, setbacks), parking, Allowable Uses, and densities. The size, scale or location of the building as contemplated in Section 5-1405, will be established by the County as part of the approval of the Combined PUD/Subdivision Plan and the County's determination of the Area and Bulk Requirements for building(s) occurring on lots or parcels in the project under Section 5-323.D. The Area and Bulk Requirements established as part of the Combined PUD/Subdivision Plan shall not be increased or reduced as part of the review of PUD Architectural Review Plan under Section 5-1405 unless agreed to by the applicant and the County, which may require an amendment to the Combined PUD/Subdivision Plan if increases to the Area and Bulk Requirements are proposed. The PUD Architectural Review Plan review is not intended to be used for further review of or require changes to the Approved Uses and Densities or other land use elements established as part of the Combined PUD/Subdivision Plan Review.

Site design and improvements, such as parking, access roads, berming, landscaping, utilities and similar facilities shall be considered as part of the Combined PUD/Subdivision Plan and need not be reviewed as part of the review of a PUD Architectural Review Plan; provided that parking, access roads, berming, landscaping, utilities and similar facilities approved as part of the Combined PUD/Subdivision Plan, may be modified as part of the review of a PUD Architectural Review Plan.

5-323 C. Allowable Uses

- I. General. The uses and activities allowed ("Allowable Uses") that may occur in a project on property located in the MXD Zone are indicated below. The Allowable Uses shall be determined by the County in connection with its review of and action on an application for a Combined PUD/Subdivision Plan. The resulting uses and densities approved by the County as part of its action on the Combined PUD/Subdivision Plan is referred to as the "Approved Uses and Densities." The Approved Uses and Densities will be noted in a Development Agreement and reflected in a land use matrix appended to the Development Agreement, noting a maximum cap for each particular use with an overall maximum cap on the uses and activities based upon available infrastructure serving the project (road access and water/sewer service). The Development Agreement shall provide that the Approved Uses and Densities may be allocated among the parcels, provided that no particular use exceeds its allowable maximum limit and the overall cumulative amount of the uses does not exceed that maximum overall cap on the uses and activities allowed for the Project.
- II. If the Combined PUD/Subdivision Plan did not establish one of the

following Allowable Uses or if an applicant seeks to modify the Approved Uses and Densities involving one of the following Allowable Uses, the applicant may submit an application seeking an amendment to the Combined PUD/Subdivision Plan to add one of the following Allowable Uses into the Project or to modify the Approved Uses and Densities, which will be reviewed by the County as an Insubstantial Plat Amendment:

- a. Active Open Space;
- b. Passive Open Space;
- c. Public Uses, including, but not limited to, expansion of the Regional Sewage Treatment Facility, Governmental/Municipal Facilities and Transit Facilities;
- d. Visitor Center;
- e. Day Care Home or Day Care Center;
- f. Community Meeting Space;
- g. Employee Housing;
- h. Medical Services including, but not limited to, pharmacy, optician, dental, physical therapy, and mental health/counseling;
- i. Medical Offices;
- j. Retail establishments no greater than eight thousand (8,000) square feet gross floor area for an individual use;
- k. Flex Space no greater than eight thousand (8,000) square feet gross floor area for an individual use;
- l. Eating/Drinking Establishments;
- m. Offices and Personal Services; and
- n. Wireless Communications Facilities that are concealed within a building or structure (stealth facilities).

III. In connection with its review of the following Allowable Uses as part of its review of a Combined PUD/Subdivision Plan, the County may include reasonable mitigation measures intended to reduce impacts of those uses. If the Combined PUD/Subdivision Plan did not establish one of the following Allowable Uses or if an applicant seeks to modify the Approved Uses and Densities involving one of the following Allowable Uses, the applicant may submit an application seeking an amendment to the Combined PUD/Subdivision Plan to add one of the following Allowable Uses into the Project or to modify the Approved Uses and Densities, which will be reviewed by the County as a Substantial Plat Amendment:

- a. Regional Medical Center, including a helipad;
- b. Retail Establishments greater than eight thousand (8,000) square feet gross floor area;
- c. Flex Space greater than eight thousand (8,000) square feet gross floor area for an individual use; and
- d. Hotel/Motel Lodging, including conference facilities. If an applicant is proposing this Allowable Use as part of its Combined PUD/Subdivision Plan or any later amendment thereto, the County, in evaluating this use, shall reasonably consider whether there is a

current or future community need for lodging or other related uses that would be available in the Hotel/Motel Lodging facility; potential impacts of being located outside of the towns and away from activities and services; growth effects on the region; preservation of community; and transportation impacts. Development of lodging should include a transportation management plan addressing methods to reduce guest trips in personal vehicles to the Town of Telluride and Town of Mountain Village while still encouraging visitors to patronize local businesses and participate in activities. Examples include the use of van shuttle services and local transit opportunities. Other considerations should include proposed amenities and facilities, proposed room sizes and types, and operational or management structure.

