

## DEFINITIONS

(orig. 12-17-02)

Words used in present tense, include future. Words used in singular number, include plural. Words used in plural number, include singular. The word "building" includes "structure." The word "shall" is mandatory, not directory. For purposes of this Resolution, certain words and terms are defined as follows: (orig. 5-6-46)

**ABANDONED:** A situation which exist where something is discarded, unused, inactive or nonfunctional and no one lays claim, possession or ownership over it. (orig. 12-17-02; am. 7-1-03)

**ABANDONED - STRUCTURE:** A structure left on a property where no reasonable use of the structure exists, such structure presents a hazard to the health, safety or welfare of any individual should it be occupied or such structure is beyond repair and is unsafe for occupancy and cannot meet applicable building code requirements. (orig. 12-17-02; am. 7-1-03)

**ABANDONED - VEHICLE:** A vehicle left on a street/road, right-of-way or property without the consent of the owner and where such vehicle cannot be operated, license plates or other identifying marks have been removed, damage exists so extensively as to make the value of the vehicle junk or an attempt has been made to notify the vehicle owner and no effort occurs to remove such vehicle. (orig. 12-17-02; am. 10-13-09)

**ABATEMENT:** To substantially nullify the danger posed by a hazard by means including, but not limited to, modification of the hazard and/or the structure affected. (orig. 3-23-76)

**ACCELERATED SOIL EROSION:** The increased loss of the land surface that occurs as a result of man's activities. In cases where the occurrence of accelerated soil erosion is questionable, natural and construction related erosion volumes shall be calculated by the Revised Universal Soil Loss Equation (or the most recent version as published by the Natural Resources Conservation Service or the Soil and Water Conservation Society) and the Wind Erosion Equation developed by the Natural Resources Conservation Service. (orig. 9-24-91; am. 3-23-99)

**ACCESSORY BUILDING:** A subordinate building, or portion of a main building, the use of which is incidental to that of the main building on the same lot. (orig. 5-6-46)

**ACCESSORY DWELLING UNIT:** A separate, complete housekeeping unit with a separate entrance, kitchen, sleeping area, and full bathroom facilities, which is attached or detached extension to an existing single family dwelling. Such a dwelling unit shall be developed in accordance with the standards set forth in this Resolution and only in those zone districts where the use is allowed upon Special Exception approval of the Board of Adjustment. (orig. 12-5-06; am. 8-23-11)

**ACCESSORY EQUIPMENT:** Equipment whose use is incidental to that of the principal building on the same lot. (orig. 7-23-02)

**ADEQUATE VEGETATIVE COVER:** A permanent vegetative ground cover which is mature enough to prevent accelerated soil erosion and to survive severe weather conditions. (orig. 9-24-91)

**ADULT ARCADE:** An establishment where, for any form of consideration, one or more still or motion picture projectors, or similar machines, or other image producing machines, for viewing by five or fewer persons each, are used to show films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas. (orig. 7-8-97)

**ADULT BOOKSTORE, ADULT NOVELTY STORE, OR ADULT VIDEO STORE:** A commercial establishment which, as one of its principal business purposes, offers for sale or rental for use off-premises books, magazines, periodicals or other printer matter, or photographs, films, motion pictures, video cassettes, slides, CD-ROMs, or other visual, digital or electronic representations, or novelty items, which are characterized by the depiction or description of specified sexual activities or specified anatomical areas. Principal business purpose shall mean having as a substantial or significant portion of

its stock in trade the items listed herein or having at least 250 square feet of floor space occupied by the display of such items. (orig. 7-8-97; am. 12-17-02)

**ADULT CABARET:** A nightclub bar, restaurant, pop shop, or similar commercial establishment, regardless of whether it serves food or alcoholic beverages, which features any of the following. (orig. 7-8-97)

1. Persons who appear nude or in a state of nudity. (orig. 7-8-97)
2. Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities. (orig. 7-8-97)
3. Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas. (orig. 7-8-97)

**ADULT MOTEL:** A motel, hotel, or similar commercial establishment which offers the following. (orig. 7-8-97)

1. Public accommodations, for any form of consideration, and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas and which advertise the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising including but not limited to newspapers, magazines, pamphlets or leaflets, radio or television. (orig. 7-8-97)
2. Sleeping room(s) for rent for a period of time less than 10 hours, or allows a tenant or occupant to sub-rent a sleeping room for a time period of less than 10 hours. (orig. 7-8-97)

**ADULT MOTION PICTURE THEATER:** A commercial establishment where films, motion pictures, video cassettes, slides or similar photographic reproductions that are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas are regularly shown for any form of consideration. (orig. 7-8-97)

**ADULT THEATER:** A theater, concert hall, auditorium, or similar commercial establishment which, for any form of consideration, regularly features persons who appear in a state of nudity or live performances which are characterized by exposure of specified anatomical areas or by specified sexual activities. (orig. 7-8-97)

**AMATEUR RADIO:** A communications service for the purpose of self training, intercommunications and technical investigations carried out by amateurs. Amateurs are those persons interested in radio technique solely with a personal aim and without pecuniary interest. (orig. 6-29-04)

**ANTENNA:** A transmitting and/or receiving device used in telecommunications that radiates or captures radio signals. (orig. 6-7-94)

**AVERAGE DAILY TRAFFIC (ADT):** The existing or projected total traffic volume during a given time period at a given location divided by the number of days in that time period. (orig. 10-13-09)

**BARN:** A building used for the housing and care of horses or other permitted livestock, and for the storage of feed, hay, other farm crops, and farm or equine equipment. (orig. 8-23-11)

**BASEMENT:** Any area of the building having its floor subgrade (below ground level). (orig. 5-31-88; am. 9-19-89)

**BED & BREAKFAST:** An overnight lodging establishment which is a residential dwelling unit, in which the innkeeper resides, or which is a building designed for but not necessarily occupied as a single family residence that is next to, or directly across the street from the innkeepers residence, and in either circumstance, in which: (orig. 8-23-11)

1. lodging accommodations are provided for a fee; (orig. 8-23-11)
2. at least one meal per day is provided at no charge other than the fee for lodging accommodations; (orig. 8-23-11)
3. there are no more than five sleeping rooms available . (orig. 8-23-11)

**BERM:** A mound or embankment of earth, typically 2 to 6 feet in height. (orig. 11-12-96; am. 7-23-02)

**BREW PUB:** A restaurant that includes the brewing of beer as an accessory use. The area used for brewing, including bottling, kegging, and packaging, shall not exceed 25 percent of the total floor area of the premises. (orig. 10-13-09)

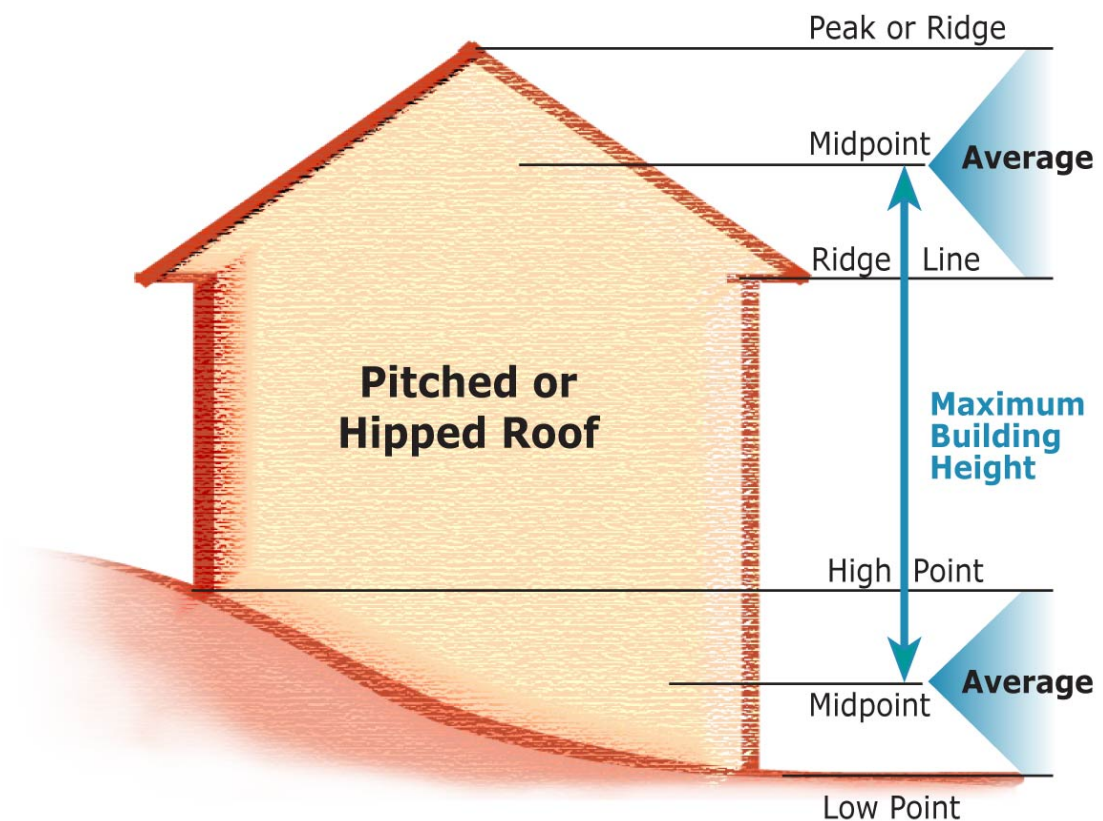
**BUFFER AREA:** A transition zone or land area intended to serve as a means to physically separate one land use from another. (orig. 11-12-96)

**BUFFERING:** The installation of plant materials, fencing, landforms, or a combination thereof, between two or more land uses, buildings, lots or parcels of land, or adjacent rights-of-way, which is intended to eliminate or minimize negative impacts between the adjoining land uses lots or parcels and/or rights-of-way. (orig. 11-12-96)

**BUILDING:** A structure having a roof supported by columns or walls. (orig. 5-6-46)

**BUILDING ARTICULATION:** Emphasis given to architectural elements on a building (windows, balconies, and entries) that create a variety of patterns or rhythms, dividing a large structure into smaller, identifiable pieces. (orig. 7-23-02)

**BUILDING – HEIGHT OF:** The vertical distance from grade plane to the average height of the highest roof surface. (orig. 5-6-46; am. 7-23-02; am 5-20-08)



**BUILDING SITE:** A legally created parcel of land occupied or designed to be occupied by a main building and the accessory buildings or structures customarily incidental to such main buildings, including the

open spaces required by this Resolution and such open spaces as are arranged and designed to be used in connection with such buildings. A building site may or may not be the land shown as a lot on a duly recorded plat. (orig. 7-1-03)

**BUILDING – STRUCTURAL ALTERATION:** Any change in the supporting members of a building such as bearing walls, columns, beams or girders, floor joists or roof joists. (orig. 5-6-46; am. 12-17-02)

**CAMP:** Land under single ownership and management having tents, buildings, or other shelters (not including recreational vehicles or mobile homes) for recreational or educational purposes and accommodating six or more persons for two or more days, or portions thereof. (orig. 5-5-46, am. 12-17-02, am.8-23-11)

