

# CHAPTER NINE

## DEFINITIONS

### 9.1 USE CATEGORIES

A. **Basis for Classifications.**

Use categories classify land uses and activities into use categories based on common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered and site conditions. The use categories provide a systematic basis for assigning present and future land uses into appropriate zoning districts.

B. **Principal Use Characteristics.**

Principal uses are assigned to the category that most closely describes the nature of the principal use. The characteristics subsection of each use category describes the common characteristics of each principal use.

C. **Considerations Used in Categorizing Principal Uses.**

The following considerations shall be used to determine what category a use is in and whether the activities are to be considered principal or accessory uses:

1. The actual or projected characteristics of the activity in relationship to the stated characteristics of each use category;
2. The relative amount of site area or floor space and equipment devoted to the activity;
3. Relative amounts of sales from each activity;
4. The customer type for each activity;
5. The relative number of employees in each activity;
6. Hours of operation;
7. Building and site arrangement;
8. Vehicles used with the activity;
9. The relative number of vehicle trips generated by the use;
10. Signs;
11. How the use advertises itself; and
12. Whether the activity is likely to be found independent of the other activities on the site.

D. **Developments with Multiple Principal Uses.**

When all principal uses of a development fall within one (1) use category, the entire development is assigned to that use category. A development that contains a coffee shop, bookstore and bakery, for example, would be classified in the retail sales and service category because all of the development's principal uses are in that category.

When the principal uses of a development fall within different use categories, each principal use is classified in the applicable category and each use is subject to all applicable regulations for that category.

E. **Accessory Uses.**

Accessory uses are allowed by right in conjunction with a principal use unless otherwise stated in the regulations. Also, unless otherwise stated, accessory uses are subject to the same regulations as the principal use. Common accessory uses are

listed as examples in the use category descriptions.

F. **Use of Examples.**

The examples subsection of each use category lists common examples of uses included in the respective use category. The names of these sample uses are generic. They are based on common meanings and not on what a specific use may call itself. For example, a use that calls itself a wholesale warehouse but that sells mostly to consumers, is included in the retail sales and service category rather than the wholesale sales category. This is because the actual activity on the site matches the description of the retail sales and service category.

## 9.2 GROUP LIVING

A. **Characteristics.**

Group living is characterized by the residential occupancy of a structure by a group of people who do not meet the definition of household living. Tenancy is arranged on a monthly or longer basis, and the size of the group may be larger than a family. Uses where tenancy may be arranged for a shorter period are not considered residential. They are considered to be a form of lodging (see the Retail Sales and Service and Community Service categories). Generally, group living structures have a common eating area for residents. The residents may receive care, training, or treatment, as long as the caregivers also reside at the site.

B. **Accessory Uses.**

Accessory uses commonly associated with group living are recreational facilities and parking of vehicles for occupants and staff.

C. **Examples.**

The group living category is further broken down into the following specific uses:

1. Unlimited;
2. Large;
3. Small; and
4. Exceptions.

## 9.3 HOUSEHOLD LIVING

A. **Characteristics.** Household living is characterized by the residential occupancy of a dwelling unit by a household. Tenancy is arranged on a month-to-month or longer basis. Uses where tenancy may be arranged for a shorter period are not considered residential. They are considered to be a form of transient lodging (see the Retail Sales and Service and Community Service categories).

B. **Accessory Uses.** Accessory uses commonly associated with household living are recreational activities, raising of pets, gardens, personal storage buildings, hobbies and parking of the occupants' vehicles. Home occupations and accessory dwelling units are accessory uses that are subject to additional regulations. (See Section 4.1.)

C. **Examples.** Uses include living in houses, duplexes, triplexes, fourplexes and other multidwelling structures, retirement center apartments, manufactured housing and other structures with self-contained dwelling units.

D. **Exceptions.** Lodging in a dwelling unit or where less than two-thirds ( $\frac{2}{3}$ ) of the units are rented on a monthly or longer basis is considered a hotel or motel use and is

classified in the retail sales and service category.

## 9.4 COLLEGES

- A. **Characteristics.** This category includes colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree. Colleges tend to be in campus-like settings usually on multiple blocks.
- B. **Accessory Uses.** Accessory uses include offices, housing for students, food service, laboratories, health and sports facilities, theaters, meeting areas, parking, maintenance facilities and support commercial.
- C. **Examples.** Examples include universities, liberal arts colleges, community colleges, nursing and medical schools not accessory to a hospital and seminaries.
- D. **Exceptions.** Business and trade schools are classified as retail sales and service.

## 9.5 COMMUNITY SERVICES

- A. **Characteristics.** Community Services are uses of a public, nonprofit, or charitable nature generally providing a local service to people of the community. Generally, they provide the service on-site or have employees at the site on a regular basis. The service is ongoing, not just for special events. Community centers or facilities that have membership provisions are open to the general public to join at any time (for instance, any senior citizen could join a senior center). The use may provide special counseling, education, or training of a public, nonprofit or charitable nature.
- B. **Accessory Uses.** Accessory uses may include offices; meeting areas; food preparation areas; parking, health and therapy areas; and athletic facilities.
- C. **Examples.** Examples include libraries, museums, senior centers, community centers, publicly owned swimming pools, youth club facilities, hospices, social service facilities, temporary shelters, vocational training for persons with physical or mental disabilities, crematoriums, columbariums and mausoleums.
- D. **Exceptions.**
  - 1. Private lodges, clubs and private or commercial athletic or health clubs are classified as retail sales and service. Commercial museums are classified as retail sales and service.
  - 2. Parks are classified as parks and open areas.
  - 3. Uses where tenancy is arranged on a month-to-month basis, or for a longer period are residential and are classified as household or group living.

## 9.6 DAY CARE

- A. **Characteristics.** Day care uses provide care, protection and supervision for children or adults on a regular basis away from their primary residence for less than twenty-four (24) hours per day. There are two (2) types of day care:
  - 1. Home-Based Day Care. A home-based day care provides care protection and supervision for up to twelve (12) individuals, not including children of the day care provider, or as allowed by State licensing.
  - 2. General Day Care. A general day care provides care protection and supervision for twelve (12) or more individuals, or as licensed by the State.
- B. **Accessory Uses.** Accessory uses include offices, recreation areas and parking.

- C. **Examples.** Examples include preschools, nursery schools, latch key programs and adult day care programs. Childcare Centers, as defined in Section 26-6-102(1.5), C.R.S., are classified as day care uses under this Code.
- D. **Exceptions.** Day Care does not include public or private schools or facilities operated in connection with an employment use, shopping center or other principal use, where children are cared for while parents or guardians are occupied on the premises or in the immediate vicinity.

## 9.7 HOSPITALS

- A. **Characteristics.** Hospitals include uses providing medical or surgical care to patients and offering overnight care.
- B. **Accessory Uses.** Accessory uses include outpatient clinics, offices, laboratories, teaching facilities, meeting areas, cafeterias, parking, maintenance facilities and housing facilities for staff or trainees.
- C. **Examples.** Examples include medical centers and hospitals.
- D. **Exceptions.**
  - 1. Uses that provide exclusive care and planned treatment or training for psychiatric, alcohol, or drug problems, where patients are residents of the program, are classified as group living facilities.
  - 2. Medical clinics or centers that provide care where patients are generally not kept overnight are classified as office.
  - 3. Emergency medical clinics are classified as retail sales and service.

## 9.8 PARKS AND OPEN AREAS

- A. **Characteristics.** Parks and open areas are uses of land focusing on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Lands tend to have few structures.
- B. **Accessory Uses.** Accessory uses may include clubhouses, maintenance facilities, concessions, caretaker's quarters and parking.
- C. **Examples.** Examples include parks, golf courses, cemeteries, public squares, plazas, playgrounds, ballfields, recreation areas, recreational trails, botanical gardens, nature preserves and land used for grazing that is not part of a farm or ranch.

## 9.9 RELIGIOUS INSTITUTIONS

- A. **Characteristics.** Religious Institutions primarily provide meeting areas for religious activities.
- B. **Accessory Uses.** Accessory uses include Sunday school facilities, parking, caretaker dwellings and group living facilities such as convents.
- C. **Examples.** Examples include churches, temples, synagogues and mosques.

## 9.10 SAFETY SERVICES

- A. **Characteristics.** Safety Services are uses that provide public safety and emergency response services. They often need to be located in or near the area where the service is provided. Employees are regularly present on-site.
- B. **Accessory Uses.** Accessory uses include offices and parking.

- C. **Examples.** Examples include fire stations, police stations and emergency medical and ambulance stations.

## 9.11 SCHOOLS

- A. **Characteristics.** This category includes public and private schools at the primary, elementary, middle, junior high, or high school level that provide elective or state-mandated education.
- B. **Accessory Uses.** Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums and before- or after-school day care.
- C. **Examples.** Examples include public and private daytime schools, boarding schools and military academies.
- D. **Exceptions.**
  - 1. Preschools are classified as day care uses.
  - 2. Business and trade schools are classified as retail sales and service.

## 9.12 UTILITIES, BASIC

- A. **Characteristics.** Basic utilities are infrastructure services that need to be located in or near the area where the service is provided. Basic utility uses generally do not regularly have employees at the site. Services may be publicly or privately provided.
- B. **Accessory Uses.** Accessory uses may include parking and control, monitoring, data or transmission equipment.
- C. **Examples.** Examples include water and sewage pump stations; electrical substations; water towers and reservoirs; stormwater retention and detention facilities; telephone exchanges; recycling drop-off stations; and park-and-ride facilities for mass transit.
- D. **Exceptions.**
  - 1. Services where people are generally present are classified as Community Services, Offices, or Safety Services.
  - 2. Utility offices where employees or customers are generally present are classified as offices.
  - 3. Bus barns are classified as warehouse and freight movement.

## 9.13 UTILITY CORRIDORS

- A. **Characteristics.** This category includes public or private passageways, including easements, for the express purpose of transmitting or transporting electricity, gas, oil, water, sewage, communication signals, or other similar services on a regional level.

- B. **Examples.** Examples include major utility transmission lines and pipelines, including 115kV or larger electrical transmission lines.
- C. **Exceptions.** Utility corridors located within public rights-of-way are not included.

#### 9.14 ENTERTAINMENT EVENT, MAJOR

- A. **Characteristics.** Major entertainment event uses are characterized by activities and structures that draw large numbers of people to specific events or shows. Activities are generally of a spectator nature.
- B. **Accessory Uses.** Accessory uses may include restaurants, bars, concessions, parking and maintenance facilities.
- C. **Examples.** Examples include stadiums, sports arenas, coliseums, auditoriums, exhibition and meeting areas and fairgrounds.
- D. **Exceptions.**
  - 1. Exhibition and meeting areas with less than 20,000 square feet of total event area are classified as retail sales and service.
  - 2. Banquet halls that are part of hotels or restaurants are accessory to those uses, are included in the retail sales and service category.
  - 3. Theaters, including drive-in theaters, are classified as retail sales and service.
  - 4. Recreation or entertainment uses conducted on a continuous basis are classified as outdoor recreation and entertainment or retail sales and service uses.

#### 9.15 OFFICE

- A. **Characteristics.** Office uses are characterized by activities conducted in an office setting and generally focusing on business, government, professional, medical, or financial services.
- B. **Accessory Uses.** Accessory uses may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building.
- C. **Examples.** Examples include professional services such as lawyers, accountants, engineers, or architects; financial businesses such as lenders, brokerage houses, bank headquarters, or real estate agents; data processing; sales offices; government offices and public utility offices; TV and radio studios; medical and dental clinics, medical and dental labs; and blood-collection facilities.
- D. **Exceptions.**
  - 1. Offices that are part of and located with a principal use in another category are considered accessory. Headquarters offices, when in conjunction with or adjacent to a principal use in another category, are considered part of the other category.
  - 2. Contractors and others who perform services off-site are included in the office category if equipment and materials are not stored on the site and fabrication, services, or similar work is not carried on at the site.

#### 9.16 PARKING, COMMERCIAL

- A. **Characteristics.** Commercial parking facilities provide parking that is not accessory to a specific use. A fee may or may not be charged. A facility that provides both

accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a commercial parking facility.

- B. **Accessory Uses.** In a parking structure only, accessory uses may include gasoline sales, car washing and vehicle repair activities if these uses provide service only to vehicles parked in the garage.
- C. **Examples.** Examples include short- and long-term fee parking facilities and mixed parking lots (partially accessory to a specific use, partly for rent to others).
- D. **Exceptions.**
  - 1. Parking facilities that are accessory to a use, but that charge the public to park for occasional events nearby, are not considered commercial parking facilities.
  - 2. Parking facilities that are accessory to a principal use are not considered commercial parking uses, even if the operator leases the facility to the principal use or charges a fee to the individuals who park in the facility.
  - 3. Public transit park-and-ride facilities are classified as basic utilities.

## 9.17 RECREATION AND ENTERTAINMENT, OUTDOOR

- A. **Characteristics.** Outdoor recreation and entertainment uses are large, generally commercial uses that provide continuous recreation or entertainment-oriented activities. They primarily take place outdoors. They may take place in a number of structures that are arranged together in an outdoor setting.
- B. **Accessory Uses.** Accessory uses may include concessions, restaurants, parking, caretaker's quarters and maintenance facilities.
- C. **Examples.** Examples include riding academies, roping arenas, equestrian arenas, amusement parks, theme parks, golf driving ranges, miniature golf facilities and zoos.
- D. **Exceptions.**
  - 1. Golf courses are classified as parks and open space.
  - 2. Uses that draw large numbers of people to periodic events, rather than on a continuous basis, are classified as major entertainment events.

