

CHAPTER 13. DEFINITIONS

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CHAPTER 13. DEFINITIONS

§ 13.1 GENERAL PROVISIONS

For words, terms and phrases used in this Code that are not defined below or elsewhere in this Code, Staff shall have the authority and power to interpret or define such words, terms and phrases. In making such interpretations or definitions, Staff may consult secondary sources related to the planning profession, such as A Survey of Zoning Definitions - Planning Advisory Service Report Number 421, edited by Tracy Burrows (American Planning Association. Chicago, Ill. 1989), and The Illustrated Book of Development Definitions, by Harvey S. Moskowitz and Carl G. Lindbloom (Center for Urban Policy Research, Rutgers University. N.J. 3d ed. 1987), for technical words, terms and phrases, or Webster's Unabridged Dictionary (Random House Reference & Information Publishing, New York, 1997), as supplemented, for other words, terms and phrases.

§ 13.2 USE CLASSIFICATIONS/SPECIFIC USE DEFINITIONS AND EXAMPLES

- A. **Purpose and Applicability.** Use classifications classify land uses and activities 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 classifications provide a systematic basis for assigning present and future land uses into appropriate zoning districts.
- B. **Uses Not Classified.** Any new use, or any use that cannot be clearly determined to be in an existing use classification pursuant to the use classification procedure set forth in §3.12, shall be prohibited until and if such use is incorporated into the zoning regulations by a code text amendment, as provided by §3.3 of this Code.
- C. **Use Classification/Specific Use Definitions and Examples.** This Section sets forth specific use classifications in alphabetical order. A general definition is typically provided for each use classification, and in many instances examples are provided of specific uses that fall within the broader use classification. When a specific use example is provided, the example should satisfy both the broader classification's general definition as well as the definition of the specific use, if provided. Finally, the text may provide specific examples of uses that are not included in a particular use classification (referred to in the text as "exceptions").
 1. *Accommodations, High-Intensity.*
 - a. **General Definition:** Visitor-serving facilities that provide temporary lodging in guest rooms or guest units for compensation, and with an average length of stay of less than thirty (30) days. High-intensity accommodations generally serve a larger number of guests than low-intensity accommodations. See definition of the term "guest room or unit" in §13.3 below.
 - b. **Examples:** This classification includes the following types of specific uses:
 - (1) **Hostel:** An establishment operated, managed or maintained under sponsorship of a nonprofit organization that holds a valid exemption from federal income taxes under the Internal Revenue Code of 1954, as amended, or which is licensed by and operated under the rules of Hosteling International-American Youth Hostels, or a comparable hosteling umbrella organization approved by the appropriate governing entity.

- (2) *Hotel/Motel*: An establishment that provides temporary lodging to the general public in guest rooms and typically providing additional services, such as restaurants, meeting rooms, entertainment and recreational facilities.
- (3) *Recreational Vehicle (RV) Park/Campground*: A tract of land under single ownership upon which two (2) or more recreational vehicle and/or campsites are located, established or maintained for public occupancy in recreational vehicles or camping units as temporary living quarters for travel, recreation or vacation purposes.
- (4) *Resort Lodge/Cabins*: A tract of land under single ownership and management with guest rooms or guest units available for temporary rental. The guest rooms may be contained in a main “lodge” building and/or contained in detached, freestanding “cabin” structures (the latter freestanding structures shall not include recreational vehicles or mobile homes). Guest rooms/units in a resort lodge/cabin use may contain full kitchen facilities in lieu of “limited kitchen facilities” if such guest rooms comply with all conditions set forth in §5.1.P of this Code.