**CAMPGROUND:** Any area that is occupied or intended or designed or improved for occupancy by transients using recreational vehicles, travel trailers, tent trailers, or tents for temporary dwelling, lodging, or sleeping purposes wherein sites are offered for the use of the public or members of any organization. (orig. 8-23-11)

**CATTERY:** Any building, structure or open space devoted in its entirety or in part to the raising, boarding or harboring of 4 or more adult cats. (orig. 11-15-65)

**CHANNEL:** A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuous or periodic flowing water. (orig. 1-10-75)

**CLUSTER DEVELOPMENT:** A development design technique that concentrates buildings on a portion of a site to allow the remaining land to be used for recreation, open space, or preservation of sensitive land areas. (orig. 8-23-11)

**COMMERCIAL MINERAL DEPOSIT:** A natural mineral deposit of limestone used for construction purposes, coal, sand, gravel, and quarry aggregate, for which extraction by an extractor is or will be commercially feasible and where it can be demonstrated by geologic, mineralogic, or other scientific data that such deposit has significant economic or strategic value to the area, state, or nation. (orig. 8-25-86; am. 12-17-02)

**COMMERCIAL-TYPE VEHICLE:** Any vehicle or equipment which falls into one or more of the categories listed below:

1. truck tractor; (orig. 5-20-08)
2. semi-trailer, which shall include flat beds, stake beds, roll-off containers, tanker bodies, dump bodies and full or partial box-type enclosures; (orig. 5-20-08)
3. vehicles of a type that are commonly used for the delivery of ice cream, milk, bread, fruit or similar vending supply commercial or delivery trucks. (orig. 5-20-08, am. 8-23-11)
4. other vehicles or trailers designed or used to transport commodities, merchandise, produce, freight, animals, or passengers for a fee; (orig. 5-20-08)
5. tow trucks; (orig. 5-20-08)
7. commercial hauling trucks; (orig. 5-20-08)
8. vehicle repair service trucks; (orig. 5-20-08)
9. vehicles with blades attached for plowing or grading; (orig. 5-20-08)
10. construction vehicles, such as bulldozers, backhoes, dump trucks, and similar vehicles; (orig. 5-20-08)
11. vehicles similar to those described above that are not ordinarily used for personal transportation. (orig. 5-20-08)

**CREEP:** A geologic hazard meaning the slow, gradual, more or less continuous deformation sustained by soil and rock materials under gravitational stresses. (orig. 3-23-76)

**CUL-DE-SAC:** A non-through or dead-end local street/road with special features (bulb) for turning around of vehicles. (orig. 4-7-69; am. 10-13-09)

**DEVELOPMENT AREA:** The overall area of a specific project including all parcels, lots, and tracts of land. Included in this area are all building areas, parking areas, open space and drainage tracts, and other similar development entities. (orig. 5-20-08)

**DWELLING – SINGLE-FAMILY DETACHED:** A detached building designed for occupancy by not more than 1 family from month to month or for a term longer than a month. This single structure is located on a parcel, lot, or tract of land. (orig. 5-6-46; am. 12-17-02; am. 4-4-06; am. 5-20-08)

**DWELLING – SINGLE-FAMILY ATTACHED:** An attached building designed for occupancy by not more than 1 family from month to month or for a term longer than a month. This structure is located on a parcel, lot, or tract of land and is connected to another structure located on a separate parcel, lot, or tract of land. (orig. 5-6-46; am. 11-15-65; am. 12-17-02; am. 5-20-08)

**DWELLING – DUPLEX:** A detached building designed for occupancy by 2 families living in separate units from month to month or for a term longer than 1 month. This single structure is located on a parcel, lot, or tract of land. (orig. 5-20-08)

**DWELLING – TWO-FAMILY:** A single-family attached unit constructed as a pair of attached units in which each unit is located on a separate parcel, lot, or tract of land, and each unit is designed for occupancy by not more than 1 family from month to month or for a term longer than 1 month. . (orig. 5-20-08, am. 8-23-11)

**DWELLING – TOWNHOME:** A single-family attached unit constructed in a group of 3 or more attached units in which each unit is located on a separate parcel, lot, or tract of land, and each unit is designed for occupancy by not more than 1 family from month to month or for a term longer than 1 month. . (orig. 5-20-08, am. 8-23-11)

**DWELLING – MULTI-FAMILY:** A detached building or group of buildings designed for occupancy by more than 2 families living in separate units from month to month or for a term longer than 1 month. (orig. 5-6-46; am. 12-17-02; am. 5-20-08)

**EARTH MATERIALS:** The inanimate constituents which compose or make up the planet earth's crust. (orig. 8-25-86)

**ENGINEERING GEOLOGY:** The discipline if applying geological data, techniques and principles to the study of naturally occurring rock and soil materials or subsurface fluids. The purpose is to assure that construction, operation and maintenance of engineering structures and the development of ground water resources are recognized, adequately interpreted and presented for use to the engineering practice. (orig. 6-15-76)

**EVERGREEN:** A plant with foliage that persists and is green year-round. (orig. 7-23-02)

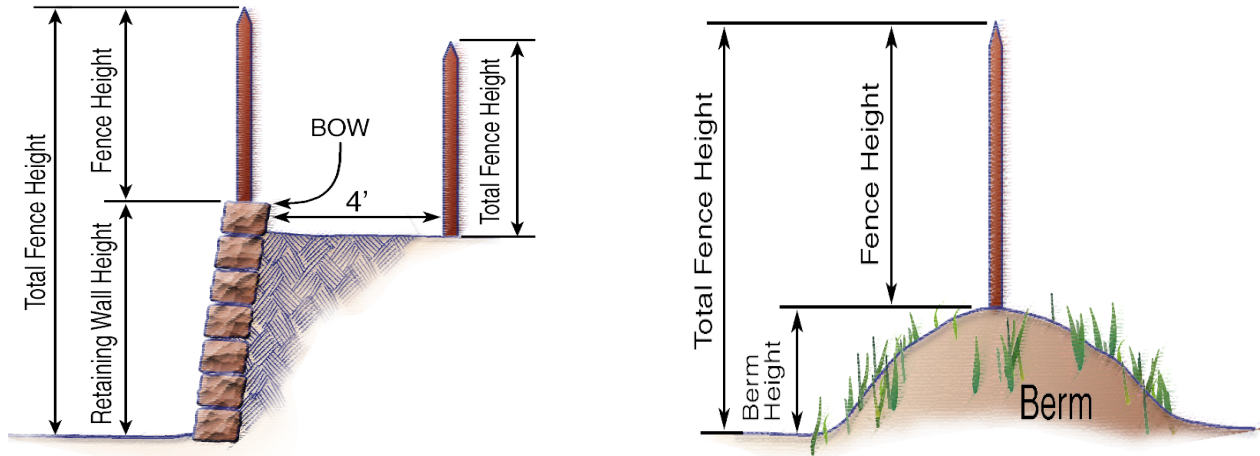
**FACADE:** The exterior wall of a building. (orig. 7-23-02)

**FAMILY:** One or more persons related by blood, marriage or adoption, living and cooking together as a single housekeeping unit, exclusive of household servants. A number of persons, but not exceeding 6, living and cooking together as a single housekeeping unit, though not related by blood, marriage or adoption, shall be deemed to constitute a family. Family shall not include more than one registered sex offender, unless related by blood, marriage or adoption. (orig. 5-6-46; am. 6-26-79, am. 2-1-00)

**FARMING:** The cultivation of land, including ranching or raising of livestock only, unless otherwise herein specifically provided. (orig. 5-6-46)

**FENCE HEIGHT:** The total height of fence is measured from the top of the fence to the lowest grade immediately adjacent to the fence unless the fence is placed on a retaining wall or a berm. Fence posts

and or pillars which support the fence material may extend eight (8) inches above the height of the fence material. If a fence is erected on or within 4 feet of the back of wall (B.O.W), the height of the fence and retaining wall are combined to calculate the total fence height. If the fence is erected on a berm, the height of the berm and the fence are combined to calculate the total fence height. (orig. 7-1-03)



**FENCE – CLOSED:** A fence that is a minimum of 75 percent opaque. (orig. 11-12-96)

**FENCE – OPEN:** A fence that is a maximum of 25 percent opaque. (orig. 11-12-96)

**FENCE – MATERIALS:** Those materials which are specifically manufactured and/or produced as fencing components. All other materials must be specifically approved by the Zoning Administrator. (orig. 11-12-96; am. 12-17-02)

**FENESTRATION:** For the purpose of this regulation, fenestration shall be defined as the design and placement of windows in a building. (orig. 10-13-09)

**FIXED WIRELESS:** Wireless radio communications service between specified fixed points. Currently associated primarily with wireless broadband internet access and data transmission and as a connection to cell sites. (orig. 6-29-04)

**FLAT ROOF:** A roof with a pitch of no greater than two inches vertical to twelve inches horizontal (1:6). (orig. 7-23-02)

**FLOODPLAIN OR FLOOD-PRONE AREA:** Any land area susceptible to being inundated by water from any source. (orig. 5-31-88; am. 9-19-89; am. 10-13-09)

1. **AREA OF SPECIAL FLOOD HAZARD:** The land in the floodplain subject to a one percent or greater chance of flooding in any given year. (orig. 5-31-88; am. 5-27-03)
2. **AS BUILT DRAWINGS:** An investigation and survey performed by a Professional Engineer or a Professional Land Surveyor to determine or confirm the development activity outside of any building, including but not limited to elevations, channel improvements, drainage flow paths, and dimensions of all drainage structures. (orig. 5-27-03)
3. **BASE FLOOD:** A flood having a one percent chance of being equaled or exceeded in any given year. (orig. 5-31-88; am. 12-17-02; am. 5-27-03)
4. **CONDITIONAL LETTER OF MAP REVISION (CLOMR):** FEMA's comment on a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevation (BFE) or the Special Flood Hazard Area (SFHA). The letter does not revise an effective National Flood Insurance Premium (NFIP) map, it indicates whether the project, if built as proposed, would be recognized by FEMA. (orig. 10-13-09)