## 9.18 RETAIL SALES AND SERVICE

- A. **Characteristics.** Retail sales and service firms are involved in the sale, lease or rent of new or used products to the general public. They may also provide personal services or entertainment, or provide product repair or services for consumer and business goods.
- B. **Accessory Uses.** Accessory uses may include offices, storage of goods, manufacture or repackaging of goods for on-site sale and parking.
- C. **Examples.** Examples include uses from the four following groups:
  - 1. Sales-Oriented:  
Stores selling, leasing, or renting consumer, home and business goods including art, art supplies, bicycles, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, groceries, hardware, home improvements, household products, jewelry, pets, pet food, pharmaceuticals, plants, printed material, stationary and videos; food sales

and sales or leasing of consumer vehicles including passenger vehicles, motorcycles, light and medium trucks and other recreational vehicles, wineries, and fruit and vegetable stands.

2. **Personal Service-Oriented:**

Branch banks; emergency medical care; laundromats; photographic studios; photocopy and blueprint services; hair, tanning and personal care services; business, martial arts and other trade schools; dance or music classes; taxidermists; mortuaries; veterinarians; and animal grooming.

3. **Entertainment-Oriented:**

Restaurants, cafes, delicatessens, bars and taverns; indoor continuous entertainment activities such as bowling alleys, ice rinks and game arcades; pool halls; dance halls; indoor firing ranges; theaters, health clubs, gyms, membership clubs and lodges; hotels, motels, recreational vehicle parks and other temporary lodging with an average length of stay of less than thirty (30) days.

4. **Repair-Oriented:**

Repair of TVs, bicycles, clocks, watches, shoes, guns, appliances and office equipment; photo or laundry drop-off; tailor; locksmith; and upholsterer.

**D. Exceptions.**

1. Lumberyards and other building material sales that sell primarily to contractors and do not have a retail orientation are classified as wholesale sales.

2. Repair and service of consumer motor vehicles, motorcycles and light and medium trucks are classified as vehicle repair. Repair and service of industrial vehicles and equipment and heavy trucks are classified as industrial service.

3. Sales, rental, or leasing of heavy trucks and equipment or manufactured housing units are classified as wholesale sales.

4. Hotels, restaurants and other services that are part of a truck stop are considered accessory to the truck stop, which is classified as industrial service.

5. In certain situations, hotels and motels may be classified as a community service use, such as short-term housing or mass shelter. See Community Services.

## **9.19 SELF-SERVICE STORAGE**

A. **Characteristics.** Self-service storage uses provide separate storage areas for individual or business uses. The storage areas are designed to allow private access by the tenant for storing or removing personal property.

B. **Accessory Uses.** Accessory uses may include living quarters for a resident manager or security and leasing offices. Use of the storage areas for sales, service and repair operations, or manufacturing is not considered accessory to the self-service storage use. The rental of trucks or equipment is also not considered accessory to a self-service storage use.

C. **Examples.** Examples include facilities that provide individual storage areas for rent.

These uses are also called mini-warehouses.

- D. **Exceptions.** A transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred is in the warehouse and freight movement category.

## 9.20 VEHICLE REPAIR

- A. **Characteristics.** Vehicle repair includes servicing passenger vehicles, light and medium trucks and other consumer motor vehicles such as motorcycles, boats and recreational vehicles. The customer may wait at the site while the service or repair is being performed, but generally not.
- B. **Accessory Uses.** Accessory uses may include offices, sales of parts and vehicle storage.
- C. **Examples.** Examples include vehicle repair, transmission or muffler shop, auto body shop, alignment shop, auto upholstery shop, auto detailing and tire sales and mounting.
- D. **Exceptions.** Repair and service of industrial vehicles and equipment and of heavy trucks; towing and vehicle storage; and vehicle wrecking and salvage are classified as industrial service.

## 9.21 VEHICLE SERVICE, LIMITED

- A. **Characteristics.** Limited vehicle service uses provide direct services to motor vehicles where the driver or passengers generally wait in the car or nearby while the service is performed.
- B. **Accessory Uses.** Accessory uses may include auto repair and tire sales.
- C. **Examples.** Examples include full-service, mini-service and self-service gas stations; car washes; and quick lubrication services.
- D. **Exceptions.**
  - 1. Truck stops are classified as industrial service.
  - 2. Refueling facilities for vehicles that belong to a specific use (fleet vehicles) are considered accessory uses if they are located on the site of the principal use.

## 9.22 INDUSTRIAL SERVICE

- A. **Characteristics.** Industrial Service firms are engaged in the repair or servicing of industrial, business or consumer machinery, equipment, products or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.
- B. **Accessory Uses.** Accessory activities may include offices, parking and storage.
- C. **Examples.** Examples include welding shops; machine shops; tool repair; electric motor repair; repair of scientific or professional instruments; sales, repair, storage, salvage or wrecking of heavy machinery, metal and building materials; towing and vehicle storage; auto and truck salvage and wrecking; heavy truck servicing and repair; tire retreading or recapping; truck stops; building, heating, plumbing or

electrical contractors; printing, publishing and lithography; exterminators; janitorial and building maintenance services; fuel oil distributors; solid fuel yards; research and development laboratories; laundry, dry-cleaning and carpet cleaning plants; and photofinishing laboratories.

D. **Exceptions.**

1. Contractors and others who perform services off-site are included in the office category, if major equipment and materials are not stored at the site and fabrication, or similar work is not carried on at the site.
2. Hotels, restaurants and other services that are part of a truck stop are considered accessory to the truck stop.

## 9.23 MANUFACTURING AND PRODUCTION

A. **Characteristics.** Manufacturing and production uses are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semifinished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.

B. **Accessory Uses.** Accessory activities may include offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets and caretaker's quarters.

C. **Examples.** Examples include processing of food and related products; catering establishments; slaughter houses and meat packing; weaving or production of textiles or apparel; lumber mills, pulp and paper mills and other wood products manufacturing; woodworking, including cabinet makers; production of chemical, rubber, leather, clay, bone, plastic, stone, or glass materials or products; movie production facilities; concrete batching and asphalt mixing; production or fabrication of metals or metal products including enameling and galvanizing; manufacture or assembly of machinery, equipment, instruments, including musical instruments, vehicles, appliances, precision items and other electrical items; production of artwork and toys; sign making; and production of prefabricated structures, including mobile homes.

D. **Exceptions.**

1. Manufacturing of goods to be sold primarily on-site and to the general public are classified as retail sales and service.
2. Manufacture and production of goods from composting organic material is classified as waste-related uses.

## 9.24 WAREHOUSE AND FREIGHT MOVEMENT

A. **Characteristics.** Warehouse and freight movement uses are involved in the storage, or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present.

B. **Accessory Uses.** Accessory uses may include offices, truck fleet parking and

maintenance areas.

- C. **Examples.** Examples include separate warehouses used by retail stores such as furniture and appliance stores; household moving and general freight storage; cold storage plants, including frozen food lockers; storage of weapons and ammunition; major wholesale distribution centers; truck, or air freight terminals; bus barns; parcel services; major post offices; and grain terminals.
- D. **Exceptions.**
  - 1. Uses that involve the transfer or storage of solid or liquid wastes are classified as waste-related uses.
  - 2. Mini-warehouses are classified as self-service storage uses.

## 9.25 WASTE-RELATED

- A. **Characteristics.** Waste-related uses are characterized by uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material. Waste-related uses also include uses that receive hazardous wastes from others.
- B. **Accessory Uses.** Accessory uses may include recycling of materials, offices and repackaging and transshipment of by-products.
- C. **Examples.** Examples include sanitary landfills, tire disposal or recycling, waste composting, recycling processing facilities, incinerators, energy recovery plants, sewage plants, brine disposal/storage and hazardous-waste-collection sites.
- D. **Exceptions.** Disposal of dirt, concrete, asphalt and similar non-decomposable materials is considered fill. Recycling drop-off stations (no on-site processing) are basic utility uses.

## 9.26 WHOLESALE SALES

- A. **Characteristics.** Wholesale sales uses are involved in the sale, lease, or rental of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited. Products may be picked up on-site or delivered to the customer.
- B. **Accessory Uses.** Accessory uses may include offices, product repair, warehouses, parking, minor fabrication services and repackaging of goods.
- C. **Examples.** Examples include sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment and store fixtures; mail order houses; and wholesalers of food, clothing, auto parts, building hardware.
- D. **Exceptions.**
  - 1. Firms that engage primarily in sales to the general public or on a membership basis are classified as retail sales and service.
  - 2. Firms that are primarily storing goods with little on-site business activity are classified as warehouse and freight movement.

## 9.27 AGRICULTURE

- A. **Characteristics.** Agriculture includes activities that primarily involve raising, producing or keeping plants or animals.
- B. **Accessory Uses.** Accessory uses include dwellings for proprietors and employees of the use, animal training, and wholesale sales of products produced on-site.
- C. **Examples.** Examples include breeding or raising of fowl or other animals; dairy farms; stables; riding academies; kennels or other animal boarding places; farming, orchards, vineyards, truck gardening, forestry, tree farming; and wholesale plant nurseries.
- D. **Exceptions.**
  - 1. Processing of animal or plant products are classified as manufacturing and Production.
  - 2. Livestock auctions are classified as wholesale sales.
  - 3. Plant nurseries that are oriented to retail sales are classified as retail sales and service.

## 9.28 AVIATION AND SURFACE PASSENGER TERMINALS

- A. **Characteristics.** Aviation and surface passenger terminals include facilities for the landing and takeoff of aircraft, including loading and unloading areas. Aviation facilities may be improved or unimproved. Aviation and surface passenger terminals also include passenger terminals for aircraft, regional bus service and regional rail service.
- B. **Accessory Uses.** Accessory uses include freight handling areas, concessions, offices, parking and maintenance and fueling facilities.
- C. **Examples.** Examples include airports, bus passenger terminals for regional bus service, railroad passenger stations for regional rail service and helicopter landing facilities.
- D. **Exceptions.**
  - 1. Bus and rail passenger stations for subregional service such as mass transit stops and park-and-ride facilities are classified as basic utilities.
  - 2. Private helicopter landing facilities that are accessory to another use are considered accessory uses. However, they are subject to all the regulations and approval criteria for helicopter landing facilities.

## 9.29 DETENTION FACILITIES

- A. **Characteristics.** Detention facilities include facilities for the judicially required detention or incarceration of people. Inmates and detainees are under twenty-four (24) hour supervision by peace officers, except when on an approved leave.
- B. **Accessory Uses.** Accessory uses include offices, recreational and health facilities, therapy facilities, maintenance facilities and hobby and manufacturing activities.
- C. **Examples.** Examples include prisons, jails, probation centers.
- D. **Exceptions.** Programs that provide care and training or treatment for psychiatric, alcohol, or drug problems, where patients are residents of the program, but where patients are not supervised by peace officers are classified as group living. Programs that provide transitional living experience for former offenders, such as halfway houses, where residents are not supervised by peace officers, are also classified as

group living.

### 9.30 MINING

- A. **Characteristics.** Mining includes mining or extraction of mineral or aggregate resources from the ground for off-site use.
- B. **Accessory Uses.** Accessory uses include storage, sorting, stockpiling, or transfer off-site of the mined material.
- C. **Examples.** Examples include quarrying or dredging for sand, gravel or other aggregate materials; mining; and oil, gas, or geothermal drilling.

### 9.31 TELECOMMUNICATIONS FACILITIES

- A. **Characteristics.** Telecommunications facilities includes all devices, equipment, machinery, structures or supporting elements necessary to produce non-ionizing electromagnetic radiation within the range of frequencies from 100 KHz to 300 GHz and operating as a discrete unit to produce a signal or message. Facilities may be self-supporting, guyed, or mounted on poles, other structures, light posts, power poles, or buildings. Facilities shall also include intertie and interconnection translators, connections from over-the-air to cable, fiber optic, or other landline transmission system.
- B. **Accessory Uses.** Accessory use may include transmitter facility buildings.
- C. **Examples.** Examples include broadcast towers, communication towers and point-to-point microwave towers.
- D. **Exceptions.**
  - 1. Receive-only antennas are not included in this category.
  - 2. Radio and television studios are classified in the office category.
  - 3. Radio and television broadcast facilities that are public safety facilities are classified as basic utility facilities.

### 9.32 TERMS DEFINED

Words contained in this section are those having a special meaning relative to the purposes of this Code. Words not listed in this section shall be defined by reference to *The Latest Illustrated Book of Development Definitions*, 2004. Absent guidance there, words not found in this book shall be defined by reference to the *Webster's Third New International Dictionary Unabridged*, 1993.

#### ABANDONMENT

The relinquishment of property, or a cessation of the use of the property, by the owner or lessee without any intention of transferring rights to the property to another owner or of resuming the use of the property.

#### ABUT/ABUTTING

Uses or parcels which directly touch. (Parcels across a public right-of-way would not be abutting, but would be adjacent.)

#### ACCESS

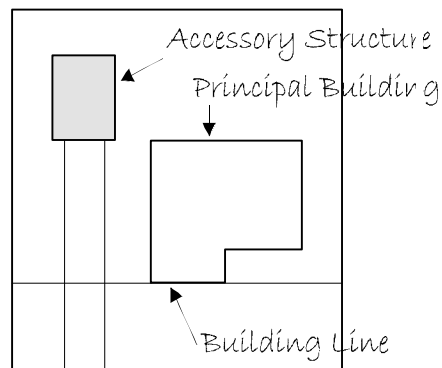
A way or means of approach to provide vehicular or pedestrian physical entrance to a property.

#### ACCESSORY STRUCTURE

A detached subordinate structure, the use of which is customarily incidental to, and supportive of, the principal structure or the principal use of land, and which is located on the same parcel of ground with the principal structure or use. (See Exhibit 9.1.)

#### ACCESSORY DWELLING UNIT

A dwelling unit which is secondary to a principal dwelling unit which may be attached to the principal structure or freestanding.



**Exhibit 9.1**

#### ACCESSORY USE

The use of land or of a building customarily incidental to, subordinate to, and supportive of the principal use of the parcel.