2. *Accommodations, Low-Intensity.*

- a. General Definition: Visitor-serving facilities that provide temporary lodging for compensation, and with an average length of stay of less than thirty (30) days (except for permitted long-term nightly rentals--see 2.b(3) below). Such facility shall be designed to be compatible, in terms of building scale, mass and character, with a predominantly low-intensity and low-scale residential and/or rural setting.
- b. Examples: This classification includes the following types of specific uses:
 - (1) *Bed and Breakfast Inn*: An establishment operated in an owner-occupied, single-family detached dwelling unit, or portion thereof (excluding accessory buildings), that provides lodging, with or without the service of a morning meal only, and where the operator lives on the premises. No more than eight (8) guests may be accommodated at any one (1) time. Accessory buildings shall not be used for guest quarters or amenities beyond a gazebo or similar outdoor room. (Ord. 2-02 #10; Ord. 11-02 §1)
 - (2) *Hotel, Small*: An establishment containing no more than eight (8) guest rooms that provides temporary lodging with eating and drinking service and a dining room where meals are served.
 - (3) *Nightly Rentals*: In the A-1 or CD zoning districts, a single-family, duplex or multi-family dwelling unit that is leased for compensation, to provide temporary lodging for visitors and guests. The term of lease in this permitted principal nightly rental use may be either short-term (less than thirty [30] days) or long-term (thirty [30] days or more). See §5.2.B for nightly rentals allowed as an accessory use in the residential zoning districts.
 - (4) *Resort Lodges/Cabins, Low-Intensity*: A tract of land under single ownership and management with no more than a total of twenty (20) guest rooms or guest units available for temporary rental. The guest rooms may be contained in a main “lodge” building and/or contained in detached, freestanding “cabin” structures (the latter freestanding structures shall not

include recreational vehicles or mobile homes). A single structure shall contain no more than four (4) guest rooms or units. Guest rooms/units in a resort lodge/cabin use may contain full kitchen facilities in lieu of "limited kitchen facilities," but only if such guest rooms comply with all conditions set forth in §5.1.P of this Code.

3. *Adult Businesses.*

- a. General Definition: Any facility or establishment that conducts as a principal use of the premises, or as a significant or substantial adjunct to another use of the premises, the sale, rental, display or other offering of live entertainment, dancing or material that is distinguished or characterized by its emphasis on depicting, exhibiting, describing or relating to specified sexual activities or specified anatomical areas as an attraction to the premises.
- b. Examples: Examples include, but are not limited to, the following specific types of uses:
 - (1) **Adult Bookstore**: Any establishment that sells or rents adult material, including but not limited to books, magazines, movies, films, slides or other photographic or written material and/or devices.
 - (2) **Adult Cabaret, Restaurant or other Business**: A cabaret, restaurant or place of business that features topless or bottomless dancers, waitresses, waiters or entertainers.
 - (3) **Adult Motion Picture Theater**: Any theater in which the presentation of adult material is the primary or principal attraction.

4. *Animal Sales/Services.*

- a. General Definition: Any commercial facility or establishment that conducts as a principal use of the premises the sale or boarding of animals, or the provision of care, treatment or services for animals.
- b. Examples: This classification includes the following types of specific uses:
 - (1) **Animal Boarding**: Provision of shelter and care for small or large animals on a commercial basis. This use includes activities such as feeding, exercising, grooming and incidental medical care.
 - (2) **Animal Grooming**: Provision of bathing and trimming services for small or domestic animals only on a commercial basis. This use includes boarding of domestic animals for a maximum period of forty-eight (48) hours.
 - (3) **Animal Hospital**: Establishments where small or domestic animals receive medical and surgical diagnosis and treatment. This use includes only facilities that are entirely enclosed, soundproofed and air-conditioned. Grooming and temporary (no more than thirty [30] days) boarding of animals is included if incidental to the hospital use.
 - (4) **Animal Retail Sales**: Retail sales and boarding of small or domestic animals only, provided that such activities take place within an entirely enclosed building. This use includes grooming if incidental to the retail use, and boarding of animals not offered for sale for a maximum period of forty-eight (48) hours.