5. 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 or storage of equipment or materials. (orig. 5-31-88; am. 12-17-02; am. 5-27-03; am. 10-13-09)
6. EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: A mobile home park or subdivision in which the construction of facilities to serve the lots was completed prior to the effective date of the Floodplain Overlay District. (orig. 5-27-03; am. 5-20-08; am. 10-13-09)
7. EXPANSION OF EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. The facilities shall include utilities, streets/roads and either final site grading or concrete pads. (orig. 5-27-03; am. 5-20-08; am. 10-13-09)
8. EXTREME HAZARDOUS MATERIALS: Any of the following or similar materials: acetone, ammonia, benzene, calcium, carbide, carbon disulfide, celluloid, chlorine, hydrochloric acid, prussic acid, magnesium, nitric acid, oxides of nitrogen, phosphorus, potassium, sodium, lithium, and sulfur. (orig. 5-27-03)
9. FEMA: Federal Emergency Management Agency. (orig. 12-17-02)
10. FLOOD HAZARD AREA DELINIATION (FHAD): A study completed and published by the Urban Drainage and Flood Control District, which documents the flood hazard area of the 100-year floodplain (orig. 10-13-09)
11. FLOOD INSURANCE RATE MAP (FIRM): The official map on which the Federal Emergency Management Agency Administrator has delineated both the areas of special flood hazards and the risk premium zones. (orig. 5-31-88; am. 9-19-89; am. 12-17-02; am. 5-27-03; am. 10-13-09)
12. 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. (orig. 5-31-88; am. 12-17-02; am. 5-27-03)
13. FLOOD OR FLOODING: A general and temporary condition of partial or complete inundation of normally dry land areas from: (1) The overflow of inland or tidal waters, (2) The unusual and rapid accumulation or run-off of surface waters from any source. (orig. 5-31-88)
14. FLOOD PROOFING: Completely sealing the exterior of a building to prevent the entry of floodwaters. Flood-proofing seals all openings below the flood level and relies on the walls of the building to hold water out. (orig. 5-31-88; am. 5-27-03)
15. FLOOD ZONES: The FIRM for the County has identified several different flood zones that have slightly different requirements. An explanation of the flood zones that have different standards defined is provided below: (orig. 5-27-03)
  - a. FEMA Zone A – Zone A is the flood insurance rate zone that corresponds to areas subject to inundation by the 1-percent-annual chance flood event determined by approximate methods. Because detailed hydraulic analyses are not performed for such areas, no Base Flood Elevations or depths are shown within this zone. (orig. 5-27-03; am 10-13-09)
  - b. FEMA Zone AE – Zone AE is the flood insurance rate zone that corresponds to areas subject to inundation by the 1-percent-annual chance flood event determined by detailed methods. BFEs are shown in the AE Zone. (orig. 10-13-09)
  - c. FEMA Zone AH – Zone AH is the flood insurance rate zone that corresponds to the areas of 100-year shallow flooding with a constant water-surface elevation (usually areas of ponding) where average depths are between 1 and 3 feet. The Base Flood Elevations derived from the detailed hydraulic analyses are shown at selected intervals within this zone. (orig. 5-27-03)
  - d. FEMA Zone AO – Zone AO is the flood insurance rate zone that corresponds to the areas of 100-year shallow flooding (usually sheet flow on sloping terrain) where average depths are

between 1 and 3 feet. The depth should be averaged along the cross section and then along the direction of flow to determine the extent of the zone. Average flood depths derived from the detailed hydraulic analyses are shown within this zone. In addition, alluvial fan flood hazards are shown as Zone AO on the FIRM. (orig. 5-27-03)

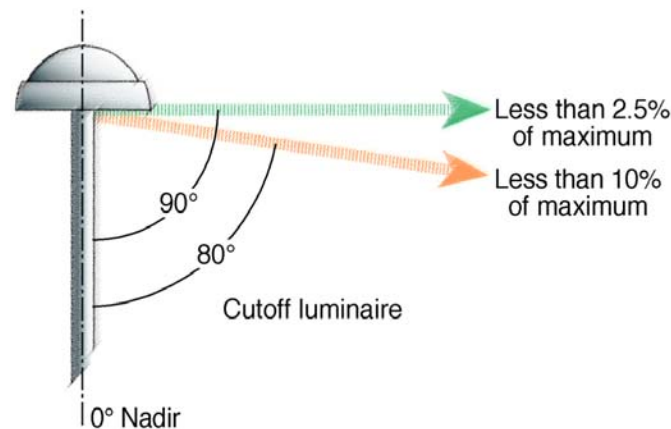
- e. FEMA Zone D – The Zone D is the flood insurance rate zone that corresponds to areas where there are possible but undetermined flood hazards. In areas designated as Zone D, no analysis of flood hazards has been conducted. (orig. 5-27-03; am. 10-13-09)
  - f. FEMA Zone X – The Zone X is the flood insurance rate zone that corresponds to areas determined to be outside of the 500-year floodplain. (orig. 10-13-09)
16. FLOODPLAIN DEVELOPMENT PERMIT: A permit that is required for any development activity within the Floodplain Overlay District. (orig. 5-27-03)
  17. FLOODWAY: The channel of a river or other watercourse and the adjacent land areas required in order to discharge the base flood without cumulatively increasing the water surface elevation more than 1 foot. (orig. 5-27-03)
  18. LAND USE ACTIVITY: Any activity including but not limited to the construction and/or placement of structures, buildings, trailers, mobile homes, streets/roads, bridges, fences, fill materials, junk, refuse, solid waste disposal facilities, or other obstructions within the boundaries of the 100-Year Floodplain. (orig. 5-31-88; am. 9-19-89; am. 5-27-03; am. 10-13-09)
  19. LETTER OF MAP AMENDMENT (LOMA): A letter from FEMA stating that an existing structure or parcel of land that has not been elevated by fill (natural elevation) would not be inundated by the base flood. (orig. 10-13-09)
  20. LETTER OF MAP REVISION (LOMR): Letter from the Federal Emergency Management Agency that revises base flood elevations, flood insurance rate zones, flood boundaries, or floodways as shown on an effective flood insurance rate map. (orig. 12-17-02)
  21. LETTER OF MAP REVISION-BASED ON FILL (LOMR-F): When fill has been placed on a property to raise the lot or building site to an elevation that is above the BFE, FEMA can revise the FIRM or Flood Hazard Boundary Map (FHBM) by letter to remove the raised area from the SFHA. This is a man-made change to the floodplain. (orig. 10-13-09)
  22. LOWEST FLOOR: The lowest level of the enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor. (orig. 5-31-88; am. 9-19-89; am. 5-27-03)
  23. MANUFACTURED HOME: A building, transportable in one or more sections and assembled on-site, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "Recreational Vehicle". (orig. 5-31-88; am. 9-19-89; am. 5-27-03; am. 5-20-08; am. 10-13-09)
  24. NEW CONSTRUCTION: Buildings or subsequent improvements to buildings for which the "start of construction" commenced on or after August 5, 1986. (orig. 5-31-88; am. 9-19-89; am. 5-27-03)
  25. NEW MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities to serve the lots (including at a minimum, the installation of utilities, the construction of streets/roads, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the Floodplain Overlay District. (orig. 5-27-03; am. 5-20-08; am. 10-13-09)
  26. SPECIAL FLOOD HAZARD AREA (SFHA): Any base flood area subject to flooding from a river, creek, intermittent stream, ditch, or any other identified channel or ponding and shown on a flood insurance rate map as an "A" or "A" numbered zone. (orig. 10-13-09)

27. **START OF CONSTRUCTION:** The date of Floodplain Development Permit approval for a building in the Floodplain Overlay District. (orig. 5-27-03)
28. **SUBSTANTIAL IMPROVEMENT:** Any repair, reconstruction, rehabilitation, addition or other improvement of a building, the cost of which equals or exceeds 50 percent of the market value of the building 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. Substantial improvements shall be counted cumulatively for a period of 10 years from the Start of Construction date of the first approved building permit. For the purposes of this definition, the term does not include either: (1) any improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or, (2) any alteration of a building listed on the National Register of Historic Places or a State Inventory of Historic Places provided that the alteration will not preclude the buildings designation as a historic building. (orig. 5-31-88; am. 9-19-89; am. 5-27-03; am. 10-13-09)
29. **SUFFICIENTLY HAZARDOUS MATERIALS:** Any of the following or similar materials: acetylene gas containers, gasoline, charcoal, coal dust, lumber/buoyant items, matches and sulfur products, and petroleum products (unless buried and constrained). (orig. 5-27-03)
30. **THALWEG:** The line defining the lowest point along the length of the riverbed or valley. (orig. 5-27-03)

**FOOT-CANDLE:** A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle. (orig. 7-23-02)

**FREESTANDING TELECOMMUNICATIONS FACILITY:** A telecommunication facility that consists of a stand-alone support structure, antennas, and associated equipment. (orig. 6-7-94)

**FULLY SHIELDED:** A method of construction and/or manufacture which does not allow any light dispersion to shine above the horizontal plane running through the lowest point on the fixture and which limits the illumination 90 degrees above nadir to a maximum of 2.5% and 80 degrees above nadir to a maximum of 10 % of the maximum illumination in any lateral angle around the light fixture. (orig. 7-23-02)



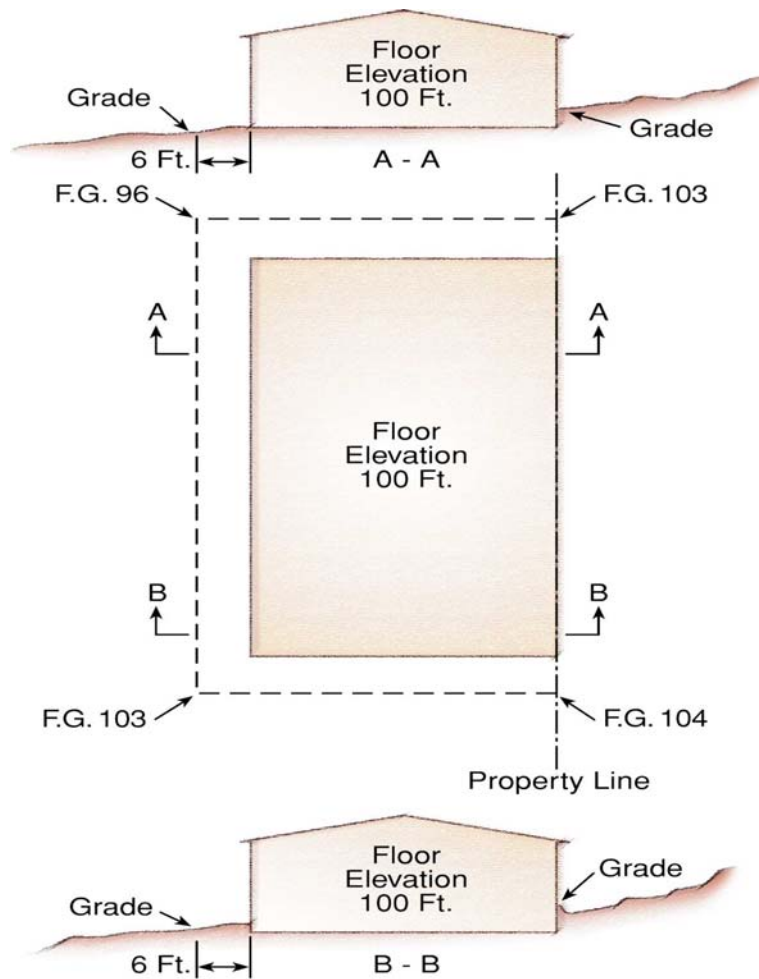
**GARAGE – PRIVATE:** An accessory building or an accessory portion of a main building, designed for shelter or storage of motor vehicles which are owned or operated by the occupants of the main building only. (orig. 5-6-46)

**GARAGE – PUBLIC:** A garage, other than a private garage, used for the housing or care of motor vehicles, or where such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale. (orig. 5-6-46)

**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. This includes, but is not limited to, landslide, rockfall, slope failure complex, mudflow and creep. (orig. 3-23-76)

**GLASS REFLECTANCE:** Is measured as reflectance-out using average daylight or solar criteria. Should either criteria have a reflectance-out of greater than 30%, a mirror glass window in the Mountains is defined as not meeting this standard. (orig. 7-23-02)

**GRADE PLANE:** A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 6 feet from the building, between the building and a point 6 feet from the building. (orig. 7-23-02)