#### ADDITION

1. A structure added to the original structure at some time after certificate of occupancy has been issued for the original structure; 2. An extension or increase in floor area or height of a building or structure.

#### ADJACENT

Property or use, any portion of which is within a 100 foot (100') radius. Public right-of-way, easements, canals or waste ditches, and waterways are not counted when deciding if one (1) property or use is adjacent to another.

**ADJOIN**

A lot or parcel of land that shares all or part of a common lot line with another lot or parcel of land.

**ADMINISTRATIVE DECISION**

Any decision on a development application made by an authorized City employee pursuant to this Code.

**ADULT DAY TREATMENT CENTER**

A facility for the care of adults who require nursing or physical assistance and/or supervision during the day by licensed caregivers and staff.

**ADULT ENTERTAINMENT ESTABLISHMENTS**

See Section 4.3.B.5.a.

**ADULT FOSTER HOME**

A residence for the care of persons who are unable to live alone in safety.

**ADULT MATERIAL**

See Section 4.3.B.5.b.

**ADVERSE IMPACT**

A condition that creates, imposes, aggravates, or leads to inadequate, impractical, unsafe, or unhealthy conditions on a site proposed for development or on off-tract property or facilities.

**AGRI-BUSINESS**

A business and/or commercial use operated primarily for the support of agricultural needs. Such use may consist of products, materials, and equipment servicing and sales; storage and/or processing of agricultural products and/or animals; medical and/or technical support services.

**AGRICULTURAL ANIMALS**

The following animals are considered agricultural animals to an agricultural use, whether used for personal enjoyment or for commercial purposes: horses, mules, burros, sheep, cattle, rabbits, chickens, ducks and geese.

**AGRICULTURAL PRODUCE**

Fruit, vegetables, eggs and honey prior to processing of any kind other than washing. Canned fruits or vegetables, preserves, wine, meat and dairy products shall not be considered agricultural produce for the purposes of this Code.

**AGGRIEVED PERSON**

Person having suffered actual loss or injury or being exposed to potential loss or injury to legitimate interests including, but not limited to, business, economic, aesthetic, governmental, recreational, or conservation interests.

**AIRPORT ENVIRONS**

See Section 7.3.

**ALLEY**

A service road providing a secondary means of public access to abutting property and not intended for general traffic circulation.

**ALTERATIONS**

Any proposed modification to a designated historic site, structure or district which could have an affect on the character of the historic resource relative to the criteria by which it was designated. Examples of alterations for structures may include additions, any exterior modifications, including signage to be affixed to the facade, and any interior modifications that may affect the characteristics for which the structure was designated.

**AMATEUR RADIO**

Radio communications, which are licensed or regulated as such by the Federal Communications Commission, and are not subject to provisions of this Code.

**AMORTIZATION**

A method of eliminating nonconforming uses by requiring the termination of the nonconforming use after a specified period of time.

**ANIMAL CARE, BOARDING, SALES**

A facility in which four (4) or more animals of the same species are housed, groomed, bred, boarded, trained in return for compensation, or sold. Such facility may offer incidental medical treatment.

**ANIMAL CLINIC**

Facility for the medical care and treatment of animals under the supervision of a licensed veterinarian with no outdoor accommodations for the temporary boarding of animals.

**ANIMAL HOSPITAL**

Facility for the medical care and treatment of animals under the supervision of a licensed veterinarian with outdoor accommodations for the temporary boarding of animals.

**ANNEXATION**

The incorporation of a land area into an existing community with a resulting change in the boundaries of that community.

**ANTENNA**

Any device designed and intended for transmitting or receiving television, radio, microwave signals, or other electromagnetic waves. An antenna includes all mounting and stabilizing items such as a tower, a pole, a bracket, guy wires, hardware, connection equipment and related items.

**APPEAL**

A request for a review of the Grand Junction Community Development Department's interpretation of any provisions of this Code or a request for a variance therefrom.

**APPLICANT**

Any person, firm, partnership, joint venture, association, corporation, group or organization applying for any permit, approval or decision governed or required by this Code. "Developer" or "Subdivider" may be used interchangeably.

**APPLICATION**

A written request for any approval, permit, or action required by this Code. "Proposals" and "requests" are used interchangeably. An application is not complete until each requirement in this Code is met and all fees are paid.

**APPURTENANCES**

The visible, functional, or ornamental objects accessory to and part of buildings.

**AREA OF INFLUENCE (Airport)**

An area surrounding an airport which is impacted or influenced by its proximity to the airport, either by aircraft overflight, noise, vibrations, or by vehicular traffic associated with airport operations.

**AREA OF SPECIAL FLOOD HAZARD (Also Floodplain)**

The land in the floodplain subject to a one percent (1%) or greater chance of flooding in any given year.

**AUTOMOBILE SALES ESTABLISHMENT AND LOTS**

An open area used for the display, sale or rental of new and/or used motor vehicles.

**AVERAGE**

Unless specified otherwise, the arithmetic mean.

**AVIGATION EASEMENTS**

An avigation easement limits construction and heights of vegetation, and grants the right of flight over the surface together with the right, subject to the applicable local, state, and federal laws (such as noise pollution laws) to cause noise, vibrations, smoke, fumes, glare, dust, fuel particles, and other effects of aircraft operations. (See Section 7.3.)

**BAR**

Premises used primarily for the sale or dispensing of alcoholic beverages by the drink for on-site consumption and where food may be available for consumption as an accessory use. An establishment that serves both food and alcoholic beverages shall be categorized as a bar if the sale of said beverages comprises more than twenty-five percent (25%) of the gross receipts.

**BASE FLOOD**

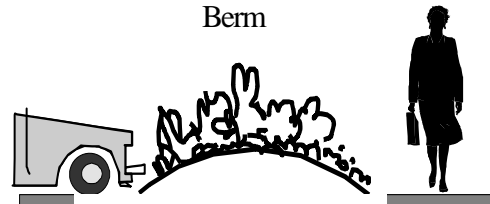
The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

**BED AND BREAKFAST**

A house, or portion thereof, where short-term lodging rooms and meals are provided. The operator of the inn shall live on the premises or in adjacent premises.

**BERM**

A mound of earth designed so that slope drainage is directed away from a paved area and sidewalks, which serve as a screen or Bufferyard with landscaping (see Section 6.5.F). (See Exhibit 9.2.)



**Exhibit 9.2**

**BLOCK**

A land area consisting of contiguous lots established by recorded plats, usually bordered by a combination of streets, public parks, cemeteries, railroad right-of-way, or other barrier to the continuity of development.

**BLOCK FRONTAGE**

All property fronting on one (1) side of a street between intersecting or intercepting streets, or between a street and a street right-of-way, waterway [wider than thirty feet (30')], or end of a dead-end street. An intercepting street shall determine only the boundary of the frontage of the side of the street which it intercepts.

**BOARD**

Unless otherwise indicated in the text, "Board" shall refer to the Zoning Board of Appeals.

**BOARDING AND ROOMING HOUSE**

A building containing a single dwelling unit and three (3) or more rooms where lodging is provided, with or without meals, for compensation. "Compensation" may include money, services or other things of value.

**BUFFERING**

The process of creating transition between zones by use of open spaces, landscaped areas, fences, walls, berms or any combination thereof used to physically separate or screen one (1) use or property from another so as to visually shield or block noise, lights or other nuisances.

**BUFFERYARD**

A strip of land established to protect one (1) type of land use from another land use or to provide screening. Normally, a bufferyard is landscaped and developed in open space areas.

**BUILDING**

Any structure used or intended for supporting or sheltering any use or occupancy. (See also Structure.)

**BUILDING DESIGN CAPACITY**

The maximum occupancy load of a building as provided by the most recent version of the Uniform Building Code adopted by the City.

**BUILDING ENVELOPE**

The three (3) dimensional space occupied by a building, including all eaves, covered porches, breezeways and other portions of the building, but excluding attached decorative walls which are less than or equal to three feet (3') in height.

**BUILDING FACADE**

That exterior side of a building which faces, and is most nearly parallel to, a public or private street.

**BUSINESS RESIDENCE**

A single residential dwelling unit, accessory to, and located within a structure primarily devoted to business or commercial uses (see Section 4.3.I and Table 3.5).

**CALIPER**

The diameter of a tree trunk.

**CAMPGROUND, OVERNIGHT**

Campground located in urban areas or in close proximity to a major highway intending to serve the traveling public in need of overnight accommodation.

**CAMPGROUND, RECREATIONAL**

Campground located in close proximity to natural recreational areas and/or opportunities providing an outdoor living environment.

**CARETAKER DWELLING**

A dwelling used as the residence for the person(s) who administer, care and maintain a particular community service or recreational use, which dwelling is located on the site of that use.

**CARPORT**

A roofed structure providing space for the storage of one (1) or more motor vehicles and enclosed on not more than two (2) sides by walls.

**CENTERLINE**

The true centerline of a street right-of-way that has been fully dedicated to the required width according to the master street plan.

## **CERTIFICATE OF OCCUPANCY**

As defined in the current Uniform Building Code adopted by the City.

## **CHANGE IN USE**

A change from one (1) principal use of a building or land to another principal use of the building or land when there is no increase in the size of the existing building or extent of the use of the land, but one (1) or more of the following factors are present and confirmed for the new use:

1. The new use has an off-street parking requirement per the City Zoning and Development Code which is greater than parking available and necessary per the Code;
2. The number of vehicle trips generated by the new use is or will be greater than the number of vehicle trips generated by the previous use as determined by the Institute of Transportation Engineers Trip Generation, latest edition, and a building permit is required; or
3. The amount of storm water runoff or impervious (to drainage) surface area will be increased with the new use.

*[Note: if there is a change from one principal use of a Building or land to another principal use of a Building or land, but there is no increase in the size of the existing Building or extent or the Use of the land and none of the three (3) previous factors apply, a change of use shall not have occurred]*

## **CHANNEL**

A natural or artificial low-lying area with definite bed and banks, which confines and conducts continuous or periodic flows of water.

## **CITY**

The City of Grand Junction.

## **CIVIC USE**

A municipal use that may include cultural, recreational, athletic, convention and entertainment facilities.

## **CLEAR ZONE (Airport)**

An area located directly off the end of an airport runway in which no above-ground construction or obstruction is permitted.

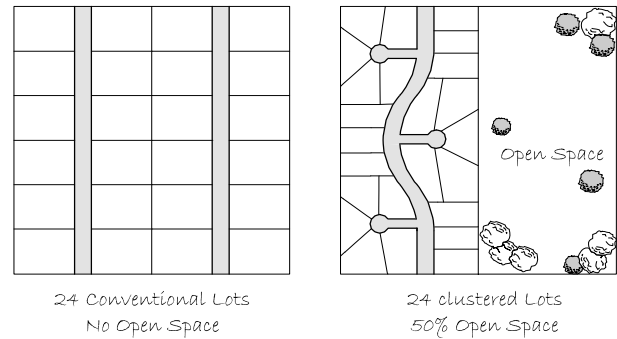
## **CLUSTER/CLUSTERED**

A development that complies with the requirements, rules and design guidelines set forth in Chapter Six.

## CLUSTER DEVELOPMENT

A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space and preservation of environmentally sensitive areas. (See Exhibit 9.3.)

**Exhibit 9.3**



## CODE

Unless otherwise specified refers to the City of Grand Junction Zoning and Development Code, which is also referred to as Title 33 of the Code of Ordinances for the City of Grand Junction.

## COLLECTOR STREET

Streets, as identified in the master street plan which access neighborhoods and routes serving intra-city rather than intra-state travel.

## COLOCATION

The location of wireless communication facilities on an existing structure, tower, or building in a manner so that an additional tower, structure or facility is not required.

## COMMERCIAL VEHICLE

Commercial vehicles shall include all vehicles that require the issuance of any of the following license plates by the State of Colorado: passenger bus plates; GVW truck and GVW tractor plates; farm trucks and farm tractor plates; special mobile machinery plates/tabs; special use vehicle plates; light truck plates; but shall not include the following: any vehicle issued any of the above license plates that otherwise would be issued passenger plates or recreational truck plates by the State of Colorado were the vehicle not used for commercial purposes; any pickup truck issued light truck plates with bed rails no higher than thirty inches (30") from the floor of the bed; any van issued light truck plates whose basic design could serve as a passenger van and be issued passenger plates.

## COMMISSION

The City of Grand Junction's Planning Commission.

## COMMON ELEMENTS

Land amenities, certain areas of buildings, such as lobbies, corridors and hallways, central services and utilities and any other elements and facilities owned and used by all owners and designated in the master deed as common elements.

## **COMMON OPEN SPACE**

Land within or related to a development, not individually owned or dedicated for public use, that is designed and intended for the common use or enjoyment of the residents and their guests of the development and may include such complementary structures and improvements as are necessary and appropriate.

## **COMMUNITY CORRECTIONS FACILITY**

1. A facility providing residential or nonresidential services operated under the direction of a Community Corrections Program, as defined by Sections 17-27-101, *et. seq.*, C.R.S.; or
2. A facility providing residential or nonresidential services substantially similar to that described in Section 17-27-102(3), C.R.S., although not being administered pursuant to Sections 17-27-101 *et seq.*, C.R.S., which is operated by a private individual, partnership, corporation or association.

A community corrections facility shall manage and supervise “offenders” in accordance with adopted standards and pursuant to a contract supervised and administered by an agency of the State of Colorado; such a facility is not required to be in direct privity of contract with the State so long as it is subject to the same, or equivalent, standards and rules applicable to a facility which is subject to 17-27-101, *et seq.*, C.R.S. The applicant for a community corrections facility which is not administered pursuant to 17-27-101 *et seq.*, C.R.S. shall identify, and provide as required by the Director, the rules and contract under which such facility is regulated and administered.