- (5) **Animal Shows/Sales:** Exhibitions of small/domestic or large animals for a maximum of seven (7) days. This use includes animal sales.
 - (6) **Veterinary Office:** Any facility maintained by or for the use of a licensed veterinarian in the diagnosis, treatment and prevention of animal diseases. Overnight care and boarding of small or domestic animals is permitted for up to thirty (30) consecutive days within the interior of such facility.
5. **Artist Studio.** Work space for artists and artisans, including individuals practicing one (1) of the fine arts or performing arts, or skilled in an applied art or craft.
 6. **Bank or Other Financial Institution.** Establishments that provide retail banking services, mortgage lending and similar financial services to individuals and businesses. This classification includes those institutions engaged in the on-site circulation of cash money and check-cashing facilities, but shall not include bail bond brokers. This classification also includes Automated Teller Machines (ATM) located within a fully enclosed space or building, or along an exterior building wall intended to serve walk-up customers only.
 7. **Building Materials/Services.** Retailing, wholesaling or rental of building supplies or equipment. This classification includes lumber yards, building tool and equipment sales or rental establishments, and building contractors' yards, but excludes establishments exclusively devoted to retail sales of paint and hardware and activities classified under Vehicle/Equipment Sales and Service.
 8. **Business Services.** Establishments primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing; employment services; management and consulting services; protective services; office equipment rental and leasing (e.g., photocopy machines); commercial research; photo finishing; photocopying and printer services; and personal supply services.
 9. **Catering Service.** Preparation and delivery of food and beverages for off-site consumption without provision for on-site pickup or consumption. (See also Eating/Drinking Establishments.)
 10. **Civic, Social or Fraternal Membership Clubs, Lodges or Associations.** Meeting, recreational or social facilities of a private or nonprofit organization primarily for use by members or guests. This classification includes union halls, social clubs, youth centers, and fraternal and veteran's organizations.
 11. **Commercial Laundry.** A business which launders and dry cleans clothing and other fabric articles in bulk. Dry cleaning agencies are distinguished from commercial laundries, the latter which perform dry cleaning of materials delivered to the premises by persons or services other than the owner of the materials. See also Personal Services.
 12. **Commercial Recreation or Entertainment Establishments, Indoor.**
 - a. **General Definition:** A building or part of a building devoted to providing amusement, entertainment or recreation for a fee, including movie theaters and theatrical space for dramatic, musical or live performances, indoor pinball/video arcades, bowling alleys, health clubs, aerobic exercise studios and including such activities as billiards and pool, other table games and similar-scale amusements.

- b. Examples: This use classification includes the following specific types of uses:
 - (1) Limited Commercial Recreation or Entertainment Establishments, Indoor: Limited to the following indoor entertainment establishments only: Indoor movie theaters and theatrical space for dramatic, musical or live performances; indoor billiards, pool and other table games.
 - c. Exceptions: This classification shall not include devices for amusement and entertainment, such as jukeboxes, pool tables, coin-operated games, pinball machines or television and radio where such devices are clearly incidental and subordinate to the principal use of the premises.
13. *Commercial Recreation or Entertainment Establishments, Outdoor.*
- a. General Definition: Any outdoor enterprise whose main purpose is to provide the general public with an amusing or entertaining activity, where tickets are sold or fees collected at the gates of the activity. Activities may take place in a number of structures that are arranged together in an outdoor setting. Accessory uses may include concessions, restaurants, parking, caretaker's quarters and maintenance facilities.
 - b. Examples: This classification includes go-kart tracks, outdoor mazes, riding academies, roping arenas, livery stables, equestrian arenas, amusement parks, golf driving ranges, miniature golf facilities and zoos.
 - c. Exceptions: This use classification does not include the following:
 - (1) Concert halls, stadiums, race tracks of any kind, or other similar facilities intended to attract large crowds in excess of one thousand (1,000) persons. Uses that draw large numbers of people to periodic events, rather than on a continuous basis, are classified as major entertainment events;
 - (2) Outdoor shooting ranges;
 - (3) Golf courses, which are classified separately under "Golf Course" below.
14. *Construction Storage Yard.* A facility utilized for the storage of vehicles, equipment and materials utilized in the construction industry.
15. *Cultural Institutions.* Nonprofit institutions displaying or preserving objects of interest in one (1) or more of the arts or sciences. This classification includes libraries, museums and art galleries.
16. *Day Care Center.* A nonresidential facility for the purpose of providing less than twenty-four-hour care for children or adults, none of whom are receiving on-site medical or psychological treatment, therapy or counseling but some or all of whom may be receiving on-site physical assistance with day-to-day living activities. A day care center for children is a facility that is required to be licensed as such by the State of Colorado, Department of Human Services. (Ord. 6-06 §1)

17. *Eating/Drinking Establishments.*

- a. General Definition: Retail businesses serving prepared food or beverages for consumption on or off the premises.
- b. Examples: This classification includes the following types of specific uses:
 - (1) **Bar/Tavern**: An establishment providing or dispensing by the drink for on-site consumption of fermented malt beverages and/or malt, special malt, vinous or spirituous liquors, and in which the sale of food products such as sandwiches and light snacks is secondary (also known as a tavern). A bar/tavern may include provision of live entertainment and/or dancing; however, a bar/tavern shall not include any adult business use.
 - (2) **Restaurant**: An establishment where the principal business is the sale of food and beverages in a ready-to-consume state where fermented malt beverages, malt, special malt and vinous and spirituous liquors may be produced on the premises as an accessory use.