**GRADING PERMIT AREA:** Any area in which grading activities are allowed to occur. (orig. 9-24-91; am. 12-17-02)

**GROSS FLOOR AREA (GFA):** The total occupiable floor area of a building or structure expressed in square feet and measured from the centerline of joint partitions and from outside wall faces. Occupiable floor area shall not include vehicular parking and loading areas within the structure or any floor area occupied by HVAC (heating, ventilating and air conditioning), mechanical, electrical, communication and security equipment or apparatus, and elevator shafts and stairways. (7-23-02)

**GROSS LEASABLE AREA (GLA):** GLA is the total floor area designed for the tenants' occupancy and exclusive use (including, but not limited to, basements, kitchens, restrooms, storage rooms, private corridors, stairways, mezzanines and upper floors), expressed in square feet and measured from the centerline of interior walls or other interior tenant partitions and from outside wall faces. GLA does not include public or common areas such as public restrooms, corridors, stairwells, elevators, lobbies or mall areas, nor does it include mechanical rooms, equipment and/or machine rooms or mechanical chases. (orig. 7-27-78; am. 12-17-02)

**GROUND COVER:** A low-growing perennial and/or evergreen plant, other than turf, which grows or spreads in such a manner as to provide continuous plant coverage. Such plants are typically shorter than 18 inches, and may include herbs, ivies, ornamental grasses, perennials, spreading evergreens, succulents, vines, and wildflowers. Annuals, mulches, tree and shrub canopies, and stone are not considered ground cover by themselves but may be used with ground cover as part of the complete landscape design. (orig. 7-23-02)

**GROUP HOME FOR MENTALLY ILL PERSONS:** A state licensed residential care facility for the exclusive use of up to 8 persons with mental illness as that term is defined in Section 27-10-102, C.R.S. (orig. 6-14-88)

**GROUP HOME FOR THE AGED:** A residential facility for the exclusive use of not more than 8 persons 60 years of age or older per home who do not need skilled and intermediate care facilities, and who so elect, to live in normal residential surroundings, including single family residential units, per Section 31-23-301, C.R.S. (orig. 6-14-88; am. 12-17-02; am. 5-25-04)

**GROUP HOME FOR THE DEVELOPMENTALLY DISABLED:** A state licensed residential facility for the exclusive use of up to 8 persons with developmental disabilities, as that term is defined in Section 27-10.5-102, C.R.S. (orig. 5-25-04)

**GROUP LIVING FACILITY:** A state licensed facility for housing residents in a group home which includes a residential treatment center, community residential home, home for social rehabilitation, assisted living residence, personal care boarding home, communal home, specialized group facility, receiving home for more than 4 foster home residents, residential child care facility, or shelter for domestic violence. (orig. 2-1-00; am. 5-25-04)

**GUEST HOUSE:** An attached or detached building that provides living quarters for guests and (a) contains no kitchen or cooking facility; (b) is clearly subordinate and incidental to the principal residence on the same building site; and (c) is not rented or leased, whether compensation be direct or indirect. (orig. 4-20-10)

**HIGH VOLTAGE ELECTRIC TRANSMISSION TOWERS:** High-voltage electric transmission towers are those that support high-voltage electric transmission lines. A high-voltage electric transmission line is a power line that carries high voltage between a generating plant and a substation. High voltage lines do not include local distribution and service lines. (orig. 6-29-04)

**HIGHEST ADJACENT GRADE:** The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. (orig. 5-31-88)

**HIGHLY ERODIBLE SOILS:** Soils in Wind Erosion Groups 1, 2, 3 and 4 and/or where the soil erodibility factor K is greater than or equal to .37. (orig. 9-24-91)

**HOME FOR SOCIAL REHABILITATION OR ADJUSTMENT:** A residential treatment facility, licensed or certified by the state if applicable, providing room, board, and counseling or other rehabilitation services to persons with addictions to drugs or alcohol or with other disabilities (not qualified as developmentally disabled or mentally ill), or to pre-releasees or parolees from a state correctional facility. (orig. 6-14-88)

**HOME OCCUPATION:** Any use of a commercial or service nature which is not a use by right nor an accessory use to the present agricultural or residential zoning of the applicant's property. Such use must necessarily conform with the restrictions set forth in Section 8 or Section 4 of this Zoning Resolution. (orig. 5-6-46; am. 6-2-58; am. 11-15-65; am. 8-7-74; am. 12-17-02)

**HOSPITAL:** An institution that provides health services primarily for inpatient, medical, or surgical care for the sick or injured, including related facilities such as laboratories, outpatient departments, training facilities, central service boxes or crates (fabricated of any material), used pipe or pipe fittings, used conduit or conduit fittings, used automobiles in nonoperable condition, used tires and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition. (orig. 11-15-65)

**JUNK YARD:** An open area where any waste, junk, used or second hand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to, scrap iron and

other metals, paper, rags, rubber tires and bottles. A "junk yard" also includes an auto wrecking yard for the storage or keeping of 1 or more inoperable motor vehicles, (except where otherwise specifically permitted) but does not include uses established entirely within enclosed buildings. (orig. 11-15-65)

KENNEL: Any building, structure or open space devoted in its entirety or in part, to the raising, boarding or harboring of 4 or more adult dogs. (orig. 11-15-65)

LABORATORY: A building or a portion of a building devoted to the experimental study or science of the testing and analysis of chemicals, drugs, explosives, minerals, etc. (orig. 11-15-65)

LABORATORY – MEDICAL OR DENTAL: A building or a portion of a building devoted to the use of providing bacteriological, biological, medical, x-ray, pathological and similar analytical or diagnostic services to doctors or dentists and where no fabrication is conducted on the premises, except the custom fabrication of dentures. (orig. 11-15-65)

LAMP: The light source. (orig. 7-23-02)

LAND DISTURBANCE ACTIVITY: Any activity that increases the rate of erosion, including but not limited to clearing, grading, excavation, demolition activities, or other activity that exposes soil. (orig. 10-12-04) facilities, and staff offices, which are integral parts of the facilities. (orig. 10-31-06)

JUNK: Scrap brass, scrap copper, scrap iron, scrap lead, scrap tin, scrap zinc, and all other scrap metals and the alloys and bones, rags, used cloth, used rope, used rubber, used tinfoil, used bottles, old or used machinery of any type, used tools, used appliances, used fixtures, used utensils, used lumber, used

1. ADEQUATE VEGETATIVE COVER: A uniform vegetative cover with a density of at least 70 percent of pre-disturbance levels. (orig. 10-12-04)
2. BEST MANAGEMENT PRACTICE (BMP): A physical, structural or managerial practice or device that prevents or reduces erosion or sedimentation. (orig. 10-12-04)
3. DISTURBED AREA: That area of the land's surface disturbed by any activity including but not limited to clearing, grading, excavation, demolition or other activities that exposes soil. (orig. 10-12-04)
4. EROSION: The process by which the ground is worn away by the action of wind, water, gravity, or a combination thereof. (orig. 9-24-91)
5. GRADING: Any stripping, excavating, filling, or stockpiling of the land surface, or any combination thereof. "Grading" shall not include the excavation and hauling of a commercial mineral deposit or construction material for commercial purposes. (orig. 8-25-86, am. 9-24-91)
6. IMPERVIOUS SURFACE: Any surface that water runs across as opposed to infiltrating, including, but not limited to, streets/roads/driveways, parking/loading areas, treated surfaces, walkways, roof surfaces and patios. (orig. 10-12-04)
7. MAINTENANCE: Activity to maintain the original purpose of the facility, including the original line, grade and/or hydraulic capacity. (orig. 10-12-04)
8. PERMANENT EROSION CONTROL MEASURES: Those controls which are installed or constructed to control soil erosion and which are maintained after completion of the project including, but not limited to, silt fence, wattles, vehicle tracking pads, inlet filters, diversions, sediment ponds and de-watering structures. (orig. 9-24-91; am. 10-12-04)
9. RECEIVING WATER: A river, lake, stream, drainage ditch or other watercourse into which stormwater, wastewater or treated effluent is discharged. (orig. 10-12-04)
10. RUNOFF: The flowing of water across the ground surface. Runoff includes, but is not limited to, stormwater, yard watering, and sump pump activity. (orig. 10-12-04)

11. **SEDIMENTATION:** The transport and deposition of earthen material dislodged by wind and water erosion. (orig. 10-12-04)
12. **SENSITIVE AREA:** North Table Mountain, South Table Mountain, Green Mountain, the Hogback, floodplain overlay zones, geologic overlay zones, areas within slopes greater than 20 percent, and sites where proposed cuts/fills exceed 5 feet. (orig. 10-12-04)
13. **TEMPORARY BMP'S:** Those temporary BMP's such as, but not limited to, silt fence, wattles, vehicle tracking pads, inlet filters, diversions, sediment ponds and de-watering structures, to be installed and regularly maintained until the site is sufficiently stabilized. (orig. 10-12-04)
14. **TEMPORARY EROSION CONTROL MEASURES:** Interim control measures which are installed or constructed for the control of soil erosion until permanent soil erosion control is effective including, but not limited to, silt fence, wattles, vehicle tracking pads, inlet filters, diversions, sediment ponds and de-watering structures. (orig. 9-24-91; am. 10-12-04)

**LANDSCAPED AREA:** Any land area which is designed and vegetated and which may be substantially altered from its natural condition and revegetated such as, but not limited to, land serving as spatial separation between allowed structures on the same property or to adjacent properties, drainageways, detention ponds, perimeter areas, internal landscaped islands of parking lots, artwork, landscaped plazas, and landscaped medians (within or outside the right-of-way) at least 4 feet wide. Features such as, but not limited to, streets/roads, utility distribution and/or transmission lines, parking spaces, driveways, open decks, and landscaped rights-of-way may cross or be located in such areas but shall not be credited towards any required landscaped area. (orig. 11-12-96; am. 7-23-02; am. 10-13-09)

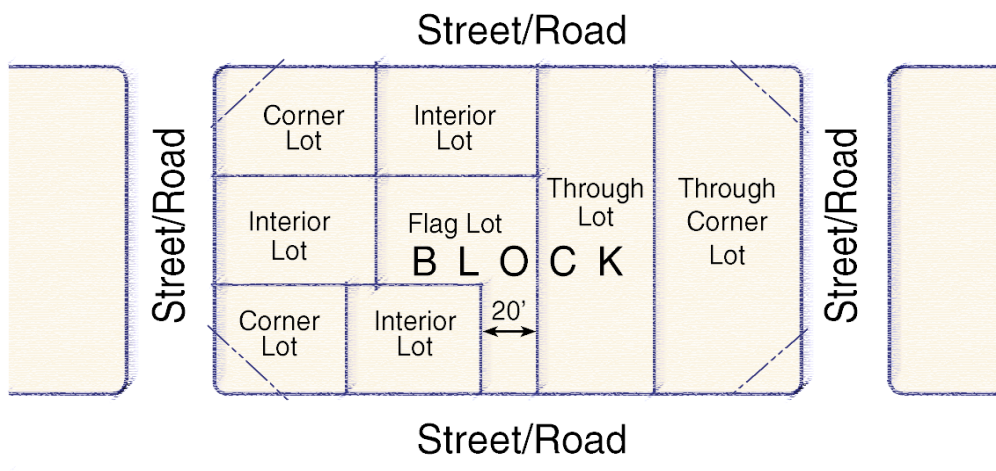
**LANDSLIDE:** A geologic hazard which means a mass movement where there is a distinct surface of rupture or zone of weakness which separates the slide materials from more stable underlying material. (orig. 3-23-76)