A community corrections facility shall provide to the Director, upon request, evidence that the facility/program: is subject to ‘program audits’ by the State, or an agent of the State; and is operating and has been operated in compliance with all applicable standards.

“Offenders” means, for the purposes of this definition, person accused or convicted of a felony, misdemeanor or other criminal offense.

## **CONCEALED, or STEALTH**

Any tower or telecommunications facility which is designed to enhance compatibility with adjacent land, buildings, structure and uses, including, but not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements and towers designed to not look like a tower such as light poles, power poles and trees. The term stealth does not necessarily exclude the use of uncamouflaged lattice, guyed or monopole tower designs.

## **CONCENTRATED FABRICATION (also: Light and Heavy Fabrication)**

Fabrication is defined as the manufacturing from standardized parts of a distinct object differing from the individual components.

**CONCEPT PLAN**

A generalized plan indicating the boundaries of a tract or tracts under common ownership, and identifying proposed land use, land use intensity and thoroughfare alignment.

**CONDITIONAL USE**

A use identified by this Code which requires action by the Planning Commission or City Council after public hearings. A conditional use means a use which, because of its unique or varying characteristics, cannot be properly classified as a permitted use in a particular district. After due consideration, as provided for in Section 2.13 of this Code, of the impact upon neighboring land and of the public need for the particular use at a particular location, such conditional use may or may not be approved.

**CONDOMINIUM**

As defined in Section 38-33-103, C.R.S. or any successor statute.

**CONSTRUCTION PLAN**

Complete construction drawings of a facility or improvement, including but not limited to road plans and profiles, drainage plans and utility plans.

**CONTIGUOUS**

Next to, abutting, or touching and having a boundary, or portion thereof, that is coterminous.

**CONTINUOUS COMMERCIAL CENTER**

One (1) structure with multiple separate uses; all retail at service to businesses on one (1) parcel zoned B-1.

**CONVALESCENT HOME**

A building where persons reside and are provided with medical care designed to restore them to health.

**CONVEY**

To transfer all or a part of a title or equitable interest in land; to lease or assign an interest in land; or to transfer any other land interest.

**COUNSELING CENTER**

A facility where individuals or small groups are provided professional counseling assistance with personal, emotional, marital, medical, or similar problems on an outpatient basis.

**COUNTY**

Mesa County.

**COURTYARD**

An open area, unobstructed from the ground to sky, that is bounded on at least three (3) sides by the exterior walls of one (1) or more buildings.

**CRITICAL ZONE (Airport)**

A rectangular-shaped zone located directly off the end of a runway's primary surface, which is critical to aircraft operations.

**CUL-DE-SAC**

A dead-end street terminating in a vehicular turn-around area.

**CULTURAL FACILITIES**

Establishments that document the social and religious structures and intellectual and artistic manifestations that characterize a society and include museums, art galleries, and botanical and zoological gardens of a natural, historic, educational, or cultural interest.

**CURB FACE**

The vertical or shaped portion of a curb, facing the roadway, and designed to direct storm waters.

**DAYCARE**

An establishment providing for the care, supervision, and protection of children.

**DAY-NIGHT SOUND LEVEL (Ldn)**

See Section 7.3.

**DAYS**

See Section 1.6.H.

**DECORATIVE WALL**

Masonry or masonry with wood, with surface variations so that it is dissimilar from a plain cinderblock wall.

**DEDICATION**

The transfer of property by the owner to another party.

**DEED**

A legal document conveying ownership of real property.

**DEFAULT STANDARDS, DEFAULT ZONES**

The underlying zone of a Planned Development (PD) Zone District. The default zone shall be established with any PD zone. The standards for the default zone shall be used unless deviations were specifically approved within the PD zoning ordinance.

**DEPARTMENT**

The Grand Junction Community Development Department.

**DESERT LANDSCAPING**

The use of landscaping materials, both vegetative and nonvegetative, which are native to an arid or semiarid climate. (See Xeriscape.)

**DESIGN CAPACITY**

The maximum occupancy load of a building as defined and determined by the Uniform Building Code (U.B.C.) in Chapter 33 and Table 33A.

**DEVELOPER**

A person, firm, partnership, joint venture, association, corporation, groups or organization who shall participate as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale or lease of a development.

**DEVELOPMENT**

Development includes all property adjacent or abutting, whether or not to be then planned or developed, owned by the same owner. Includes any of the following: the division of a parcel of land into two (2) or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, drilling, excavation, clearing of roadways or building sites, landfill or land disturbance and any use or extension of the use of land, the placement of a use on any property, or any planned development. Development does not include movement of earth associated with crops and/or farming or landscaping.

**DEVELOPMENT APPLICATION**

Any request for approval, permission or other action made pursuant to the provisions of this Code.

**DEVELOPMENT SCHEDULE/PHASING SCHEDULE**

Regulating the rate and geographic sequence of development so as to ensure that each phase can stand on its own in terms of circulation, utilities, and so on, in the event subsequent phases are delayed or cancelled.

**DIA**

Development Improvements Agreement

**DIRECTOR**

The administrator of the Code shall be the Director of the Grand Junction Community Development Department and/or designated staff.

**DISPOSITION**

A transfer of all or part of a title or equitable interest in land; a lease or an assignment of an interest in land; or any other transfer or conveyance of an interest in land.

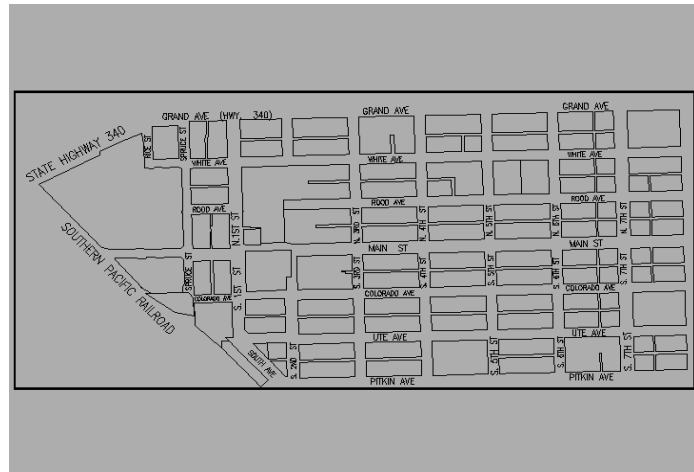
**DISTRICT**

Same as Zone.

**DOWNTOWN AREA**

The area within the City which is within the Downtown Development Authority zoned B-2 and which is bounded by: the north right-of-way line of Grand Avenue; the north-east right-of-way line of the Union Pacific Railroad; the east right-of-way line of 8th Street; and the south right-of-way line of Pitkin Avenue. (See Exhibit 9.4.)

**Exhibit 9.4**



**DRIVE-IN**

Facilities customarily providing parking spaces for the ordering, delivery, and consumption of a product or service in a parked vehicle.

**DRIVEWAY**

A private roadway providing access to a street or highway, excluding the sidewalk when parking vehicles in the driveway.

**DUPLEX**

A building containing two (2) single family dwelling units on the same lot and separated by an unpierced common wall extending from ground to roof.

**DWELLING, MULTIFAMILY**

A building or portion thereof arranged, designed, and intended to be used for occupancy by three (3) or more families living independently of each other and containing three (3) or more dwelling units on the same lot. Each dwelling unit has independent cooking and bathing facilities. Units may be condominiumized.

**DWELLING, SINGLE-FAMILY, ATTACHED**

A single family dwelling attached to two (2) or more dwelling units by common wall(s), with each dwelling located on separate lots. Includes townhomes.

**DWELLING, SINGLE-FAMILY, DETACHED**

A single family dwelling which is not attached to any other dwelling or building by any means, on a single lot.

**DWELLING, STACKED**

A dwelling containing two (2) single family dwellings on the same lot and separated by a horizontal separation.

**DWELLING, TWO FAMILY**

A single family dwelling attached to only one (1) other single family dwelling unit by a common wall, with each dwelling located on separate lots.

**DWELLING, ZERO LOT LINE**

The location of a building on a lot in such a manner that one (1) or more of the building's sides rests directly on a lot line.

**DWELLING UNIT**

One (1) or more rooms designed, occupied, or intended for occupancy as a separate living quarter, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single-family maintaining a household.

**EASEMENT**

An interest in land that is less than fee title which entitles the holder to a specific limited use or enjoyment.

**ELDERLY OR DISABLED PERSONS HOUSING, DEPENDENT**

Dwellings for long-term accommodation of persons who for any reason require on-going medical supervision or assistance with normal daily functions of living.

**ELDERLY OR DISABLED PERSONS HOUSING, INDEPENDENT**

Dwellings for long-term accommodation of elderly or disabled persons who do not require regular medical supervision or assistance with normal daily functions of living.

**ELDERLY OR DISABLED PERSONS HOUSING, SEMI-INDEPENDENT**

Dwellings for long-term accommodation of elderly or disabled persons who require periodic, but not daily supervision or assistance with normal daily functions of living.

**EMINENT DOMAIN**

The authority to acquire or take, or to authorize the taking of private property for the public use or public purpose.

**ENGINEER**

Engineer licensed by the Colorado Board of Registration.

**EQUIPMENT**

Rolling stock or movable personal property except that, for the purpose of this Code, it shall not include those items defined as heavy equipment.

**EVERGREEN**

A plant with foliage that remains green year-round.

**EVIDENCE**

Any map, table, chart, contract or other document or testimony prepared or certified which is offered by a person to establish a claim, condition or assertion.

**EXACTION**

Contributions or payments required as an authorized recondition for receiving a development permit.

**EXISTING MANUFACTURED HOME PARK OR SUBDIVISION**

A manufactured home park for which the construction of facilities serving the lots on which the manufactured homes are to be affixed are completed before the effective date of this Code. (Section 4.3.F.)

**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 (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**EXOTIC ANIMALS**

Those animals not defined as household pets or agricultural animals.

**EXTRACTIVE USES**

Surface and/or subsurface natural resources which may be extracted from the land. This includes exploratory drilling or mining but excludes individual water well drilling.

**F.A.A.**

Federal Aviation Administration

**F.A.R.**

See "Floor Area Ratio."

**F.I.A.**

Flood Insurance Administration

**FACADE**

The exterior walls of a building exposed to public view or that wall viewed by persons not within the building.

**FAMILY**

Any number of related persons living together within a single dwelling unit as a single housekeeping unit, but not more than four (4) persons who are unrelated by blood, marriage, guardianship or adoption.

**FAMILY FOSTER HOME**

A home which receives one (1) to four (4) children for regular full-time care.

**FARM AND RANCH STRUCTURES AND USES**

Those structures and uses devoted to the shelter and raising of livestock, poultry, feed, flowers, crops, field equipment or other agricultural items, with or without a dwelling unit.

**FARMERS MARKET**

A structure or place where agricultural produce is brought for the purposes of retail sales. *(Note: A farmers market differs from a produce stand in that there may be more than one (1) seller allowed per parcel of land and the structure from which produce is sold at a Farmers Market need not be portable or capable of being dismantled or removed from the site.)*

**FEED LOT**

An area which is used for custom feeding of livestock where the owners of said livestock pay for yardage, feed and feed processing.

**FEMA**

Federal Emergency Management Agency

**FENCE**

An artificially constructed barrier of any material or combination of materials, including walls but not retaining walls interior to the property, erected to enclose, screen, or separate areas. ("Material" does not include vegetation.)

**FENESTRATION**

The arrangement of windows and other exterior openings on a building.

**FINAL PLAT**

A survey map of record which indicates the boundaries for streets, blocks, lots and other property divisions which is prepared pursuant to Section 2.8.C of the Code.

**FIRE FLOW SURVEY**

A testing of fire hydrants to determine capacity by volume and pressure for fire fighting purposes in accordance with the requirements of the City Fire Marshal.

**FLASHING SIGN**

A sign which contains an intermittent or flashing light source or a sign which includes the illusion of intermittent or flashing light by means of animation or an externally-mounted light source.

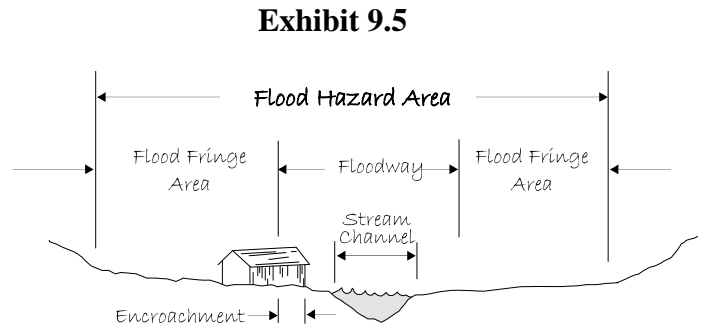
**FLEA MARKETS**

A flea market, swap shop, or similar activity by whatever name, where the use involves the setting up of two (2) or more booths, tables, platforms, racks, or similar display areas for the purpose of selling, buying, or trading merchandise, goods, materials, products, or other items offered for sale outside an enclosed building. Flea markets do not include any of the following activities which occur at the same location four (4) or fewer days in any calendar year: garage sales, produce stands, garage sales or fund-raising activities done by a nonprofit organization.

**FLOOD or FLOODING**

A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland waters; and/or,
2. The unusual and rapid accumulation or runoff of surface waters from any source. (See Exhibit 9.5.)



**FLOOD FRINGE DISTRICT**

That area within a 100-year floodplain where the flood waters are relatively shallow, and move at velocities from one to four feet (1'-4') per second. (See Exhibit 9.5.)

**FLOOD INSURANCE RATE MAP (FIRM)**

The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones.

**FLOOD INSURANCE STUDY**

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

**FLOODPLAIN**

An area adjacent to a watercourse which may be subject to flooding as a result of an increase in water flow beyond a normal high watermark. (See Exhibit 9.5.)

## **FLOODPLAIN 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 located within the area of special flood hazard. (See Exhibit 9.5.)