- e. Other uses not designated in Section 5-323 C.II as an Allowable Use.

IV. Accessory Uses: The uses, activities and improvements allowed by right in connection with other Allowable Uses review that may occur in a project on property located in the MXD Zone are indicated below:

- a. Accessory Uses and Structures, including customary utility services and maintenance and storage facilities; and
- b. Infrastructure serving the development.

5-323 D. Area and Bulk Requirements for Allowable Uses

The maximum Area and Bulk Requirements and densities for lots in the Mixed Use Development zone shall comply with and not exceed the following standards, which shall be preliminarily evaluated and considered by the County in the course of its review of the Combined Sketch PUD/Subdivision Plan Review for the project and then finally determined and established by the County in the course of its review of the Combined Preliminary PUD/Subdivision Plan Review for the lots in the subdivision.

I. Allowed Building Size: Except with respect to maximum size limitations established with respect to certain uses as provided for in Section 5-323 C, there is no maximum or minimum “Building Size.” The allowable Building Size for buildings on a lot shall be determined and established during consideration of the Combined PUD/Subdivision Plan Review for the property. The maximum Building Size shall be determined based upon the following criteria (“Review Criteria”):

- a. Analysis of the proposed location of the structure and the visual impact of the building when viewed from State Highway 145, based upon proposed size and scale of the structure and the proposed visual mitigation provided for in the Combined PUD/Subdivision Plan Review.

- b. Analysis and evaluation of the relationship of the proposed building size to property conditions that would be in place upon the completion of the construction of the structure, including factors relating to the site's topography, vegetation, distance from the public highway including Scenic Foreground setbacks, size of the lot, proposed building height, spacing of units, proximity of improvements to surrounding uses, view angles, visibility, and similar considerations.

II. Minimum Lot Size: None

III. Maximum Lot Size: None.

IV. Maximum Density: As determined in the course of the review of the Combined PUD/Subdivision Plan Review

V. Maximum Floor Area Ratio (FAR): As determined in the course of the review of the Combined PUD/Subdivision Plan Review on an envelope by envelope basis.

VI. Setbacks: In connection with the review of the Combined PUD/Subdivision Plan Review, the County shall establish a building envelope for each lot. All development, except for access, trails, sidewalks, parking, landscaping and utilities must occur within the designated building envelope.

VII. Scenic Foreground and Highway Setbacks: Any development proposed within the 200-foot Scenic Foreground setback and/or the 100-foot major highway setback shall be determined in the review of the Combined PUD/Subdivision Plan Review. Mitigation of impacts from development occurring within these setbacks shall occur through the placement of buildings and other improvements on the site, massing, design, roof forms, landscaping, screening, and other design strategies.

VIII. Maximum Building Height: Maximum Allowable Building Height for a building or other improvement shall be established on an envelope by envelope basis as an above sea-level maximum elevation and determined in the course of the review of the Combined PUD/Subdivision Plan Review. The ridge of a gable, hip, gambrel or similar pitched roof may extend up to five (5) feet above the specified maximum height limit. ~~A building may exceed the Maximum Allowable Building Height by up to twelve (12) feet if the additional development is being used for employee housing in excess of the required employee housing.~~ Roof appurtenances (other than architectural features) such as chimneys, flues, vents, mechanical equipment, elevator override height, or similar structures may extend up to five (5) feet above the specified maximum height limit. Bell towers, pergolas, and like architectural features may extend up to ten (10) feet

above the specified maximum height limit per criteria set forth in any project specific design guidelines approved for the development. Elevator access to a rooftop helipad shall be permitted to be the height necessary for operation of the elevator.

- IX. Minimum Common Open Space: Twenty percent (20%), inclusive of land dedicated to the County or School District for park, recreation, school, other open space purposes or other uses and purposes, which dedication may occur by fee simple conveyance or by a perpetual easement. If determined to meet the needs of residents, customers, tenants and other users of the development and satisfy the requirements of Section 5-805, credit may be given for dedication of offsite land or easements through the Combined PUD/Subdivision review, e.g. the dedication or easement grant for an offsite trail, parking area or recreational use area that improves access to and from the site and other recreational amenities or open space.