**LATTICE TOWER:** A guyed or self-supporting, three or four sided, open, steel frame structure used to support telecommunications equipment. (orig. 6-7-94)

**LEGAL NONCONFORMING USE:** The use of land, premises, buildings or structures which was lawful at the time of the effective date of this Resolution or any amendment thereto, and which fails to comply with the use regulations applicable to the district in which the property is located as set forth in this Resolution. (orig. 5-11-93)

**LIVESTOCK:** Domestic animals of types customarily raised or kept on farms or ranches for profit or other productive purposes. (orig. 11-15-65)

**LOT:** The smallest unit of land as described within a recorded subdivision plat upon which buildings or structures may be constructed. (orig. 5-6-46; am. 12-17-02; am. 7-1-03)



LOT – CORNER: A lot of which at least 2 adjacent sides abut for their full length upon a street/road. (orig. 5-6-46; am. 10-13-09)

LOT – FLAG: A lot which connects to a street/road by a narrow appendage as shown in the figure above. (orig. 7-1-03)

LOT – INTERIOR: A lot other than a corner lot. (orig. 5-6-46)

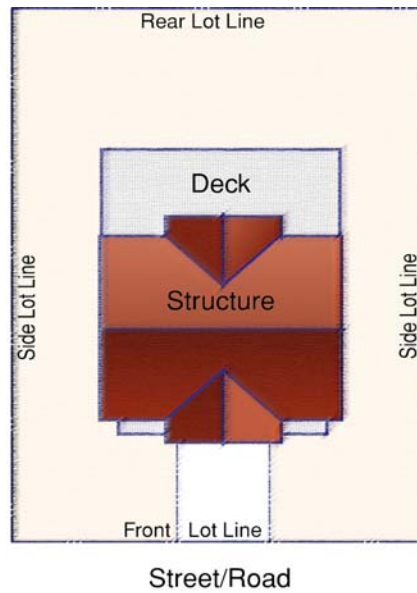
LOT – THROUGH: An interior lot abutting on more than 1 street/road or corner lot abutting on more than 2 streets/roads. (orig. 5-6-46; am. 10-13-09)

LOT LINE – FRONT: May be one of the following, in sequence of priority:

1. As defined on a plat.
2. Where the main route of access first crosses onto the property. (orig. 5-6-46; am. 7-1-03)
3. The common boundary line between an interior lot (other than a through lot) and a street/road; or the common boundary line between a corner lot (other than a through lot) and that street/road toward which the principal or usual entrance to the main building situated on such lot more nearly faces; or the common boundary line between a through lot and any adjacent street/road. (orig. 5-20-08; am. 10-13-09)

LOT LINE – REAR: That boundary line of a lot which is most nearly opposite the front lot line of such lot, other than a through lot. In the case of a triangular shaped lot, a rear lot line may not exist. (orig. 5-6-46; am. 7-1-03)

LOT LINE – SIDE: Any boundary line of a lot, other than a front lot line or rear lot line. (orig. 5-6-46)



LOW POWER TELECOMMUNICATIONS FACILITY: An unmanned facility consisting of equipment for the reception, switching and/or receiving of wireless telecommunications operating at 1,000 watts or less effective radiated power (ERP), including but not limited to the following. (orig. 6-7-94)

1. Point-to-point microwave signals. (orig. 6-7-94)
2. Signals through FM radio translators. (orig. 6-7-94)
3. Signals through FM radio boosters under 10 watts effective radiated power (ERP). (orig. 6-7-94)

4. Cellular, Enhanced Specialized Mobile Radio (ESMR) and Personal Communications Networks (PCN). (orig. 6-7-94)

LOW POWER TELECOMMUNICATIONS FACILITY ACCESSORY BUILDING: An unmanned building used to house equipment related to a communication facility. (orig. 6-7-94)

LUMINAIRE: A complete lighting unit consisting of a lamp or lamps together with the parts or attachments designed to distribute, control, or direct the light (reflectors, refractors, diffuser, lens), protect the lamps (housing), and connect the lamps to the power supply (ballast). A luminaire does not include the pole or the building mounting devices. (orig. 7-23-02)

MANUFACTURED HOME: A dwelling which: (orig. 11-15-65; am. 11-4-03; am. 5-20-08)

1. Is partially or entirely manufactured in a factory; (orig. 5-20-08)
2. Is not less than twenty-four feet in width and thirty-six feet in length; (orig. 5-20-08)
3. Is installed on an engineered permanent foundation; (orig. 5-20-08)
4. Has brick, wood, or cosmetically equivalent exterior siding and a pitched roof; and (orig. 5-20-08)
5. Is certified pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5401 et seq., as amended. (orig. 5-20-08)

MEAN SEA LEVEL: The National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which Base Flood Elevations are shown. (orig. 5-31-88)

METAL STORAGE CONTAINER – STORAGE OF FIREWORKS: Closed steel container, constructed of a minimum 10 gauge steel, including walls, floor and doors. The container cannot contain wheels, engine or liquid fuel. It must be placed flat on the ground and remain locked. (orig. 2-5-02)

MINERAL: An inanimate constituent of the earth in a solid, liquid, or gaseous state which, when extracted from the earth, is usable in its natural form or is capable of conversion into a usable form as a metal, a metallic compound, a chemical, an energy source, or a raw material for manufacturing or construction material. This definition does not include surface or subsurface water, geothermal resources, or natural oil and gas together with other chemicals recovered therewith, but does include shale. (orig. 8-25-86)

MINI-STRUCTURE: Any detached accessory structure, excluding garages or structures housing automobiles, that is used as a storage shed, playhouse or similar use, and that is exempt from the requirement of a building permit under the current Building Code in use by Building Safety. (orig. 6-14-88; am. 12-17-02; am. 7-1-03; am. 5-25-04)

MINING OPERATION: 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; concentrating; milling; evaporation; and other processing. The term does not include the exploration and extraction of natural petroleum in a liquid or gaseous state by means of wells or pipe, or the extraction of geothermal resources. (orig. 8-25-86)

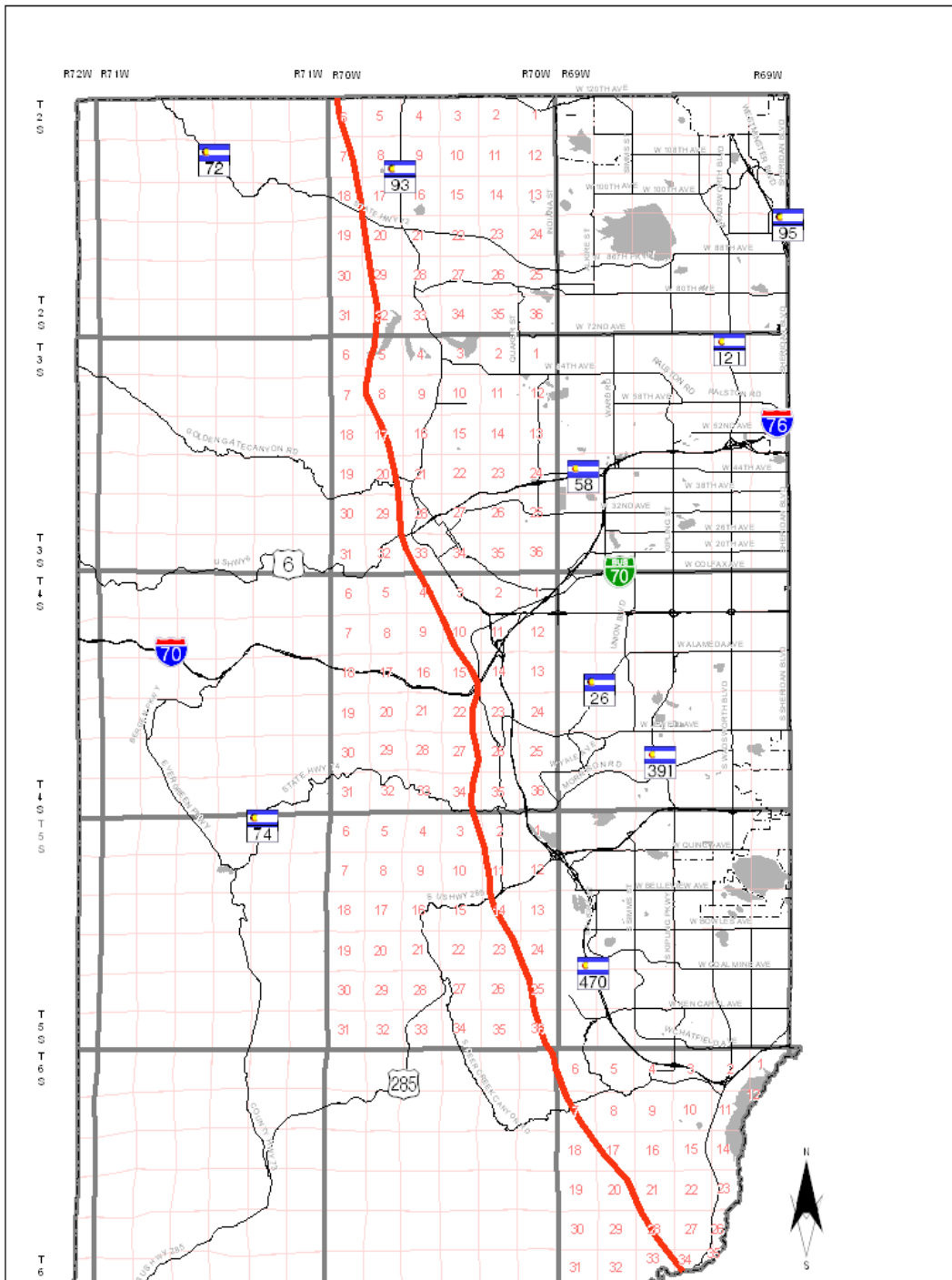
MOBILE HOME: A single family dwelling built on a permanent chassis designed for long-term residential occupancy and containing complete electrical, plumbing, and sanitary facilities and designed to be installed in a permanent or semi-permanent manner with or without a permanent foundation, which is capable of being drawn over public highways as a unit, or in sections by special permit, and which is certified pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5401 et seq., as amended. "Manufactured homes," as defined in this Zoning Resolution, are excluded from the definition of "mobile home."(orig. 11-15-65, am. 11-4-03; am. 5-20-08)

MOBILE HOME PARK: A parcel of ground which allows for the renting or leasing of two or more mobile homes or recreational vehicles in specifically defined spaces on a parcel of ground. (orig. 11-15-65; am. 11-4-03; am. 5-20-08)

**MOBILE HOME SPACE:** A plot of ground within a mobile home park designed for the accommodation of one mobile home or recreational vehicle together with its accessory structures including carports or other off-street parking areas, patios, patio covers, awnings and similar appurtenances (orig. 11-4-03; am. 5-20-08)

**MONOPOLE:** A structure composed of a single spire used to support telecommunications equipment. (orig. 6-7-94)

**MOUNTAINS:** That area of the County lying west of the mountain front, as depicted by the bold line on the map below. Such line is described as a generalized 6,400 foot elevation contour line. (orig. 7-23-02; am. 10-13-09)