## **FLOOD PROFILE**

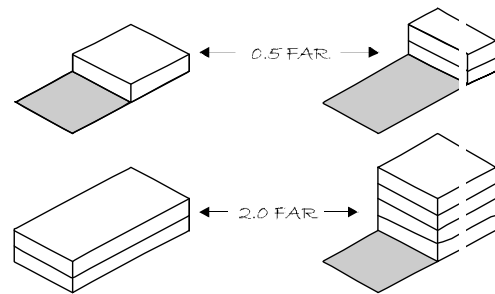
Hydrological conclusions based upon historical facts and engineering principles represented graphically showing the relationship of the water surface elevation during a 100-year flood to the channel and adjacent topography.

## **FLOOD PRONE AREA**

An area near a watercourse which is subject to flooding during a 100-year flood based on historical information, topography, vegetation and other indicators, but where the precise dimensions of a 100-year Floodplain have not been delineated by Federal Emergency Management Agency studies. (See Exhibit 9.5.)

## **FLOODPROOFING**

A combination of provisions, changes or adjustments to structures and movable objects or to surrounding areas, primarily for the reduction or elimination of flood damage.



**Exhibit 9.6**

## **FLOOD REGULATORY AREA**

That portion of the floodplain which is subject to inundation by a 100-year flood. This area may be divided into the floodway district and the flood fringe district. (See Exhibit 9.5.)

## **FLOODWAY**

The channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot (1"). (See Exhibit 9.5.)

## **FLOOR AREA RATIO (FAR)**

The ratio of the gross floor area of a structure to the gross area of the parcel on which it is located. (See Exhibit 9.6.)

## **FRONTAGE**

The frontage of a parcel of land is that distance where a property line is common with a road right-of-way line.

## **FRONT LOT LINE**

The property line dividing a lot from a road right-of-way.

**FULL CUTOFF LIGHT FIXTURE:**

A light fixture in which no more than two and one-half percent (2.5%) of its total output is emitted above ninety degrees (90°) from the vertical pole or building wall on which it is mounted.

**GARAGE, PUBLIC**

A structure, or portion thereof, other than a private customer and employee garage or private residential garage, used primarily for the parking and storage of vehicles and available to the general public.

**GASOLINE SERVICE STATION**

Buildings and/or surfaced area where motor vehicles may be refueled and/or serviced.

**GEOLOGIC HAZARD AREA**

An area identified by a qualified State or Federal government agency as containing or being directly affected by a geologic hazard.

**GFA**

See “Gross Floor Area.”

**GRADE**

The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than five feet (5') from the building, the point between the building and a line five feet (5') from the building.

**GRADE, FINISHED**

The level of the soil after completion of site development.

**GRADE, NATURAL**

The undisturbed ground level which may be determined by on-site evidence (vegetation, ground level on adjacent land, elevation of adjacent streets and roads, soil types and locations, *etc.*)

**GRAND VALLEY CIRCULATION PLAN (formerly known as Major Street Plan)**

A plan or plans showing the location of right-of-way which will be developed and for which development and uses must accommodate. Plans for areas smaller than the entire City are still “Grand Valley Circulation Plans or Major Street Plans.” The City relies on the authority in Title 31, C.R.S. in addition to its other powers and authority.

**GRANNY FLAT, ELDER COTTAGE AND ACCESSORY APARTMENT**

A separate, self-contained, living unit placed on the same parcel as and adjacent to the existing primary residence as a dwelling unit for a relative who is either over the age of sixty (60) years or has a disability requiring an assisted, but independent, living arrangement. This definition also shall include an accessory apartment that is built onto or into an existing

single-family dwelling unit for the same purpose. Such units are small, complete living units which have a living area, kitchen, bathroom and separate entrance.

**GREENHOUSE**

See Nursey-Greenhouse.

**GROSS ACRE**

A full acre of land prior to subdivision and prior to dedication of any required rights-of-way or easements.

**GROSS ACREAGE**

The area of a proposed development, including proposed dedications of easements, rights-of-way or other property rights, but excluding existing rights-of-way dedicated prior to January 1, 1995.

**GROSS FLOOR AREA (GFA)**

The sum of the areas of all floor levels of a building or structure measured within the exterior face of exterior walls or the centerline of walls separating two (2) abutting buildings, but excluding any space where floor-to-ceiling height is less than six feet and six inches (6.5').

**GROSS LEASABLE AREA (GLA)**

The total building area, expressed in square feet and designed for tenant occupancy and exclusive use, including any basements, mezzanines, or upper floors, as measured from exterior walls or the centerline of walls separating two (2) abutting buildings, but excluding any space where floor-to-ceiling height is less than six feet and six inches (6.5').

**GROUND COVER**

Grass or other plants and landscaping grown to keep soil from being blown or washed away.

**GROUND SUBSIDENCE**

A process characterized by the downward displacement of surface material caused by phenomena such as removal of underground fluids, natural consolidation, or dissolution of underground minerals or by manmade phenomena such as underground mining.

**GROUND WATER**

Subsurface water within and below the zone of continuous saturation.

**GROUP LIVING, LARGE**

A group living facility shared by or the residence of more than eight (8) but fewer than twelve (12) unrelated persons, exclusive of staff.

**GROUP LIVING, SMALL**

A group living facility shared by or the residence more than four (4), but fewer than and including eight (8) unrelated persons, exclusive of staff.

**GROUP LIVING, UNLIMITED**

A group living facility shared by or the residence of twelve (12) or more unrelated persons, exclusive of staff.

**GROUP RESIDENCE**

Dormitory, sorority, fraternity, and/or lodging where three (3) or more individual rooms are occupied by residents who stay for periods of at least thirty (30) days.

**GUEST RANCH**

A working ranch with an accessory use for the lodging and/or boarding of guests which provides recreational activities on, or adjacent to, the ranch.

**HARDSCAPE**

Stone, brick, rock, sand, textured or shaped concrete, decorative walls and/or pedestrian facilities (i.e. benches, tables, play equipment, walking or bike paths).

**HAZARD PRONE AREA**

An area which has not yet been designated by the State or federal government as a geological hazard area but where historical evidence, climatological data, surface or subsurface geological, topographical, vegetative, or other on-site naturally-occurring factors indicate a relatively greater risk of property damage than exists on other parcels in the City.

**HAZARDOUS SUBSTANCE**

Any material that, by reason of its toxic, corrosive, caustic, abrasive or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance.

**HEADWATER**

The source of a stream or river.

**HEALTH CLUB**

An establishment that provides facilities for exercise activities, such as running, jogging, aerobics, weight lifting, court sports and swimming, as well as locker rooms, showers, massage rooms, saunas and related accessory uses.

**HEALTH DEPARTMENT**

The Mesa County Health Department.

**HEAVY EQUIPMENT**

Large equipment including, but not limited to: trucks with greater than a one and one-half (1½) ton rating, cranes, crawler-type tractors, earth movers, dump trucks and other equipment of equal or greater size and weight.

**HEDGE VEGETATION**

A plant from the list approved by the City Forester which will grow, with regular trimming, to a height of four to six feet (4'-6') maximum. At planting, the hedge shall be at least one foot (1') high.

**HEIGHT OF STRUCTURE**

The vertical distance from the grade to the highest point of any portion of a structure. (See Exhibit 3.2.)

**HELIPAD**

A facility without the logistical support provided by a Heliport (see Heliport) where helicopters take off and land. Helipads do not include facilities for maintenance, repair, fueling or storage of helicopters.

**HELIPORT**

An area providing an area for the take-off and landing of helicopters and fuel facilities (whether fixed or mobile) or appurtenant areas for parking, maintenance, and repair of helicopters.

**HIGHEST ADJACENT GRADE**

The highest natural elevation of the ground surface prior to construction next to the proposed wall of a structure.

**HIGH WATERMARK**

The ordinary high water level or bank of a stream, river, lake or impoundment which, in the absence of evidence to the contrary, shall be presumed to be the edge of the vegetation growing along the shore.

**HILLSIDE DISTURBANCE**

Includes any and all areas of the building site disturbed during construction by grading or excavation and temporary or permanent construction for all buildings, parking areas, driveways, roads, sidewalks, and other areas of concrete, asphalt, or other construction materials.

**HOMELESS SHELTER**

A structure or portion thereof in which sleeping accommodations are provided for the homeless for less than six (6) months. A homeless shelter shall be classified as "lodging".

**HOME OCCUPATION**

A business activity conducted as an accessory use to a dwelling unit. (See Table 4.1.)

**HOMEOWNERS ASSOCIATION**

A formally constituted nonprofit association made up of the property owners and/or residents of a fixed area, which association is formed for the purpose of assuming permanent

responsibility for costs and upkeep of common areas, open space and similar shared facilities.

### **HOSPITAL**

Any building used for overnight accommodation and medical care of human patients including sanitariums, but excluding clinics, long-term care facilities and convalescent homes.

### **HOUSEHOLD**

A family living together in a single dwelling unit, with common access to and common use of all living and eating areas and all areas and facilities for the preparation and serving of food within the dwelling unit.

### **HOUSEHOLD PETS**

Those animals which are commonly kept as pets: dogs, cats, fish, small birds (*e.g.* parakeets, parrots), rodents (*e.g.* mice, rats), and reptiles (nonpoisonous snakes, lizards).

### **IMPACT FEE**

A fee imposed on a development to help finance the cost of improvements or services.

### **IMPERVIOUS SURFACE**

Any material that prevents absorption of storm water into the ground.

### **IMPOUND LOT**

A lot for the storage of vehicles which have been towed or otherwise moved to the lot by a towing carrier permitted to operate pursuant to Sections 40-13-101 *et seq.* C.R.S., in which lot no vehicle dismantling or repair work occurs.

### **IMPROVEMENTS**

Right-of-way pavements, curbs, gutters, sidewalks, paths, trails, bikeways, sedimentation control facilities, revegetation, landscaping, water mains, sanitary and storm sewers, drainageways, gas lines, electrical and telephone lines and appurtenances, street signs, trees and lights, lot pin monuments, range point boxes, and any other similar items required for compliance with the regulations of this Code or the conditions of approval.

### **INFILL DEVELOPMENT**

The development of new housing or other buildings on scattered sites in a built-up area.

### **INFRASTRUCTURE**

Facilities and services needed to sustain industry, residential, commercial and all other land use activities.

### **INTEGRAL UNITS**

Items, equipment, or machinery which are assembled or constructed to function as a single unit, such as, but not limited to, large cranes, drilling rigs or other large vehicles, large

diameter pipes or culverts, large scale motors or transformers, etc. Or, in the case of salvage or junkyards, shelving or other storage units, not to exceed twenty feet (20') in height, which are used to store and display salvage items.

### **INTENSITY**

The number of dwelling units per acre for residential development and floor area ratio (FAR) for nonresidential development, such as commercial, office, and industrial. *(Note: FAR may also be used for residential Development or for mixed-use Development. In residential projects, FAR may be useful in relating the size of the Building to the lot area.)*

### **IRRIGATION OR IRRIGATED**

Use of water, whether or not potable, to sustain or grow landscaping or flora.

### **JUNK**

Ferrous or nonferrous metals, wood or wood products, appliances not used for their intended purposes, rubber or plastic products, dismantled or inoperable machinery, equipment, tools, junk vehicles, trash or similar materials. The term "Junk" excludes outside storage permitted as an accessory use under the provisions of Section 4.1.

### **JUNK VEHICLE**

Any motor vehicle, trailer, or semitrailer, as those terms are defined by Section 42-1-102, C.R.S. that: is not operable in its existing condition because of damage or because parts necessary for operation such as, but not limited to, tires, engine, or drive train are removed, destroyed, damaged, or deteriorated; or, is not capable of being lawfully driven on a public highway or street pursuant to the minimum standards set forth in Title 42 of the Colorado Revised Statutes. Any such motor vehicle, trailer, or semitrailer shall be presumed to be a junk vehicle if no current Colorado license plates are displayed thereon, or if Colorado license plates have been invalid for more than sixty (60) days. *(Note: The owner or possessor of such a Motor Vehicle, trailer, or semitrailer may rebut such a presumption by providing proof of current registration or licensing (see Motor Vehicle Repair Shop).*

### **JUNKYARD**

Any yard, lot, land, parcel, building or structure, or part thereof, used for storage, collection, processing, purchase, sale, salvage or disposal of used or scrap materials, equipment, vehicles or appliances. Junkyards include, but are not limited to wrecking yards, salvage yards and automobile impoundment areas where stored vehicles are inoperative or unlicensed. Junkyards do not include storage of vehicles used for agricultural purposes on a property used for agricultural purposes, or facilities qualifying as motor vehicle repair shops.

### **JURISDICTION**

The sphere of responsibility of the Grand Junction City Council or a political subdivision of the State.

### **LAND USE**

List of uses within categories enumerated in this Code for various uses of land in the City.

**LAND RECLAMATION**

Increasing land use capability by changing the land's character or environment through drainage and/or fill.

**LANDLOCKED PARCEL**

A parcel of land without access of record with the County Clerk and Recorder.

**LANDSCAPE**

An area set aside from structures and parking which is developed with natural materials (i.e. lawns, trees, shrubs, vines, hedges, bedding plants, rock) and decorative features, including paving materials, walls, fences and street furniture.

**LATERAL SEWER**

A sewer which discharges into a trunk line and has only collection lines tributary to it. A line from a structure or use which discharges into a collection line is not a lateral.

**Ldn CONTOUR**

See Section 7.3.

**LEASEHOLDING**

A contractual agreement for the use of lands, structures, buildings or parts thereof for a fixed time and consideration.

**LIGHTING**

An artificial supply of light or the apparatus providing it.

**LOADING SPACE**

An off-street portion of a parcel for the temporary parking of commercial vehicles while loading or unloading materials for use or sale on the parcel. This space shall open onto a street or alley, and any use of the space shall not obstruct pedestrian or vehicular traffic upon the street or alley.