5-323 E. Minimum Off-street Parking

Off-street parking shall be provided for each principal use as required in Section 5-702 of the San Miguel County Land Use Code. Any waiver for off-street parking shall be reviewed and determined in the course of the review of the Combined PUD/Subdivision Plan Review. Waivers shall be considered when credit can be applied towards shared multiple-use parking facilities, mixed-use development, and transit-oriented development as determined by a qualified traffic engineer or consultant. If development of a PUD is phased, each phase shall include at a minimum the construction of the parking required for all uses in that phase. Parking may be constructed in an earlier phase than the development the parking would serve. As part of an overall development plan, elements of the required parking may be provided in interim, temporary parking facilities with an all-weather surface such as gravel or other similar treatments and a binding agent to manage dust.

5-323 F. Employee Housing Mitigation

Employee Housing Mitigation shall be provided as required in Section 5-13 of the San Miguel County Land Use Code or as set forth within the Development Agreement approved in the course of the review of the Combined PUD/Subdivision Plan Review. If development of the PUD is phased, the amount of employee housing constructed in each phase shall meet and may exceed the amount of employee housing mitigation required for the development within that phase. Employee housing may be constructed in an earlier phase than the development for which it is providing mitigation and may be credited for future phases as determined by the applicant, which must be documented in a manner acceptable to the County and Owner.

5-323 G. Review Standards

An applicant seeking approval for any of the Allowable Uses shall demonstrate to

the satisfaction of the Decision Maker substantial compliance with the standards in this section.

- I. The use is consistent with the applicable Land Use Policies (Article 2);
- II. Adequate public services such as roads, water, wastewater disposal/treatment, public safety and fire protection are available to serve the proposed use and the development adequately mitigates the incremental impacts on the community's existing public services;
- III. The use minimizes or mitigates any materially adverse environmental impacts and generally utilizes the most environmentally suitable site; and
- IV. The use is consistent with the relevant goals and objectives of the San Miguel County Comprehensive Development Plan and the Telluride Regional Area Master Plan.

Added text in the following sections is shown with red underline. Deleted text is shown with ~~red strike-through~~.

3-401 General

The development applications identified in Figure 3-1 and listed in this section are subject to the Administrative review procedures described in this part of the Code. Figure 3-3 is a guide to the procedures, submission contents and review standards for Administrative reviews.

3-401 N. PUD Architectural Review Plan for Allowable Uses provided for in Section 5-323 C. II (Refer to Section 5-323 for standards).

3-501 General

The development applications identified in Figure 3-1 and listed in this section are subject to the one-step Planning Commission or the one-step Board of County Commissioners review procedures described in this part of the Code. Figure 3-4 serves as a guide to procedures, submission contents and review standards for one-step reviews.

3-501 A. The land use activities listed in this section are subject to One-step Planning Commission Review.

3-501 A.X. PUD Architectural Review Plan for Allowable Uses provided for in Section 5-323 C. III (Refer to Section 5-323 for standards).

5-317 Planned Unit Development Reserve (PUDR)

5-317 A. Purpose

The Planned Unit Development Reserve (PUDR) Zone District is intended to define maximum long-term development potential of specific, large parcels of land under contiguous ownership in the Telluride Region (See Section 5-1403 F.). PUD Reserve status for a contiguous parcel provides a transition between designation under the San Miguel County Comprehensive Development Plan and final zoning. No development shall occur under the PUDR Zone District. An applicant desiring to develop a PUD Reserve must obtain PUD approval for the entire parcel. However, portions of a Reserve may be given different rezoning designations as necessary to implement the Telluride Regional Area Master Plan. PUDR applies only to existing parcels so zoned already; PUDR shall not be applied to any additional parcels.

5-317 B. Development Potential

The development potential assigned to a given parcel through the PUDR Zone District is based on classifying the Reserve land into one of four categories:

I. High Density - as shown on the specific PUD Reserve Map (see Section 5-

317 F.)

II. Environmentally Sensitive - includes all land:

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

III. Residential - all lands not classified as High Density, ~~or~~ Environmentally Sensitive, or Mixed Use.

IV. Mixed Use – as described in Section N of the Telluride Regional Area Master Plan and established as part of the Combined PUD/Subdivision Plan Review process.