A restaurant may include an outdoor seating area or outdoor food service, subject to all applicable use and development standards set forth in this Code (see §5.1.M below).
 - (3) **With Drive-Through Service**: An eating/drinking establishment in which the principal business is the sale of foods or beverages to the customer in a ready-to-consume state and in which the design or method of operation of all or any portion of the business allows food or beverages to be served directly to the customer in a motor vehicle without the need for the customer to exit the motor vehicle.

18. *Emergency Health Care.* Facilities providing emergency medical service with no provision for continuing care on an inpatient basis.

19. *Entertainment Event, Major.*

- a. General Definition: Major entertainment event uses are characterized by activities and structures that attract people to specific (often large-scale) events or shows. Activities are generally of a spectator nature. Accessory uses may include restaurants, bars, concessions, parking and maintenance facilities.
- b. Examples: Examples include fairgrounds, stadiums, sports arenas, coliseums, auditoriums and exhibition and meeting halls/areas.
- c. Exceptions: This use classification does not include the following:
 - (1) Exhibition and meeting areas with less than twenty thousand (20,000) square feet of total event area, which are classified as “Retail Establishments” below.
 - (2) Meeting areas, banquet halls and similar uses that are part of hotels or restaurants and are accessory to those uses, which are included in the accommodations or retail establishment classification. See also §5.1.C of this Code.
 - (3) Movie theaters, which are classified under indoor commercial recreation or entertainment establishments.

- (4) Recreation or entertainment uses conducted on a continuous basis that are classified as indoor or outdoor commercial recreation or entertainment establishments.

19.5 *Family Home Day Care*. A facility in the permanent residence of the provider, for the purpose of providing less than twenty-four-hour care for two (2) or more adults or children who are not related to the caregiver and none of whom are receiving on-site medical or psychological treatment, therapy or counseling but some or all of whom may be receiving on-site physical assistance with day-to-day living activities. A family home day care for children is a facility that is required to be licensed as such by the State of Colorado, Department of Human Services. (Ord. 6-06 §1)

- a. Family Home Day Care, Small. A facility licensed by the State of Colorado to serve eight (8) or fewer adults or children with no more than one (1) nonresident caregiver on site at any time. (Ord. 6-06 §1)
- b. Family Home Day Care, Large. A facility licensed by the State of Colorado to serve more than eight (8) adults or children and may include nonresident caregivers. The maximum number of children permitted in a family day care home shall be the maximum allowed by the State of Colorado, Department of Human Services. The maximum number of adults permitted in a family day care home shall be twelve (12). (Ord. 6-06 §1)

20. *Food/Beverage Sales*.

- a. General Definition: Retail sales of food and beverages for off-site preparation and consumption. Establishments at which twenty percent (20%) or more of the transactions are sales of prepared food for on-site consumption shall be classified as eating/drinking establishments.
- b. Examples: This classification includes, but is not limited to, the following types of specific uses:
 - (1) Convenience Store: Retail sales of food and beverage for off-site consumption, household items, newspapers and magazines, and other small convenience items typically found in establishments with long or late hours of operation. A convenience store shall have a gross floor area no larger than five thousand (5,000) square feet. This definition excludes delicatessens or other specialty food stores having a sizable amount of fresh fruits, vegetables and fresh-cut meats.
 - (2) Delicatessen.
 - (3) Grocery Store.
 - (4) Liquor Store: An establishment licensed by the State of Colorado to sell alcoholic beverages in containers, including wine, beer and hard liquor, for consumption off-premises.

21. *Funeral/Interment Service*. Establishments primarily engaged in the provision of services involving the care, preparation or disposition of human dead other than in cemeteries. Typical uses include crematories, mausoleums or mortuaries.

22. *Golf Course.* A tract of land, either public or private, laid out for at least nine (9) holes for playing the game of golf, and improved with trees, greens, fairways and hazards. Golf course may include related facilities such as clubhouses, golf schools and driving ranges and accessory uses such as restaurants/bars, pro shops and related facilities.
23. *Government Facilities.*
- a. General Definition: Facilities owned and operated by a political subdivision of the State of Colorado, including special districts (e.g., hospital, recreation, sanitation or library districts), or facilities owned and operated by the United States government (e.g., the National Park Service or Federal Bureau of Reclamation). This classification does not include "Government Offices," defined below.
 - b. Examples: This classification includes the following types of specific uses:
 - (1) **Public Safety Facilities**: Facilities for public safety and emergency services, including police, fire protection and emergency medical and ambulance stations. Such facilities often need to be located in or near the area where the service is provided, and employees are regularly present on site.