**LOCAL ROAD OR STREET**

Provides direct access to adjacent land and access to higher street classifications. All streets or roads not otherwise classified are local.

**LODGE**

A structure providing lodging or boarding for guests, located in close proximity to natural recreational areas and/or opportunities.

**LOT**

A parcel of land that is defined on a subdivision plat of record, which is intended to be occupied by a principal building(s) or building(s) and open space. Streets are not included in this definition. (See Exhibit 9.7.)

**LOT AREA**

The area of the lot shall be the horizontal area of the lot and shall not include portions of streets and alleys.

**LOT, CORNER**

A lot abutting upon two (2) or more intersecting streets. A corner lot shall be deemed to front on that street on which it has its least dimension. (See Exhibit 9.7.)

**LOT COVERAGE**

That area of the lot or parcel which may be occupied by principal and accessory structures, and other impervious surfaces.

**LOT DEPTH**

The horizontal distance from the front property line to the rear property line. If front and rear property lines are not parallel, the lot depth is the shortest distance between the front and rear property lines.

**LOT, DOUBLE FRONTAGE (THROUGH LOT).**

An interior lot having frontage on two (2) nonintersecting streets.

**LOT, FLAG**

A lot having no frontage or access to a street or place except by a narrow strip of land.

**LOT FRONTAGE**

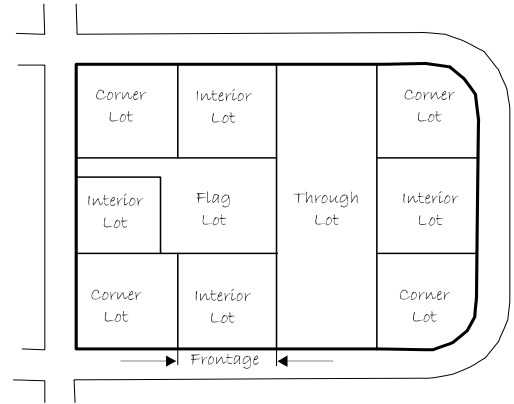
The distance for which a lot abuts on a street.

**LOT, INTERIOR**

A lot whose side lines do not abut on any street.

**LOT LINE**

A line of record bounding a lot which divides one (1) lot from another lot or from a public or private street or any other public space.



**Exhibit 9.7**

**LOT WIDTH**

The horizontal distance between side property lines measured parallel to the street, said property lines or to the tangent of a curved street property line. If side property lines are not parallel, the lot width is the shortest distance between the side property lines.

**LOW TRAFFIC STORAGE YARD**

An enclosed outdoor storage area generating less than thirty average daily trips (30 ADT).

**LOWEST FLOOR**

The lowest floor of the lowest 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, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this Code.

**MACHINE SHOP**

A structure containing machinery for the manufacture, modification or repair of metal goods and motor Vehicle equipment. This use does not include the dismantling of Motor Vehicle parts and equipment.

**MAINTAIN**

To use, to keep in existence. To continue upkeep is not required to meet the definition of "maintain."

**MAJOR SHOPPING CENTER**

A group of retail and service establishments which are planned and managed as a total entity, and which includes more than 250,000 square feet of gross leasable floor area.

**MAJOR SUBDIVISION**

A subdivision consisting of two (2) or more proposed new lots.

**MANUFACTURED HOME**

Factory built, single-family structures that meet the National Manufactured Home Construction and Safety Standards Act (42 U.S.C. Sec. 5401 *et seq.*), commonly known as the HUD (U.S. Department of Housing and Urban Development) code.

**MANUFACTURED HOME PARK**

A parcel of land used for the continuous accommodation of five (5) or more occupied manufactured homes and operated for the pecuniary benefit of the owner of the parcel of land, his agents, lessees, or assignees. A manufactured home park does not include manufactured home subdivisions or property zoned for manufactured home subdivisions.

**MANUFACTURED HOME SUBDIVISION**

A parcel or contiguous parcels of land subdivided into two (2) or more lots configured for development of manufactured housing.

**MANUFACTURED HOUSING**

A manufactured structure designed for residential occupancy that conforms to all applicable Federal construction and safety standards certifications (42 U.S.C.S. §5401 *et. seq.*). Construction and safety certification shall be affixed in the original and permanent condition and shall not be removed.

**MASTER PLAN**

A long range plan for major institutional and civic facilities that considers community benefits and impacts.

**MASTER STREET PLAN (now known as the Grand Valley Circulation Plan)**

The plan or components of the plan adopted by the City of Grand Junction showing the existing and future layout and classifications of streets within the City.

**MEDICAL TREATMENT**

Health care facilities as well as establishments providing support to the medical profession and patients, such as medical and dental laboratories, blood banks, oxygen, and miscellaneous types of medical supplies and services.

**MEMBERSHIP CLUB**

An organization with established formal membership requirements, bylaws and objectives, but not including groups organized primarily to provide profit for the club or any of its members.

**MINI WAREHOUSE**

A structure containing separate, individual, and private storage spaces of varying sizes, leased or rented on individual leases for varying periods of time.

**MINOR ARTERIAL**

Streets, as identified in the Grand Valley Circulation Plan, which have a relatively high overall travel speed, with minimal interference and which interconnect with the principal arterial system.

**MITIGATION**

Methods used to alleviate or lessen the impact of development.

**MOBILE HOME**

A single-family dwelling, factory built and factory-assembled residence which does not comply with the National Manufactured Homes Construction Safety and Standards Act. (42 U.S.C. Sec. 5401 *et seq.*, 1978 as amended).

**MOTOR HOME**

A vehicular-designed unit built on, or permanently attached to, a self-propelled vehicle chassis, van, or chassis cab, which is an integral part of the complete vehicle, to provide temporary living quarters for recreational, camping, or travel use.

**MOTOR VEHICLE REPAIR SHOP**

A shop or place of business used for the repair and maintenance of motor vehicles and other motor vehicle equipment as defined in Section 42-1-102, C.R.S. The owner of all motor vehicle equipment on the property shall have a valid registration, have a registration or title applied for, or show a work order. Motor vehicle equipment for which the shop operator holds no valid registration or work order shall be classified as junk and shall not be kept, stored or worked on, in or on the property of a motor vehicle repair shop.

**MUDFLOW**

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

**MULCH**

Wood chips, bark, rock or other accepted material placed around plants to assist in moisture retention and weed prevention.

**MULTIFAMILY DWELLING**

A building or portion thereof, arranged, designed and intended to be used for occupancy by three or more families living independently of each other and containing three or more dwellings units on the same lot. Each dwelling unit has independent cooking and bathing facilities. Units may be condominiumized.

**MUNICIPALITY**

An incorporated city or town.

**NATURAL HAZARD**

A geologic, floodplain, or wildfire hazard as identified by a State or federal agency.

**NATURAL RESOURCE**

Existing natural elements relating to land, water, air, plant and animal life, including, but not limited to soils, geology, topography, surface and subsurface waters, wetlands, vegetation and animal habitats.

## **NEIGHBORHOOD**

An area of a community with characteristics that distinguish it from other areas and that may include distinct ethnic or economic characteristics, housing types, schools, or boundaries defined by physical barriers, such as major highways and railroads or natural features, such as rivers. *(Note: Historically, the Neighborhood was defined as the area served by an elementary school, with shopping and recreation facilities to serve Neighborhood residents. While the description is probably dated, the Neighborhood designation is useful in analyzing the adequacy of facilities and services and in identifying factors affecting the quality of the built environment. In addition, as a distinct and identifiable area, often with its own name, Neighborhoods are recognized as fostering community spirit and a sense of place, factors recognized as important in community planning.)* Or: That area with definite boundaries as determined by the Director on a case-by-case basis to meet the intent and purpose of the Code.

## **NEIGHBORHOOD ASSOCIATION**

Any group that has been recognized by the Community Development Department or has registered with the Community Development Department the boundaries of a particular area with which it is related and which the association represents.

## **NEIGHBORING**

Any first or second lot in either direction along the same side of the street from the subject lot, or any lot that fronts directly across from the subject lot or first or second lot adjacent thereto.

## **NET FLOOR AREA**

The square footage of the primary use area of a building including restrooms, hallways and stairwells, but not including normally unoccupied areas such as garages, storage rooms, furnace areas, etc.

## **NEW CONSTRUCTION**

For purposes of Section 7.1, structures for which the "start of construction" commenced on or after the effective date of the ordinance enacting Section 7.1, and includes any subsequent improvements to such structures.

## **NEW MANUFACTURED HOME PARK OR SUBDIVISION**

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the ordinance enacting Section 7.1, Flood Damage Prevention Regulations.

**NIGHT CLUB**

A commercial establishment dispensing alcoholic beverages for consumption on the premises and in which music, dancing or live entertainment is conducted. An establishment that serves both food and alcoholic beverages shall be categorized as a bar/nightclub if the sale of said beverages comprises more than twenty-five percent (25%) of the gross receipts.

**NODE**

An identifiable grouping of uses subsidiary and dependent upon a larger urban grouping of similar or related uses.

**NONCONFORMING**

A legal use, structure, and/or development which existed prior to the adoption of this Code or any amendment thereto, which does not presently conform to this Code or its amendments.

**NONCONFORMING STRUCTURE OR BUILDING**

A structure or building, the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment to the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

**NONCONFORMING USE**

A use or activity that was lawful prior to the adoption, revision or amendment of the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning District.

**NONPROFIT**

Organizations having 501(c)(3) filing status with the Internal Revenue Service.

**NOTICE**

The method of informing persons of requests, hearings, actions taken and similar actions. The form and specifics of notice will vary depending on the application, step and other factors.

**NURSERY**

A place where plants are raised, acquired, and maintained for transplanting or sale.

**NURSERY/GREENHOUSE/LANDSCAPING MATERIALS**

A place where plants are raised, acquired, and maintained for transplanting or sale. It may also include, either exclusively or in conjunction with the above activities, the sale of materials commonly used for landscaping purposes, such as soil, rock, bark, mulch and other materials determined by the Director to be landscaping materials. Sale or rental of small landscaping tools and supplies may be an accessory use.

**NURSERY SCHOOL/PRESCHOOL/DAY CARE**

A school and/or care facility which is licensed by the State and is maintained for the whole, or part of, the day for more than six (6) children.

**NURSING HOME**

An establishment licensed by the State which maintains and operates, for compensation, continuous day and night facilities providing room and board, personal services, and medical care for two (2) or more persons not related to the operator of the home.

**OBSTRUCTION**

(Relating to floodplains) A dam, wall, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, culvert, building, fence, stockpile, refuse, fill, structure or material, in, along, across, or projecting into any drainageway, channel, or watercourse, which might impede, retard or change the direction of the flow of water, either by itself or by catching and collecting debris carried by the water, or which is placed where the 100-year flood may carry the debris downstream.

**OFF-SITE IMPROVEMENT**

Improvements required to be made off-site as a result of an application for development and including, but not limited to, road widening and upgrading, storm water facilities and traffic improvements.

**OFF-SITE PARKING**

Parking provided for a specific use, but located on a site other than the one on which the specific use is located.

**OFF-STREET PARKING SPACE**

The space required to park one (1) vehicle, exclusive of access drives, and not on a public right-of-way.

**ONE-HUNDRED-YEAR (100-YEAR) FLOODPLAIN**

The low land near a watercourse which has been, or may be, covered by water of a flood of 100-year frequency, as established by engineering practices of the U.S. Army Corps of Engineers and/or the Colorado Water Conservation Board. It shall also mean that a flood of this magnitude may have a one-percent (1%) change of occurring in any given year.

**OPEN MINING**

The mining of natural mineral deposits by removing the overburden lying above such deposits and mining directly from the deposits exposed. The term includes, but is not limited to, such practices as open cut mining, open pit mining, strip mining, quarrying and dredging.

**OPEN SPACE**

Any property or portion without any structure or impervious surface and not designated and used for a specific purpose.

**OPEN SPACE, COMMON**

Open space within a development that is owned in common by a Homeowners Association and which is designed and intended for the common use or enjoyment of the residents or occupants of the development. Common open space does not include areas used for streets, alleys, driveways or off-street parking or loading areas. However, the area of recreational activities such as swimming pools, tennis courts and other recreation facilities may be counted as common open space.

**OPEN SPACE FEE**

A fee paid by the developer of a new residential development to the City for the purpose of acquisition and development of open space.

**OTHER ANIMALS**

Those animals not already defined as household pets or agricultural animals.

**OUTDOOR CULTURAL EVENTS**

Entertainment, educational and cultural events generally involving the outdoor assembly of fifty (50) or more people.

**OUTDOOR LIVING AREA**

Any property or portion thereof which is permanently set aside for public or private use, is landscaped with living plant material (a minimum of 75% coverage), and will not be further developed. The area can include landscape buffers. The area calculation excludes detention areas, parking areas, and driveways.

**OUTDOOR STORAGE**

The keeping, in an unenclosed area, unscreened, of any goods, junk, material, merchandise, vehicles and vehicles for repair, in the same place for more than forty-eight (48) hours. See Section 4.1.I.

**OUTLINE DEVELOPMENT PLAN (ODP)**

An ODP is valid only if registered by the developer. For ODP's which were approved before the effective date of this Code, the owner must register and obtain the Director's finding of validity on or before January 1, 2005 in order to be valid. No ODP approved by an entity is valid if approved before January 1, 1990.

**OVERBURDEN**

All the earth and other materials which lie above natural mineral deposits or materials disturbed from their natural state in the process of mining and/or other Development.

**OVERFLOW PARKING**

Any off-street, ground level open area used for the temporary storage of excess motor vehicles.

**OVERLAY DISTRICT**

A zoning district which has been superimposed over basic districts to address development constraints which require special attention and treatment and to alert developers to issues they need to address in preparing an application to development.