**MINING - OPEN:** The mining of any natural mineral deposit by removing the overburden lying above such deposit and mining directly from the deposits thereby exposed. The term includes, but is not limited to, such practices as open cut mining, open pit mining, strip mining, quarrying and dredging. (orig. 1-13-75; am. 12-17-02)

**MUDFLOW:** A geologic hazard which means a flowing mass of predominantly fine-grained earth material possessing a high degree of fluidity during movement. (orig. 3-23-76)

**MULCH:** Rock, gravel, or non-living organic matter, such as bark chips, chopped wood products, pole shaving, and other similar materials used for the purpose of retaining soil moisture, retarding weed growth, and stabilizing soils. (orig. 7-23-02)

**NATIVE GRASS:** An indigenous grass or grass mix that spreads naturally. (orig. 7-23-02)

**NONCONFORMING USE – LEGAL:** See definition for Legal Nonconforming Use. (orig. 5-11-93)

**NUDITY OR STATE OF NUDITY:** Unclothed or partially clothed so as to expose any portion of the female breast below the top of the areola or any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals. (orig. 7-8-97)

**NUDE MODEL STUDIO:** Any place where a person appears in a state of nudity or displays specified anatomical areas in exchange for money or any form of consideration to be sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons. The term "Nude Model Studio" does not apply to the following. (orig. 7-8-97)

1. A college, junior college, or university supported entirely or partly by taxation. (orig. 7-8-97)
2. A private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation. (orig. 7-8-97)
3. A business located in a structure which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing, and where, in order to participate in a class, a student must enroll at least 3 days in advance of the class, and where no more than one nude model is on the premises at any one time. (orig. 7-8-97)

**OFFICE:** A room, group of rooms, or a structure that is used for conducting a business, profession, government or service industry. Including but not limited to the following types of offices: (orig. 10-31-06)

1. Professional: An office where someone trained, licensed, or by way of other legal authorization offers a service to the public. (orig. 10-31-06)
2. Medical: An office building where physicians, and similar personnel provide treatment and examination of patients solely on an outpatient basis. This includes chiropractic and urgent care offices and excludes hospitals and emergency rooms. (orig. 10-31-06)
3. Dental: An office building where dentists, orthodontists, and similar personnel provide treatment and examination of patients on an outpatient basis. (orig. 10-31-06)

**OIL AND GAS DRILLING:** Any operation utilizing equipment which advances a borehole into substrata for the purpose of discovery, development, and/or production of oil or gas. (orig. 10-17-83)

**OIL AND GAS PRODUCTION:** Any operation which utilizes equipment or facilities, including the wellhead and borehole, for the purpose of containment, preparatory separation, transportation, and marketing of oil or gas which has been extracted from wells which penetrate the substrata of land. Oil and gas production shall not be construed to mean the refining of petrochemicals, crude oil, natural gas, or any other hydrocarbon. (orig. 10-17-83)

**OPEN SPACE:** Land areas designated for open space uses shall be identified graphically and in writing on all appropriate documents as to their purpose and function. The same area may fulfill more than one purpose or function. Development amenities which are accessible to the public and/or the residents of a

development may be credited toward any open space requirement provided they fulfill the function and purpose of the required open space. Other use areas such as a maintenance building or private clubhouse may not be so credited. There are three categories which identify the purposes for which open space land areas shall be considered. Streets/roads and utility distribution and/or transmission lines may cross such areas. The Zoning Administrator shall have the authority to determine the function of any such designated areas as allowed under Section 3 of this Zoning Resolution. The three categories are: (orig. 7-27-78; am. 11-12-96; am. 10-13-09)

1. Natural Area: Any land area, water body or water course which is primarily left in its undisturbed natural condition. (orig. 11-12-96)
2. Open Area: Any land area which remains primarily open but upon which minimal structures such as, but not limited to, restrooms, open pavilions, directional signs and impervious areas (such as parking areas and streets/roads) may be located. Such land areas are designed to incorporate natural areas or altered land areas that are revegetated and are intended to served as extensive buffers between land uses or to create and/or preserve views and vistas. Parking areas and streets/roads are not credited toward any required open area. (orig. 11-12-96; am. 10-13-09)
3. Recreational Area: Any land area, water body or water course which in whole or part is altered for active and/or passive recreational uses such as, but not limited to, trail corridors, ball fields, picnic areas, sitting and walking areas, or multi-use private recreational areas such as playgrounds. (orig. 11-12-96)

OTARD – OVER THE AIR RECEPTION DEVICE: Telecommunications equipment used on a residential consumer’s premise which are specifically exempt by federal regulation from local regulatory restriction. These include such equipment as satellite receiver dish less than one meter in diameter. (orig. 6-29-04)

PARAPET: The extension of the main walls of a building above the roof level. (orig. 7-23-02)

PEEP BOOTH: A viewing room of less than 150 square feet of floor space. (orig. 7-8-97)

PERSON: An individual, proprietorship, partnership, corporation, limited liability company, association or other legal entity. (orig. 7-8-97)

PERSONAL WIRELESS SERVICES: Personal wireless services include commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services 47 U.S.C. §332(c)(7)(C)(i). Commercial mobile services are defined in Section 332 of the Communications Act and the FCC’s rules, and include cellular telephone services regulated under Part 22 of the FCC’s rules, SMR services regulated under Part 90 of the FCC’s rules, and PCS regulated under Part 24 of the FCC’s rules (47 C.F.R. §20.9). (orig. 6-29-04)

PLAINS: That area of the County lying east of the mountain front, as depicted by the bold line on the map shown in the “Mountains” definition. Such line is described as a generalized 6,400 foot elevation contour line. (orig. 7-23-02; am. 10-13-09)

PORCH – UNENCLOSED: A porch which is open to the atmosphere on at least 2 sides. (orig. 5-6-46)

RECREATION – COMMERCIAL: Recreation facilities operated as a FOR PROFIT business, open to the general public or members for a fee. (orig. 9-11-90)

**RECREATION FACILITIES:**

Class I: Facilities for sports and recreational activities that do not involve organized events which include motorized equipment, firearms or animals. All buildings housing such activities or accessory to the activity may not exceed a combined total of 5,000 square feet. (orig. 9-11-90; am. 12-17-02)

Class II: Facilities for sports and recreational activities that do not involve organized events which include motorized equipment, firearms or animals, except that golf carts accessory to a golf course and private motorized boats not involved in organized racing are allowed. All buildings housing such activities or accessory to such activities may not exceed a combined total of 15,000 square feet. (orig. 9-11-90; am. 12-17-02)

Class III: Facilities for the purpose of sports and recreational activities including those that involve organized events which include the use of motorized equipment, firearms, and/or animals. There is no building size limitation except as may be designated elsewhere in this Zoning Resolution or other applicable regulations. (orig. 9-11-90; am. 12-17-02)

RECREATION – PUBLIC: Recreation facilities operated as a nonprofit enterprise by any governmental entity or nonprofit organization. (orig. 9-11-90)

RECREATIONAL VEHICLE: A vehicular or portable unit mounted on a chassis and wheels, designed and constructed to be installed with or without a permanent foundation for human occupancy as a residence, not more than 12 feet in width, nor more than 40 feet in length and containing no more than 400 square feet in total floor area. Total width of said unit including all tip-outs, slide-outs, hinged extensions, or solid frames shall not exceed 12 feet. The term "recreation vehicle" shall include travel trailers, camping trailers, truck campers, and motor homes. (11-4-03)

RECYCLING TRANSFER STATION:

Type I: A facility designed to collect, compact, sort, bundle and/or temporarily store recyclable resources. (orig. 9-11-90)

Type II: A facility designed to collect, sort and/or temporarily store recyclable resources for on-site reprocessing or treatment and which transforms such resources into reusable materials. (orig. 9-11-90)

REGISTERED SEX OFFENDER: Any person who is required to register their place of residence with the Sheriff's Department or other local law enforcement agency in accordance with Section 18-3-412.5 C.R.S., as amended. (orig. 2-1-00)

RESTAURANT: An establishment whose primary use is the sale, preparation, service and for consumption of food and beverages. (orig. 10-31-06)

1. Sit Down: A restaurant where a customer is normally provided with an individual menu and served food or beverages by a restaurant employee at the same table or counter where the food is consumed.(orig. 10-31-06)
2. Drive-in: A restaurant and adjoining parking area where food and beverages are served for consumption outside the confines of the principal building, primarily in vehicles parked upon the premises. (orig. 10-31-06)
3. Fast Food: A restaurant whose design and principal method of operation includes various combinations of the following attributes:
  - a. 45% or more of the floor area is devoted to food preparation, employee workspace, and customer service area; (orig. 5-20-08)
  - b. If a chain or franchised restaurant, standardized floor plans are used over several locations; (orig. 5-20-08)
  - c. Customers pay for food before consuming it; (orig. 5-20-08)
  - d. A self-service condiment bar is provided; (orig. 5-20-08)
  - e. Trash receptacles are provided for self-service bussing; (orig. 5-20-08)
  - f. Furnishing plan indicates hard-finished, stationary seating arrangements; (orig. 5-20-08)
  - g. Most main course food items are prepackaged rather than made to order; (orig. 5-20-08)
  - h. A permanent menu board is provided from which to select and order food; and (orig. 5-20-08)
  - i. A drive-through with external menu board is provided. (orig. 10-31-06)

4. Carry out: A restaurant where food is packaged in disposable containers to leave the premises for consumption. (orig. 10-31-06)
5. Specialty: A restaurant which primarily sells a single specialty type food or beverage that is not considered a meal. The sale of other types of food, beverages, or merchandise is incidental to the sale of the specialty food or beverage. Food and beverages are for customer consumption within the restaurant or adjoining patio area. Specialty restaurants include but are not limited to coffee shops and donut shops. (orig. 10-31-06)

**ROADS:** Shall be public or private rights-of-way within the Mountains of the County. (orig. 12-17-02; am. 10-13-09)

**ROADWAY CLASSIFICATION:** A classification given to a particular street/road based on traffic volumes, geographic location, existing land use and anticipated growth. Classifications include freeways, parkways, arterials, collectors and locals. Streets/roads are classified in the Jefferson County Major Thoroughfare Plan and in the Jefferson County Roadway Design and Construction Manual (JCRDCM). The JCRDCM identifies specific geometric requirements for streets/roads based on classification and other specific design requirements. (orig. 10-13-09)

**ROCKFALL:** A geologic hazard which means the rapid free- falling bounding, sliding, or rolling of large masses of rock or individual rocks. (orig. 3-23-76)

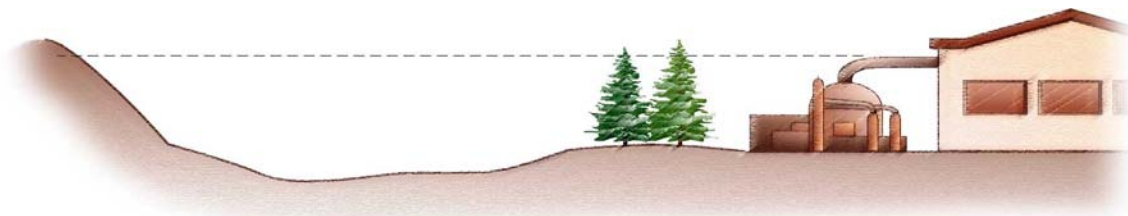
**ROOF AND/OR BUILDING MOUNTED TELECOMMUNICATIONS FACILITY:** A telecommunications facility that is supported entirely by a building other than a building accessory to a telecommunications facility. (orig. 6-7-94)