5-317 C. Calculating Development Potential

For the purpose of calculating development potential, residential densities are assigned to each land type as follows:

- I. High Density - 40 units per acre
- II. Environmentally Sensitive – None
- III. Residential - 1 unit per 3 acres

IV. Mixed Use – notwithstanding the foregoing density calculations, density for a mixed-use project shall be established as part of the Combined PUD/Subdivision Plan Review process.

5-317 D. Density of Residential Development

The density of residential development in the PUDR Zone District is based upon the cumulative number of people to be housed in various types of housing, as follows (as per the Telluride Regional Area Master Plan, Section III. A.):

- I. Hotel or lodge unit 1.5 people
- II. Accessory unit (caretaker type)..... 1.5 people
- III. Hotel efficiency unit 2.0 people

- IV. One-bedroom condominium unit 2.5 people
- V. Minor duplex or secondary unit 2.5 people
- VI. Two-bedroom or larger condo unit ... 3.0 people
- VII. Single family house or residence 4.0 people
- VIII. Major duplex unit or primary unit 4.0 people

5-317 E. Sub-districts and Designated Uses

Assigning sub-districts within parcels zoned PUDR can help define development potential by indicating specific locations for and sizes of various types of development.

I. High Density Accommodations

- a. Purpose - The purpose of this sub-district designation within a PUDR is clustering of tourist-oriented accommodations. Densities are high to allow for preservation of open space and scenic vistas.
- b. Uses Allowed by Right - All Uses Allowed by Right in the Forestry, Agriculture and Open (F) Zone District - see Section 5-307.
- c. Maximum Density - 40 units per acre.

II. Residential

- a. Purpose - The purpose of this sub-district designation within a PUD Reserve Zone District is to promote the placement of large-lot, single-family dwelling units in appropriate locations.
- b. Uses Allowed By Right - All uses permitted in the Forestry, Agriculture and Open (F) Zone District - see Section 5-307, and in the Low Density (LD) Zone District - see Section 5-304.
- c. Maximum Density - 1 unit per 3 acres.

III. Light Industry/Public Utility

- a. Purpose - The purpose of this sub-district designation within a PUD Reserve Zone District is to allow for light industry and public utility uses in appropriate locations.
- b. Uses Allowed By Right - All uses permitted in the Low Intensity Industrial (I) Zone District - see Section 5-309, and in the Forestry,

Agriculture and Open (F) Zone District (see Section 5-307).

IV. Planned Open Space

- a. Purpose - The purpose of this sub-district designation within a PUD Reserve Zone District is to preserve open space and to indicate lands intended for general open space, agricultural, park and cultural and/or educational use that would not compromise the preservation of open space.
- b. Uses Allowed By Right - Normal and customary ranching and agriculture-related activities and all uses allowed by right in the Park (P) Zone District - see Section 5-313, and in the Open Space (OS) Zone District - see Section 5-314.

V. Mixed Use

- a. The purpose of this sub-district designation within a PUD Reserve Zone District is to provide areas suitable for the development of a balanced mix of land uses, including office, retail, flex space, medical, lodging, and housing, which are compatible with the Telluride Region.
- b. Uses Allowed By Right - All Uses Allowed by Right in the Forestry, Agriculture and Open (F) Zone District - see Section 5-307.
- c. All other Allowable Uses shall be established as part of the Combined PUD/Subdivision Plan Review process.

VI. Special Use Permit

Uses allowed with a special use permit in all sub-districts within the PUDR Zone District shall be those uses allowed through special use permit in the Forestry, Agriculture and Open (F) Zone District - see Section 5-307 F., as long as such uses are compatible with the overall PUDR zoning.

5-317 F. PUD Reserve Map

~~Mylar maps~~ Maps for each of the existing PUD Reserves are retained by the County and the owner of the Reserve parcel. Each PUD Reserve Map, at a scale of 400 feet =1 inch or larger, shows the boundaries of the Reserve and its sub-districts. The maps also show maximum unit counts and densities.

5-317 G. Development and PUD Approval Procedure

At such time as a parcel owner is ready to proceed with any development within a

PUD Reserve, the developer shall apply for PUD approval of the entire parcel. Sub-districts may receive different final zoning designations as necessary to implement the Telluride Regional Area Master Plan. All development plans shall be processed via the PUD Procedure (see Section 5-14).

Article 6, Definitions

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