**OWNER**

An individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to seek development of land.

**PARCEL**

An area of land defined by a legal description and recorded with the County Clerk and Recorder.

**PARK IMPACT FEE**

A fee paid by the developer of a new residential development to the City for the purpose of acquisition and development of park facilities.

**PARKING GARAGE**

An attached or detached building which is intended for the storage of motor vehicles and is available for use by the general public for free or for a fee.

**PARKWAY STRIP**

The undeveloped portion of right-of-way between the back of curb and the detached sidewalk.

**PEDESTRIAN RIGHT-OF-WAY**

A right-of-way or easement dedicated for public pedestrian access.

**PERSIGO AGREEMENT**

Agreement between the City of Grand Junction and Mesa County, signed on October 13, 1998, setting forth the agreed upon boundaries of the 201 Sewer District and how development and annexation shall occur within those boundaries.

**PERSON**

Means natural persons as well as any other entity recognized by law, including: association, partnership, corporation, and joint venture, whether for profit or nonprofit.

**PERVIOUS SURFACE**

Any material that permits full or partial absorption of storm water into previously unimproved land.

**PETITIONER**

An applicant.

**PHARMACY**

A building, or part of a building, used for the dispensing of medicines or medical supplies only.

**PHASING**

Development undertaken in a logical time and geographical sequence.

**PLANNED DEVELOPMENT (PD)**

An area of land zoned and improved as a development for which the otherwise applicable bulk use and other requirements may be modified in order to allow for more flexible planning in conformance with the development approval process.

**PLANNING CLEARANCE**

A permit that allows development to proceed, a use to be made or maintained or improvements, including structures to be built.

**PLANNING COMMISSION**

The City of Grand Junction's Planning Commission. Also referred to as Commission.

**PLAT**

A map approved by the City which creates lots or tracts and is recorded, surveyed and legally described land, having appropriate dedication and/or restrictions, which is an instrument for recording of real estate interests with the Mesa County Clerk and Recorder's office.

**PLAT, FINAL**

A map of all or a portion of a subdivision or site plan that is presented to the approving authority for final approval.

**PORTABLE SIGN**

See Sign, Portable.

**PRELIMINARY PLAN**

The map or maps of a proposed development and supporting materials which permit the evaluation of the proposal prior to final detailed engineering and design.

**PRELIMINARY SUBDIVISION PLAN**

A map indicating the proposed layout of the subdivision or site plan that is submitted to the approving authority for preliminary approval.

**PRINCIPAL ARTERIAL**

Streets, as identified in the Grand Valley Circulation Plan which provide a network of continuous routes serving intrastate and interstate travel as well as interurban and intraurban travel.

**PRINCIPAL STRUCTURE**

The structure in which the principal use of a property is conducted. This shall include any buildings which are attached to the principal structure by a covered structure.

**PRINCIPAL USE**

The main or primary use of a parcel of land.

**PRIVATE**

Anything not owned or operated by the federal government, state government, or any political subdivision.

**PRODUCE STAND**

A temporary open air stand or place for the seasonal selling of agricultural produce. A produce stand must be portable and capable of being dismantled or removed from the sales site. (See also Farmers Market.)

**PROFESSIONAL OFFICE**

An office of a member of a recognized profession maintained for the conduct of that profession and not including storage or sale of merchandise as a primary use.

**PROJECTION**

The distance by which a sign extends over public property.

**PROPERTY**

A lot, parcel, tract or other real estate. Separate parcels, lots, tracts and/or other real estate which are under the same ownership and which adjoin or abut are, for the purposes of this Code, treated as one (1) lot, parcel or tract or other real estate, even if classified as different tax parcels and even if separated by a right of way, watercourse or similar barrier.

**PUBLIC**

Anything owned or operated by the federal government, state government, or any political subdivision.

**PUBLIC BUILDING**

Any building owned, leased or held by the United States of America, the State of Colorado, Mesa County, the City of Grand Junction, any school district or other agency or political subdivision, which building is used for governmental purposes.

**PUBLIC HEARING**

A public meeting for which public notice has been given and an opportunity for public testimony is provided.

**PUBLIC LAND FOR DEDICATION AND OWNERSHIP**

Parks, playgrounds, schools, drainage channels, trails, highways, roads and streets or other areas of land accepted by the City Council and dedicated for the public's use or benefit.

**PUBLIC MEETING**

A meeting of a Board, Planning Commission, City Council or their representatives where the public may attend.

**PUBLIC NOTICE**

Notice to the public of a public hearing or meeting as required by state or local law. (See Section 2.3.A.)

**PUBLIC RIGHT-OF-WAY**

Any street, road, highway, alley, pedestrian/bicycle way or other special purpose way or utility installation owned by, or reserved to, the public for present or future public use.

**PUBLIC TRAIL**

Any pathway designed for public recreation.

**PUBLIC USE**

A use which is owned by, and operated for, the public by a public entity.

**PUBLIC-USE HELIPORT**

A heliport or helipad that has been designed for use by the public and is available for such, whether owned or operated by a governmental agency or a private entity, provided that such entity has agreed, in writing, to that use of its property.

**RECLAMATION**

Rehabilitation of plant cover, soil stability, water resources, and other measures which will allow or cause flora to permanently grow on land.

**RECORDED/RECORD**

Document filed with and indexed by the Mesa County Clerk and Recorder.

**RECREATION, ACTIVE**

Leisure-time activities, usually of a formal nature and often performed with other, requiring equipment and taking place a prescribed places, sites or fields.

**RECREATION, PASSIVE**

Activities that involve relatively inactive or less energetic activities, such as walking, sitting, picnicking, card games, chess, checkers and similar table games.

**RECREATIONAL VEHICLE**

All vehicles, with or without motive power, designed, converted or used to provide temporary living quarters that include four (4) or more of the following permanently installed facilities: cooking, refrigeration or ice box, self-contained toilet, heating and/or air conditioning, potable water supply system including faucet and sink, separate 110-125 volt electrical power supply and/or LP gas supply. Recreational vehicles shall also include the following: all watercraft subject to registration by the State of Colorado, all motorcycles, mini bikes, all-terrain vehicles (ATV's), go-carts and similar vehicles with motive power that are prohibited from operating on a public street by the State of Colorado. All other vehicles and crafts designed to carry one (1) or more adults used primarily for recreational purposes that are prohibited from operating on a public street by the State of Colorado, all trailers designed or used to carry any recreational vehicle described herein.

For the purposes of this Code, an empty trailer or a recreational vehicle not on a trailer shall each be counted as one (1) recreational vehicle. However, a trailer carrying one (1) or more recreational vehicles shall together be counted as one (1) recreational vehicle.

**RECREATIONAL VEHICLE PARK**

Any lot or parcel developed to provide spaces and facilities for the temporary residential use of two (2) or more recreational vehicles.

**RECREATIONAL VEHICLE RESORT**

An integrated development where recreational vehicles are used for temporary residential purposes in conjunction with recreational and social centers designed to provide a significant portion of the recreational and social needs of the occupants of the resort.

**RECREATIONAL VEHICLE SPACE**

A parcel of land within an approved recreational vehicle park, shown in the records of the City of Grand Junction Community Development Department, and which was designed and intended for the accommodation of one (1) recreational vehicle.

**RECYCLING CENTER / FACILITY**

A structure or facility in which used material is separated and processed prior to shipment to others who will use those materials to manufacture new products.

**RECYCLING COLLECTION POINT**

An incidental use that serves as a neighborhood drop-off point for temporary storage of recoverable resources. No processing of such items would be allowed. This facility would generally be located on a shopping center parking lot or in other public/quasi-public areas, such as churches and schools.

**REGULATION**

As used in this Code, means an applicable provision of this Code or any other requirement promulgated under this Code or the Code of Ordinances.

**RENTAL, HOME-ORIENTED**

A business providing items for rent which are generally found or used in and around the home including, but not limited to, furniture, appliances and small equipment, but not including heavy equipment.

**RENTAL, HEAVY EQUIPMENT**

The use of any building, land area or other premises for the rental of heavy equipment, large trucks, trailers, or other similar items.

**REQUEST**

A writing seeking a planning clearance. This is the same as an application.

**REQUIRED PUBLIC FACILITIES**

Any improvement, facility, or service together with its associated site or right-of-way necessary to provide transportation, drainage, utilities, or similar essential services and facilities and that are usually owned and operated by a governmental agency.

**RESIDENCE**

A home, abode, or place where an individual is actually living at a specified point in time.

**RESIDENTIAL CARE FACILITIES**

A home for no more than eight (8) developmentally disabled residents as defined by the State Department of Health.

**RESIDENTIAL DENSITY – MAXIMUM**

Maximum residential density means the number calculated by dividing the total number of dwelling units or residential lots, by the gross acreage expressed in square feet or acres of the development property. Gross land area includes all of the parcel or property at the time a development application is filed. The “gross residential density” is calculated the same as maximum residential density.

**RESIDENTIAL DENSITY – MINIMUM**

This calculation shall apply to the term “net minimum residential density” as used in this Code. Minimum residential density means the number calculated by dividing the total number of dwelling units or residential lots by the net developable land area of the development parcel. (See Section 3.6.)

**RESIDENTIAL GROUP HOMES**

A facility which is licensed by the State to provide supervised living quarters for no more than eight (8) persons who are developmentally disabled or recovering from a medical condition, but not including persons who have been convicted and are under a court's supervision for any violent crime.

**RESIDENTIAL RECEIVING HOMES**

A residential structure housing not more than ten (10) children up to eighteen (18) years, unrelated by blood, marriage, or adoption to head of household, who are awaiting disposition to foster homes or other accommodations.

**RESIDENTIAL SUBUNIT**

A dwelling unit which is secondary to a principal dwelling unit in a single-family residential zone, located entirely within a principal structure.

**RESTAURANT**

An establishment serving food and beverages where all service takes place within an enclosed building or accessory outdoor eating areas.

**RESUBDIVISION**

The changing of an existing parcel created by a plat and recorded with the County Clerk and Recorder.

**RETAINING WALL**

A manmade barrier constructed for the purpose of stabilizing soil, retarding erosion, or terracing a parcel or site.

**REVISION**

A revision means the changing and/or rescinding of zoning and other land use approvals following notice and an opportunity for objection. The status of the land use approvals, including zoning and/or subdivision approvals, may be that which was applied previously to the property or may be a new and/or different zoning or other land use status.

**REVOCABLE PERMIT**

A permit issued by the City Council, pursuant to Section 127 of the City Charter, allowing the construction in, or use of a public right-of-way and revocable after thirty (30) days notice.

**RIDGELINE**

The highest elevation of a mountain chain or line of hills; the intersection of two (2) roof surfaces forming the highest horizontal line of the roof.

**RIGHT-OF-WAY**

A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, waterline, sanitary storm sewer, and other similar uses; generally, the right of one to pass over the property of another.

**ROADWAY**

The improved portion of a street within a right-of-way and/or easement.

**ROOF LINE**

The highest edge of the roof or the top of parapet, whichever establishes the top line of the structure when viewed in a horizontal plane.

**RUBBISH**

Rubbish includes but is not limited to food waste, ashes and other solid, semisolid and liquid waste, by-products and generally decomposable residue taken from residences, commercial establishments and institutions. Rubbish may also be known as/referred to as “garbage,” “trash,” or “waste” as those terms are used and/or defined in this Code or any other City Code, law rule or regulation(s).

**SATELLITE DISH**

An antenna, consisting of radiation element(s) that transmit or receive radiation signals, that is supported by a structure with or without a reflective component to the radiating dish, usually circular in shape with a parabolic curve design constructed of a solid or open mesh surface and intended for transmitting or receiving television, radio, microwave signals or other electromagnetic waves to or from earth satellites.

**SCREENING**

Shielding, concealing and effectively hiding from view of a person standing at ground level on an abutting site, or outside the area of the feature so screened by a wall, fence, hedge, berm or any combination of these methods, or any similar architectural or landscaped feature, such as a landscape perimeter strip or bufferyard. (See Landscape.)

**SECURE FACILITIES**

As defined by Colorado Revised Statutes, Section 19-1-103, as amended.

**SECURED/SECURITY**

Cash, letter or credit or other readily available source of money, pursuant to Chapter 2.

**SEISMIC EFFECTS**

Direct and indirect effects caused by an earthquake or man-made phenomena.

**SERVICE CLUB**

A group of people organized for a common purpose to pursue common goals, interests, or activities, are not commercial in nature, and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and bylaws.

**SERVICE LINES**

Electric, gas, communication, water, sewer, irrigation and drainage lines providing local distribution or collection service.

**SERVICE YARD AND/OR ENTRANCE**

An area and/or entrance to a structure, which is used for pickup and delivery, especially in conjunction with retail and wholesale outlets.

**SETBACK**

The minimum distance between a structure and a property line of a parcel of land or other established reference point.

**SHRUB**

A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground; may be deciduous or evergreen.

**SIGHT DISTANCE TRIANGLE**

A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorist entering or leaving the intersection.

**SIGN**

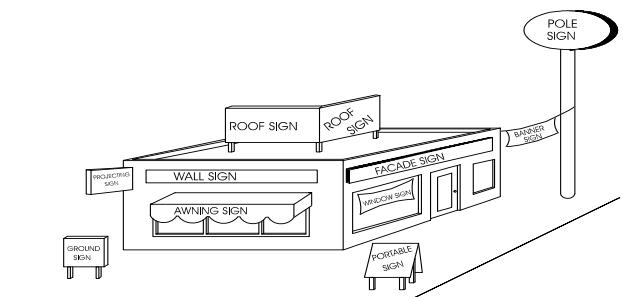
Any device, fixture, placard, structure, painted surface, or part thereof that uses any color, word, written representation, graphic symbol, logo, letters, illumination, numbers, or writing to advertise, announce or identify the purpose of, a person or entity, to advertise or merchandise a product or service, or to communicate written information to the public. (See Exhibit 9.8.)