**RUBBISH:** junk, trash or garbage. (orig.5-20-08)

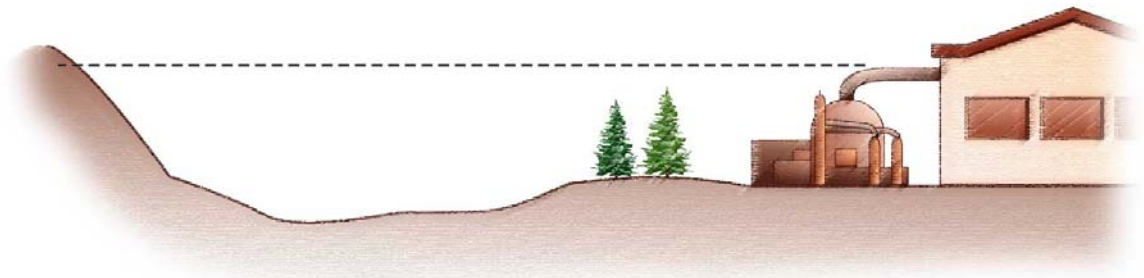
**SANITARY LANDFILL:** A solid waste disposal site and/or facility at which the final deposition of municipal-type solid waste is accomplished by methods employing compaction of the waste and covering with earth or other suitable material, in compliance with all applicable State laws and State Department of Health and County regulations, including the issuance of a Certificate of Designation allowing operation of said facility. (orig. 9-11-90)

**SCREENING:** A method of visually obscuring or obstructing the view of abutting land uses, storage areas, buildings or structures, from an adjacent or nearby use or an adjacent right-of-way, by the installation and maintenance of fencing, walls, berms, vegetation or a combination thereof. A five (5) foot closed fence provides sufficient screening in residential and agricultural zone districts unless otherwise specified by this Zoning Resolution or any applicable Official Development Plan. Limits, does not necessarily block a view. A fence can constitute a screen. (orig. 11-12-96; am. 7-23-02; am. 7-1-03)

**SCREENING OF ACCESSORY EQUIPMENT:** Accessory equipment is screened when a wall taller than the equipment to be screened is constructed around the said equipment or when the equipment is screened in accordance with the overall site design. Equipment is screened in accordance with the overall site design when the elements of landform, vegetation or structures such as fences are taller than the equipment to be screened. (orig. 7-23-02)



Accessory equipment is screened

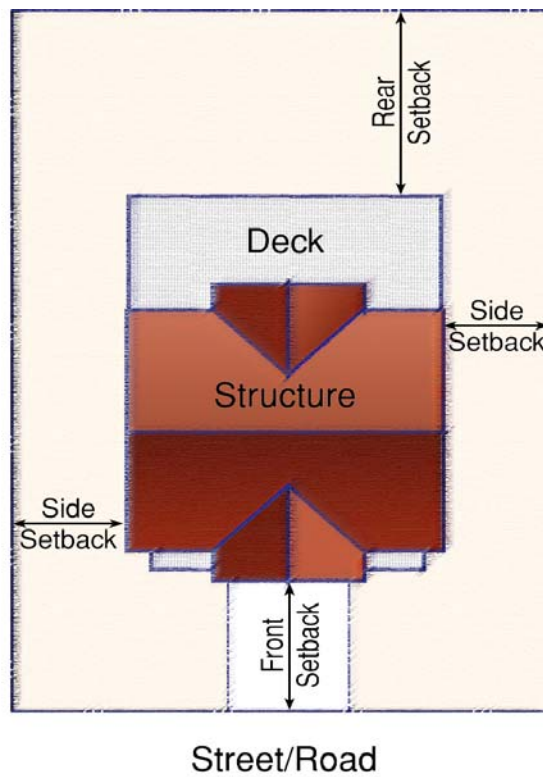


Accessory equipment is not screened

**SECTORIZED PANEL ANTENNAS:** An array of antennas, generally rectangular in shape that are used to transmit and receive telecommunications signals. (orig. 6-7-94)

**SEMI-NUDE:** A state of dress in which clothing covers no more than the genitals, pubic region, or areola of the female breast, as well as portions of the body covered by supporting straps or devices. (orig. 7-8-97; am. 4-4-06)

**SETBACK LINE:** The distance between a building or structure measured perpendicular from the closest point of such building or structure to a lot line. An open fire escape, stairway, chimney or one-story unenclosed porch may encroach into a setback as specified in the regulations governing an applicable zone district. (orig. 5-6-46; am. 7-1-03)



**SEXUAL ENCOUNTER ESTABLISHMENT:** A business or commercial establishment that, as one of its primary business purposes, offers for any form of consideration a place where two or more persons may congregate, associate, or consort for the purpose of specified sexual activities or the exposure of specified anatomical areas or activities when one or more of the persons is in a state of nudity. A motel, hotel, or other similar establishment will not be classified as a "sexual encounter establishment" merely by virtue of the fact that it offers private rooms for rent. (orig. 7-8-97)

**SEXUALLY ORIENTED BUSINESS:** A business or commercial establishment that is in all or in part an adult arcade, adult bookstore, adult novelty store or video store, adult cabaret, adult motel, adult motion picture theater, adult theater, sexual encounter establishment, or nude model studio. The definition of sexually oriented business shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the State engages in medically approved and recognized sexual therapy. (orig. 7-8-97)

**SHELTER FROM DOMESTIC VIOLENCE:** A facility providing temporary housing for persons who are displaced from their habitual residence as a result of domestic violence. (orig. 6-14-88)

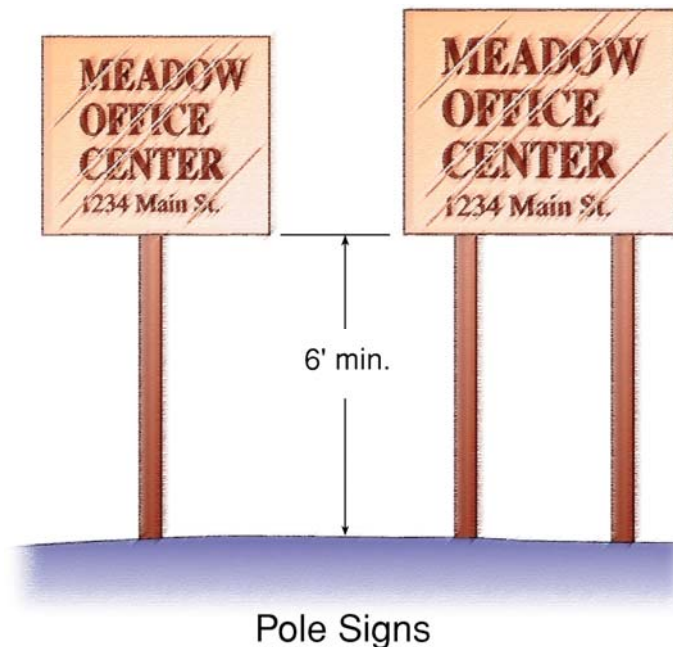
**SHORT-TERM RENTAL:** A dwelling or portion thereof that contains not more than 5 bedrooms, that is not owner occupied, and that is available for use or is used for accommodations or lodging of guests paying a fee or other compensation for a period of less than 30 consecutive days. (orig. 11-22-11)

**SHRUB:** A multi-stemmed, deciduous, evergreen, or coniferous woody plant with a mature height between 3 and 15 feet. (orig. 7-23-02)

**SIGN:** Any man-made object or device or part thereof, situated outdoors or indoors and which object or device or effect produced is primarily used to advertise, announce, identify, declare, demonstrate, display, instruct, direct, or attract attention by any means including words, letters, figures, designs, fixtures, colors, motion, illumination, sound, and projecting images. (orig. 7-20-81; am. 6-14-88)

1. **ANIMATED SIGN:** Any sign which changes, or any part of which changes, physical position by any movement or rotation. (orig. 7-20-81)
2. **BANNER:** A sign which is constructed of cloth, canvas, fabric, or other light material, with or without frames. (orig. 10-13-09)
3. **BILLBOARD:** A sign designed so that advertising space can be leased for a business, product or service not available on the premises. (orig. 7-20-81)
4. **BUILDING FRONT:** One exterior wall of a building facing a front line of a lot, or 1 exterior wall containing the primary entrance to a building. (orig. 7-20-81)
5. **DIRECTIONAL SIGN:** Any sign that directs the movement or placement of pedestrian or vehicular traffic on a lot without reference to, or inclusion of, the name of a product sold or services performed on the lot or in a building, structure or business enterprise occupying the same. (orig. 7-20-81)
6. **DISPLAY SURFACE:** The display surface is the area made available by the sign structure for the purpose of displaying the advertising message, or which is intended to draw attention to the advertising message by internal lighting. (orig. 7-20-81)
7. **FLASHING SIGN:** Any directly or indirectly illuminated sign either stationary or animated, which exhibits changing natural or artificial light or color effects by any means whatsoever. (orig. 7-20-81)
8. **GROUND SIGN:** A sign suspended or supported by uprights or braces anchored in the ground so that the bottom edge of the sign face is no more than 6 feet above grade. This type of sign shall not be attached or affixed in any way to any part of a building. (orig. 7-20-81; am. 10-31-06; am. 5-20-08)
9. **ILLUMINATED SIGN:** A sign lighted by or exposed to artificial lighting either by lights on the sign or directed towards the sign. (orig. 7-20-81)
10. **OFF-PREMISE SIGN:** A sign other than a billboard advertising a business, product or service not available on the lot, parcel or tract of land on which the sign is located. (orig. 7-20-81)
11. **ON-PREMISE SIGN:** A sign advertising a business, product or service on the lot, parcel or tract of land on which the sign is located. (orig. 7-20-81)

12. **POLE SIGN:** A sign that is mounted on a pole(s) that extends at least 6 feet above grade to the bottom of the sign. (orig. 10-31-06)



13. **PROJECTING SIGN:** A sign other than a wall sign which projects from a wall, is a minimum of 8 feet above grade as measured to the lowest edge of the sign, and is supported by a wall of a building. (orig. 7-20-81)
14. **ROOF SIGN:** A sign mounted on a roof of a building or structure and that projects above the top walk or edge of the building or structure with a flat roof, the eave line of a building or structure with a gambrel, gable or hip roof, or the deck line of a building or structure with a mansard roof. (orig. 7-23-02)
15. **SIGNABLE AREA:** A continuous portion of a building wall upon which a sign is attached which is unbroken by doors and windows. (orig. 7-20-81)
16. **SIGN GRADE:** The average elevation of the ground directly below the sign or advertising device where such sign or device is located on a lot, parcel or tract of land. (orig. 7-20-81)
17. **SIGN PERMIT:** A permit issued for the erection, construction, enlargement, alteration, repair, moving, improvement, removal, conversion, or demolition of any sign. (orig. 7-20-81)
18. **SIGN WITH BACKING:** Any sign that is displayed upon, against, or through any material, color surface or backing that forms an integral part of such display and differentiates the total display from the background against which it is placed. (orig. 7-20-81)
19. **SIGN WITHOUT BACKING:** Any word, letter, emblem, insignia, figure or similar character or group thereof, that is neither backed up, incorporated in or otherwise made part of any larger display area. (orig. 7-20-81)
20. **SIGN STRUCTURE:** Sign structure shall mean any supports, uprights, braces and framework of the sign which does not include any portion of the sign message. (orig. 7-20-81)
21. **TOURIST-ORIENTED DIRECTIONAL SIGN:** A sign authorized by the Zoning Administrator and approved and permitted by the Colorado Department of Transportation containing one or more

authorized business' plaques which provides directional information for tourists to businesses. (orig. 7-23-02)