- (2) Trail/Trail Head: A tract of land designated and used by the public for walking, hiking, biking and/or horseback riding, including a facility for the parking of motor vehicles that provides safe access to the trail.
 - (3) Utility, Major: Generating plants, electrical substations, switching buildings, refuse collection, disposal facilities, water reservoirs, water or wastewater treatment plants.
 - (4) Utility, Minor: Above- and below-ground electrical transmission lines or natural gas pipelines; flood control or drainage facilities; transportation or communications utilities, and similar facilities of public agencies or public utilities; utility facilities that are necessary to support legally established uses and involve only minor structures such as electrical distribution lines, poles or cables; switch boxes; transformer boxes; cap banks; and underground water and sewer lines. Such facilities generally do not have employees on site, and the services may be public or privately provided.
- c. Exceptions: This use classification does not include wireless communications facilities, which are classified as “Wireless Telecommunications Facilities” below.
24. *Government Offices*. Administrative, clerical or public contact offices of a government agency, including postal facilities, together with incidental storage and maintenance of vehicles.
25. *Group Living Facility, Large*.
- a. General Definition: Shared living quarters for nine (9) or more individuals, without separate kitchen or bathroom facilities for each room or unit.
 - b. Examples: This classification includes the following types of specific uses:
 - (1) Large Group Living Facilities: Group living for nine (9) or more unrelated individuals, none of whom are receiving on-site medical or psychological treatment, therapy or counseling, but some or all of whom may be receiving on-site physical assistance with day-to-day living activities. The restriction to nine (9) or more individuals shall include both residents and caretakers, if any. Provided that the use otherwise complies with this definition and size restriction, a large group living facility includes only the following:
 - (a) A nonprofit group home for the aged or an owner-occupied group home for the aged, as defined in §§30-28-115(2)(b) and 31-23-303(2)(b), C.R.S.; or
 - (b) A state-licensed group home for the developmentally disabled or mentally ill, as defined in §§30-28-115(2)(a) and (b.5) and 31-23-301(4) and 303(2)(a) and (b.5), C.R.S.
 - (2) Senior Care Facility: A residential care facility designed primarily for senior citizens with no serious health problems, but who may have chronic or debilitating conditions requiring assistance with daily activities. Permitted services include but are not limited to: staff-supervised meals; housekeeping and personal care; protective oversight such as supervision of self-administered medication; and social activities. Both private and shared sleeping rooms may be provided.

- (3) **Treatment Facility:** Group living for nine (9) or more unrelated individuals, some or all of whom are receiving on-site medical or psychological treatment, therapy or counseling. The limit of nine (9) individuals or more shall include both those individuals receiving treatment and those providing treatment. Provided that the use otherwise complies with this definition and size restriction, a treatment facility may include any of the following:
- (a) A state-licensed group home for the developmentally disabled, as defined in §§30-28-115(2)(a) and 31-23-303(2)(b), C.R.S.;
 - (b) A state-licensed group home for persons with mental illness, as defined in §§30-28-115(2)(a) and (b.5) and 31-23-301(4) and 303(2)(a) and (b.5), C.R.S.;
 - (c) An adult day treatment facility; or
 - (d) A physical/mental rehabilitation home.

c. **Exceptions:** This use classification does not include:

- (1) Accommodations uses where the length of tenancy is typically shorter than thirty (30) days;
- (2) Small (eight [8] or fewer) group homes that fall within the “Group Living Facilities, Small” classification below;
- (3) Nursing homes, assisted living facilities or other uses falling within the “Senior Institutional Living” use classification; or
- (4) Facilities for people who are under judicial detainment and under the supervision of sworn officers.