**SIGN, FACADE**

A facade sign is a sign painted on a wall(s) of a building with or without a background. A facade sign shall not project from the building on which it is painted.

**SIGNS, FLUSH WALL**

A sign attached to, or erected against, the wall of a structure which has the sign face in a plane parallel to the plane of the wall and which does not extend more than twelve inches (12") from the building face. (See Exhibit 9.8.)



**Exhibit 9.8**

**SIGN, FREESTANDING**

A sign structure which is supported by one (1) or more columns, uprights, poles or braces extended from the ground or which is erected on the ground. (See Exhibit 9.8.)

**SIGN, IDENTIFICATION**

A sign which shall refer only to the principal use of the parcel upon which the sign is located.

**SIGN, ILLEGAL**

A sign which is in violation of the requirements of this Code except for those signs qualifying as nonconforming (see Sign Regulation).

**SIGN, INSTITUTIONAL**

A sign setting forth the name of a public, charitable, educational, or religious institution.

**SIGN, INTEGRAL**

Names of buildings, dates of erection, monumental citations, commemorative tablets and the like which are carved into stone, concrete or similar material or made of bronze, aluminum, or other permanent type construction and made an integral part of the structure.

**SIGN, OFF-PREMISE**

Off-premise sign is a sign that directs attention to a commercial business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located, including billboards.

**SIGN, PERMANENT**

A sign which is securely attached to the ground or a structure so that it cannot readily be moved.

**SIGN, PORTABLE**

A sign which is not permanently attached to the ground or a structure. A sign that is mounted or erected upon a vehicle, van, truck, automobile, bus, railroad car or other vehicle which is not registered and not in operating condition shall be considered a portable sign. (See Exhibit 9.8.)

**SIGN, PROJECTING**

A sign attached to a structure wall and extending outward from the wall more than twelve inches (12"). (See Exhibit 9.8.)

**SIGN, ROOF TOP**

A sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and that projects above the top walk or edge of a building with a flat roof, the eave line of a building with a gambrel, gable or hip roof, or the deck line of a building with a mansard roof. (See Exhibit 9.8.)

**SIGN, WIND-DRIVEN**

Consists of one (1) or more banners, flags, pennants, ribbons, spinners, streamers, captive balloons or other objects or materials designed or intended to move when subjected to pressure by wind or breeze and by that movement attract attention and function as a sign (see definition of Sign).

**SIGN WITHOUT BACKING**

Any word, letter, emblem, insignia, figure or similar character or group thereof that is neither backed by, incorporated in, or otherwise made a part of any larger display.

**SIGNIFICANT LANDSCAPE FEATURE**

Any outstanding natural element; including, but not limited to vegetation, rock outcrops, and prominent landforms.

**SINGLE-FAMILY RESIDENCE**

A structure containing cooking and bathing facilities that is arranged, designed, and intended to be the residence of one (1) family. (See Family.)

**SITE PLAN**

The development plan for one (1) or more lots on which is shown the existing and proposed conditions of the lot, including topography, vegetation, drainage, floodplains, wetlands and waterways; landscaping and open spaces, walkways, means of ingress and egress, circulation, utility services, structures and buildings, signs and lighting, berms, buffers, and screening devices, surrounding development, and any other information that reasonably may be required in order that an informed decision can be made by the approval authority.

**SSID**

Submittal Standards for Improvements and Development as adopted by the City of Grand Junction.

**STAFF**

The staff of the Grand Junction Community Development Department.

**START OF CONSTRUCTION**

Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvements was within 180 days of the permit date. The actual start means the first placement of a permanently-constructed structure on a site, such as the pouring of slab or footings, the installation of pilings, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it

include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

**STEALTH, or CONCEALED**

Any tower or telecommunications facility which is designed to enhance compatibility with adjacent land, buildings, structure and uses, including, but not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements and towers designed to not look like a tower such as light poles, power poles and trees. The term stealth does not necessarily exclude the use of uncamouflaged lattice, guyed or monopole tower designs.

**STORAGE**

Primarily for vehicles when in transit or being worked on.

**STREET**

Any public or private roadway, but not an alley.

**STREETSCAPE**

The landscaping and other man-made objects located within the public right-of-way which add variety and are placed for aesthetic purposes as well as functional, pedestrian guidance and traffic control.

**STRUCTURE**

Anything constructed or erected which requires location on or in the ground, or is attached to something having a location on the ground or anything as defined by the International Building Code. Structures do not include ditches and their appurtenances, poles, lines, cables, transmission or distribution facilities of public utilities, freestanding mailboxes, on-grade slabs, walks, driveways, landscaping materials or fences, except that fences in excess of six feet (6') shall be considered a structure. (See also Building.)

**SUBCOMMUNITY**

A node.

**SUBDIVISION**

The division of land into two (2) or more parcels, separate interests, or interests in common, unless exempted of this Code. (See also "Major Subdivision") Unless the method of disposition is adopted for the purpose of evading any provision or purpose of this Code, the term "Subdivision" shall not apply to any division of land:

1. Which is created by order of any court in this State, but only if the City Attorney has received sufficient notice of the proposed order so that the City may object thereto, as its interests may dictate;
2. Which is created by a lien, mortgage, deed of trust, or any other security instrument which became effective prior to June 1, 1989;
3. Which is created by a security or unit of interest in any investment trust regulated under the laws of this State or any other interest in any investment entity which became effective prior to June 1, 1989;

4. Which creates cemetery lots;
5. Which creates an interest or interests in oil, gas, minerals or water which are now or hereafter severed from the surface ownership of real property; or
6. Which is created by the acquisition of an interest in land in the name of a husband and wife or other persons in joint tenancy or as tenants in common, so long as any partition so that the City may object thereto, as its interests may dictate; any such interest shall be deemed, for the purposes of this Code, as only one (1) interest.

### **SUBSTANTIAL DAMAGE**

Damage to a structure from one (1) event not due to the knowing act of the owner such that the cost to restore the damage is fifty percent (50%) or more of the fair market value of the structure before the damage occurred.

### **SUBSTANTIAL IMPROVEMENT**

Any reconstruction, rehabilitation, addition, or other improvement of a structure, which costs fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. "Substantial Improvement" includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not include either:

1. Any improvement of a structure to correct existing violations of any code which the local code enforcement official determines and are necessary to make the structure safe or habitable; or
2. Any alteration of a "historic structure," if the alteration shall not preclude the structure's continued designation as a "historic structure."

### **SURVEYOR**

A land surveyor registered by the State of Colorado.

### **SWMM**

Stormwater Management Manual as adopted by the City.

### **TEDS**

Transportation and Engineering Design Standards as adopted by the City.

### **TELECOMMUNICATION FACILITIES**

Cables, wires, lines, wave guides, antennas, other equipment and facilities and any other equipment or facilities associated with the transmission or reception of electromagnetic waves and/or communications which are located or as a part of a tower or antenna support structure.

### **TEMPORARY, USE OR STRUCTURE**

Any use or structure placed on a parcel of land for a period of short duration, if permitted pursuant to Chapter Four, typically for four (4) months or less.

**TIP-OUT OR SLIDE-OUT**

A recreational vehicle component which is within the main structure of the recreational vehicle while traveling and either tips or slides out when used as a living area. A tip-out or slide-out shall be structurally supported directly to the ground.

**TOWER**

A self-supporting latticed, guyed or monopole structure constructed from grade which supports telecommunications facility. The term tower shall not include amateur radio operators' equipment, as licensed by the FCC.

**TRAFFIC**

As calculated by the Director, according to National or other Director approved objective standards, such as the Institute of Traffic Engineers publications. If an applicant provides proof that actual traffic will be different, the Director may vary from the approved standards.

**TRANSIENT**

Housing or accommodations which are typically occupied by residents for periods of two (2) weeks or less, including, but not limited to hotels, motels and travel lodges.

**TRANSIT OPERATOR**

The person or entity authorized to operate a transit system pursuant to either a revocable permit or a license; such person or entity may also be termed "permittee."

**TRANSMISSION LINES**

Electric lines (115 KV and over) and appurtenant facilities; or pipelines/conveyors [ten inches (10") diameter or larger] and appurtenant facilities for transporting natural resources, chemicals, petroleum derivatives, or waste substances.

**TRAVEL TRAILER**

A vehicle or portable unit mounted on its own chassis and wheels which does not exceed eight feet (8') in width and/or forty feet (40') in length, is drawn by a motor vehicle, and provides temporary living quarters for recreational, camping or travel use.

**TREE**

A woody perennial plant having a single, usually elongate main stem generally with few or no branches on its lower part.

**TREE, DECIDUOUS**

Plants that drop their foliage annually before becoming dormant.

**TREE, DECIDUOUS, LARGE**

Deciduous tree that has a one and one-half inch (1½") caliper at time of planting and at maturity has a spread of twenty-five feet (25') or greater.

**TREE, DECIDUOUS, MEDIUM**

Deciduous tree that has a one and one-half inch (1½”) caliper at time of planting and at maturity has a spread of between fifteen to twenty-five feet (15'-25').

**TREE, DECIDUOUS, SMALL**

Deciduous tree that has a one and one-half inch (1½”) caliper at time of planting and at maturity has a spread not in excess of fifteen feet (15').

**TRUCK CAMPER**

A portable unit consisting of a roof, floor and sides designed to be loaded onto, and unloaded from, the bed of a pickup truck, and provides temporary living quarters for recreational, camping or travel use.

**TRUCK PARKING AREA**

An area for the parking of trucks, which is often left with either their motors running and/or their refrigerator unit motors operating.

**201 PLANNING AREA**

A regional plan for sewage collection and treatment to prevent pollution of the state's waters; the boundaries are defined by the official map, a copy of which is kept by the Director.

**UNDERGROUND PRESSURIZED IRRIGATION SYSTEM**

A watering system for landscaped areas, consisting of underground pressurized pipes connected to sprinkler heads, bubbler heads, or drip systems such that 100% irrigation water coverage is provided.

**UNOCCUPIED**

Dwelling where no individual resides or a public, commercial, or industrial building, where no storage or use of equipment, merchandise, or machinery is kept for a period of time.

**URBAN AREA**

The definite boundary inside which the only development will occur by annexing to the City. See 1998 Persigo City/County Agreement.

**USE**

The purpose for which land or a structure is designed, arranged, intended or occupied.

**UTILITIES**

Any agency that provides essential or basic services and facilities such as electricity, gas, water (domestic and irrigation), sewage disposal, drainage systems, solid waste disposal, television, telecommunications, telephone, railway, *etc.*

**UTILITY STRUCTURES**

Electric transformers, switch boxes, telephone pedestals and telephone boxes, cable television boxes, traffic control boxes, and similar devices.

**VARIANCE**

A grant of relief from the requirements of this Code which permits construction in a manner that would otherwise be prohibited by this Code.

**VESTED RIGHT**

A right that cannot be changed or altered by changes in regulation.

**WALL**

1. The vertical exterior surface of a building;
2. Vertical interior surfaces that divide a building's space into rooms; or
3. A vertical architectural partition used to divide, separate or enclose an outside area, a masonry fence (see definition of Fence).

**WATERCOURSE**

Any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows in a definite direction or course, either continuously or intermittently and has a definite channel, bed, and bank and includes any area adjacent thereto subject to inundation by reason of overflow or floodwater.

**WILDLIFE HABITAT RESOURCE AREA**

A geographical area identified by a State or federal agency that contains elements of food, water, cover, or space, alone or in combination, which are adequate to support a rare, threatened or endangered species for at least a portion of a year.

**WORKING DAY**

Business day. Those days the Community Development Department is open to the public for business; holidays, Saturdays and Sundays are not working days.

**XERISCAPE**

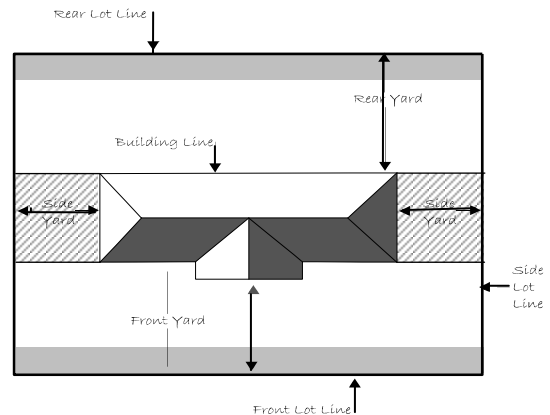
Landscape methods which conserve water through the use of drought-tolerant plants, planting and irrigation techniques.

## **YARD**

An existing or required open space on a parcel with a principal structure. A yard shall be open, unoccupied and unobstructed from the ground to the sky, except as otherwise provided in this Code.

## **YARD, FRONT**

A yard extending across the full width and depth of the lot between a road right-of-way or access easement line and the nearest line or point of the building. (For Flag Lots, see Side Yard.) (See Exhibit 9.9.)



**Exhibit 9.9**

## **YARD, REAR**

A yard extending across the full width and depth of the lot between the rear lot line and the nearest line or point of the building. (See Exhibit 9.9.)

## **YARD SETBACK**

The minimum horizontal distance between any building and the property line.

## **YARD, SIDE**

A yard extending from the front yard to the rear yard between the side lot line and the nearest line or point of the building. This side yard definition may apply for three (3) sides of a flag lot if the flag pole portion of the lot exceeds the front yard setback. (See Exhibit 9.9.)

## **YARD, SIDE SETBACK**

The minimum horizontal distance between any building and the side property line.

## **ZERO LOT LINE**

The location of a building on a lot in such a manner that one (1) or more of the building sides rests directly on a lot line.

## **ZONE / ZONING DISTRICT**

A mapped area with a particular set of rules and regulations which limits the types of uses. See Table 3.5 and Chapter 3. “Zone” is the same as “District.”

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