22. TRAILBLAZER SIGN: A sign in county right-of-way that supplements tourist-oriented directional signs by providing directional information from the conventional street/road to a particular business. (orig. 7-23-02; am. 10-13-09)
23. TIME AND/OR TEMPERATURE DEVICES: Devices which provide time, date and temperature information only. (orig. 7-20-81)
24. WALL SIGN: A sign attached to, painted on, or erected against a wall of a building or structure which extends no more than 18 inches from the wall surface upon which it is attached and whose display surface is parallel to the face of the building and does not exceed the height of the building upon which it is mounted. (orig. 7-20-81)

SLOPE FAILURE COMPLEX: A geologic hazard which means a combination of more than one of the following geologic hazards. (orig. 3-23-76)

1. Landslide (orig. 3-23-76)
2. Rockfall (orig. 3-23-76)
3. Mudflow (orig. 3-23-76)
4. Creep (orig. 3-23-76)

SLOPED ROOFS: A sloped roof with a pitch greater than 2 inches vertical to 12 inches horizontal (1:6). (orig. 7-23-02; am. 12-17-02)

SPACE: A plot of ground in a trailer camp of not less than 2,400 square feet of space designed for location of only 1 trailer and 1 or more automobiles and to include access street/road. (orig. 8-5-57; am. 10-13-09)

SPECIAL EVENT: A temporary activity or use not wholly contained within a building or structure which is not a permitted use in the underlying zone district or the Planned Development. (orig. 2-13-01; am. 12-17-02)

SPECIFIED ANATOMICAL AREAS: As used herein means and includes any of the following. (orig. 7-8-97)

1. Less than completely and opaquely covered human genitals, pubic region, buttock, anus, or female breast below a point immediately above the top of the areola. (orig. 7-8-97)
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered. (orig. 7-8-97)

SPECIFIED SEXUAL ACTIVITIES: As used herein means and includes any of the following. (orig. 7-8-97)

1. The fondling or other intentional erotic touching of human genitals, pubic region, buttock, anus, or female breast. (orig. 7-8-97)
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy. (orig. 7-8-97)
3. Masturbation, actual or simulated. (orig. 7-8-97)
4. Human genitals in a state of sexual stimulation, arousal, or tumescence. (orig. 7-8-97)
5. Excretory functions as part of or in connection with any of the activities set forth in paragraphs 1 through 4 above. (orig. 7-8-97; am. 12-17-02)

**STORMWATER QUALITY STRUCTURES:** Permanent or post construction stormwater quality structures or controls; also known as structural best management practices, including but not limited to grass buffers, grass swales, porous pavement, porous pavement detention, porous landscape detention, extended detention basins, sand filter extended detention basins, constructed wetlands basins, retention ponds, constructed wetlands channels, and hydrodynamic separation units. (orig. 7-11-06)

**STREET:** Shall mean public or private rights-of-way within the Plains of the County. (orig. 5-6-46; am. 12-17-02)

**STREET CLASSIFICATION:** See Road Classification definition.

**STREETSCAPE:** The elements which lie within and adjacent to a public right-of-way that relate to the physical appearance of a street/road and the adjoining area which, as a group, define its character. They include, but are not limited to building facades, street/road furniture, landscaping, pedestrian walkways, off-street and on-street parking provisions, placement and design of awnings and marquees, signs and lighting. (orig. 11-12-96; am. 10-13-09)

**STRIPPING:** Any activity which removes or significantly disturbs the vegetative cover of an area including clearing and grubbing operations. (orig. 9-24-91)

**STRUCTURE:** Anything constructed or erected, the use of which requires a more or less permanent location on the ground, including earthworks, ditches, canals, dams, reservoirs, pipelines, telephone, telegraph or electric power lines, walks, driveways, and streets/roads. (orig. 5-6-46; am. 6-6-50; am. 6-2-58; am. 10-13-09)

**TAVERN:** Any establishment selling by the drink, fermented malt beverages, or malt, vinous or spirituous liquors, as defined by Sections 2 and 18, Chapter 39, 1935 Colorado Statutes annotated, as amended. (orig. 5-6-46)

**TELECOMMUNICATION TOWER:** A monopole or lattice structure used to support antennas for transmitting or receiving radio frequencies. (orig. 5-11-93)

**TEMPORARY LIVING QUARTERS:** Mobile home or self-contained Recreational Vehicle (RV) in which residential occupancy may be allowed through an Administrative Exception or Board of Adjustment process. (orig. 12-17-02)

**TEMPORARY SHELTER FOR THE HOMELESS:** A facility providing, without charge, temporary housing for indigent persons with no regular home or place of residence, for a period not to exceed 90 days. (orig. 6-14-88)

**TOPSOIL:** The soil on the surface which, prior to disturbance, supported plant life and which includes the "A" horizons. (orig. 9-24-91)

**TRACT:** A designation applied to a parcel of land where such land serves as open space, drainage, landscaping, common area or as otherwise identified on a recorded subdivision plat; or where such land may be subject to further subdivision as specified in the Land Development Regulation. (orig. 7-1-03)

**TRAVEL TRAILER:** Any coach, cabin, or other vehicle or structure, intended for or capable of human dwelling or sleeping purposes, mounted upon wheels or supports, or supported and/or capable of being moved by its own power or transported by another vehicle. (orig. 8-5-57; am. 7-23-02, 11-4-03)

**TRASH OR GARBAGE:** Refuse, waste, worthless or discarded material, worn or used items having little or no value, and material no longer usable for its original intended purpose. (orig. 5-20-08)

**TRASH TRANSFER STATION:** A solid waste facility designed to compact, sort and/or temporarily store municipal-type refuse prior to delivery to a permanent disposal site, or shipment to others for reuse and/or processing into new products. (orig. 9-11-90)

TREE: A single-stemmed, deciduous, evergreen or coniferous woody plant having a mature height of at least 15 feet. Types of trees are as follows: (orig. 7-23-02)

1. Coniferous Tree: Evergreens or cone-bearing deciduous whose foliage is needle-like, scale-like or awl-like. (orig. 7-23-02)
2. Ornamental Tree: A deciduous or coniferous tree that is planted for its decorative value rather than for shading. (orig. 7-23-02)
3. Shade Tree: A deciduous tree of 15 feet tall at maturity with a wide canopy and high bottom-branch scaffold planted to provide shade. (orig. 7-23-02)

TURF: An irrigated, low-growing, manicured drought-resistant grass or grass mix that spreads naturally to form a continuous sod mat that requires regular mowing. Turf does not include ornamental grasses which grow in clumps or decorative bunch grasses. (orig. 7-23-02)

UNDERLYING ZONING: This term encompasses all zoning districts, including Planned Development, other than overlay zone districts. (orig. 6-15-76)

VETERINARY HOSPITAL: A place where animals or pets of all types are given medical or surgical treatment. Use as a kennel shall be limited to short-time boarding and shall only be incidental to such hospital use and need not be enclosed within the main building. (orig. 4-7-69)

VETERINARY HOSPITAL (SMALL ANIMAL, ENCLOSED): A place where small animals or pets (dogs, cats, birds and the like) are given medical or surgical treatment. Use as a kennel shall be limited to short-time boarding and shall only be incidental to such hospital use. All uses shall be enclosed within a soundproof building which emits no objectionable odor. (orig. 4-7-69)

VINTNER'S RESTAURANT: A restaurant that includes the manufacturing of wine as an accessory use. The area used for the manufacturing of wine, including bottling and packaging, shall not exceed 25 percent of the total floor area of the premises. (orig. 10-13-09)

VISION CLEARANCE TRIANGLE: As illustrated in the Vision Clearance Triangle figure, a vision clearance triangle must be provided at all street/road intersections, at intersections of non-residential driveways with streets/roads, at intersections of multifamily and/or townhome residential drive isles with streets/roads, and at intersections of streets/roads and railroad right-of-way. Vision clearance triangles are not required at the intersection of internal drive isles in non-residential, multi-family and townhome developments, however, the layout of these types of developments should not impede a drivers ability to see on-coming vehicles and pedestrians at intersections. The vision clearance triangle must provide an unobstructed view across the triangle formed by the right-of-way/property line or easement line adjacent to a street or road as illustrated. Within the area of the triangle, there shall be no fence, wall, landscaping, structure or other obstruction to view more than forty-two (42) inches in height, or trees with foliage or signs lower than seven (7) feet in height (measured from the edge of the street/road surface) (orig. 7-1-03; am. 10-13-09).

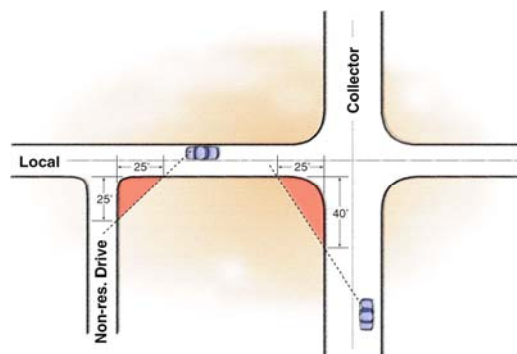


Figure 1. Vision Clearance Triangle

Distances for such Vision Clearance Triangles shall be as noted in the table below: (orig. 7-1-03)

<b>Street/Road Classification</b>	<b>Required Distance from Intersection</b>
Non-residential drive	25'
Local	25'
Collector	40'
Arterial	55'
Railroad right-of-way	55'

Table 1. Distance of Vision Clearance Triangle

**WATER SURFACE ELEVATION:** The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies. (orig. 5-31-88)

**WATERCOURSE:** A channel, slough, artificial channel, gulch, arroyo, stream, creek, pond, reservoir, or lake which carries or contains storm run-off and flood water. (orig. 1-10-75; am. 6-15-76)

**WEEDS:** Any useless, troublesome or injurious plant, including all vegetation which has grown to maturity or to a height in excess of 12 inches, but shall not include flower gardens, shrubbery, vegetable gardens, small grain plots and pastures used for feed, fodder or forage, provided the same are adequately weeded and maintained. (orig. 7-6-04)

**WHIP ANTENNA:** A single antenna that is cylindrical in shape. (orig. 6-7-94)

**YARD:** That portion of a lot or parcel of land which extends open and unobstructed from the ground upward, except as allowed by this Zoning Resolution, from a structure to the lot line, for a depth or width specified by the applicable regulations for the standard zoning district or planned development. (orig. 5-6-46; am. 11-12-96)

**YARD – FRONT:** That portion of a lot lying between a public street/road and nearest parallel front setback line of such lot. (orig. 5-6-46; am. 10-13-09)

**YARD – REAR:** That portion of a lot lying between the rear lot line and the rear setback line of such lot. (orig. 5-6-46)

**YARD – SIDE:** That portion of a lot lying between a side lot line and the nearest parallel side setback line of such lot. (orig. 5-6-46)