26. **Group Living Facility, Small.** Shared living quarters for up to eight (8) unrelated individuals (including resident and nonresident care givers) living together in a single dwelling unit, with common access to and common use of all living and eating areas and all facilities for the preparation and serving of food within the dwelling unit. None of the residents receive on-site medical or psychological treatment, therapy or counseling, but some or all of the residents may be receiving physical assistance with day-to-day living activities. Provided that the use otherwise complies with this definition and size restriction, a small group living facility includes only the following:

- a. A nonprofit group home for the aged or an owner-occupied group home for the aged, as defined in §§ 30-28-115(2)(b) and 31-23-303(2)(b), C.R.S.; or
- b. A state-licensed group home for the developmentally disabled or mentally ill, as defined in §§30-28-115(2)(a) and (b.5) and 31-23-301(4) and 303(2)(a) and (b.5), C.R.S.

27. **Hospital.**

- a. **General Definition:** Facilities providing medical, surgical, psychiatric or emergency medical services to sick or injured persons, primarily on an inpatient basis. This classification includes incidental facilities for outpatient treatment, offices and laboratories, as well as training, research and administrative services for patients and employees.

- b. Examples: Examples include medical centers and hospitals.
- c. Exceptions: This use classification does not include the following:
 - (1) Medical clinics that provide care where patients are generally not kept overnight are classified as “Office.”
 - (2) Emergency medical clinics are classified as “Emergency Health Care.”
 - (3) 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 in “Group Living.”

28. *Household Living.*

- a. General Definition: A family unit related by blood, marriage or adoption or eight (8) or fewer unrelated individuals (including resident and nonresident care givers) living together in a single dwelling unit, with common access to and common use of all living and eating areas and all facilities for the preparation and serving of food within the dwelling unit.
- b. Examples: This classification includes households living in single-family houses, duplexes, town homes, other multi-family dwelling structures, manufactured housing and other structures with self-contained dwelling units.

29. *Industry.*

- a. Industry, Custom: Establishments primarily engaged in on-site production or repair of goods by hand, involving the use of hand tools and small-scale equipment, including small engine repair, furniture making and restoring, upholstering, custom care or motorcycle restoring, and other similar uses.
- b. Industry, General: Manufacturing of products, primarily from extracted or raw materials, or bulk storage and handling of such products and materials. Uses in this classification typically involve a high incidence of truck traffic and/or outdoor storage of products, materials, equipment or bulk fuel. This classification includes food processing and packaging, laundry and dry cleaning plants, small animal breeding, stonework and concrete products manufacture (including concrete ready-mix plants) and power generation.

Products may be finished or semi-finished 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.

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

- c. Industrial Services: Firms engaged in the repair or servicing of industrial, business or consumer machinery, equipment, products or by-products. Operations often include outdoor activities and storage of products, materials, equipment or bulk fuel. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Few customers, especially the general public, come to the site. Accessory activities may include offices, parking, and storage.

- (1) Examples: Examples include welding shops; machine shops; tool repair; electric motor repair; repair of scientific or professional instruments; repair, storage, salvage or wrecking of heavy machinery, metal and building materials; vehicle towing; auto and truck salvage and wrecking; heavy truck servicing and repair; tire retreading or recapping; building, heating, plumbing or electrical contractors; printing, publishing and lithography; exterminators; fuel oil distributors; solid fuel yards; uses that involve the transfer or storage of solid or liquid waste; and photofinishing laboratories.
- d. Industry, Limited: Manufacturing of finished parts or products, primarily from previously prepared materials, or the provision of industrial services, both within an enclosed building. This classification includes laboratories, processing, fabrication, assembly, treatment and packaging, but excludes basic industrial processing from raw materials, food processing and vehicle/equipment services. Typical uses include custom bookbinding, ceramic studios, candle-making shops and custom jewelry manufacture. Limited industry uses shall not include uses such as mining and extracting industries, petrochemical industries, rubber refining, primary metal and related industries, or other noxious industrial uses. Incidental direct sale to consumers of only those goods produced on-site is permitted.
- e. Research and Development: Establishments primarily engaged in the research, development and controlled production of high technology electronic, industrial or scientific products or commodities for sale. Uses include biotechnology, films and nontoxic computer component manufacturers.

29.5 *Junk Vehicle and Junkyard.*

- a. *Junk Vehicle*. A vehicle that is inoperable (unable to move under its own power), or is partially or totally dismantled or has all or portions of its body work missing or substantially damaged or is not registered with the State of Colorado as required by Section 42-3-103, C.R.S., or by Section 42-12-102, C.R.S., and the number plate assigned to it is not permanently attached to the vehicle as required by Section 42-3-123, C.R.S., or is lacking proper equipment to the extent that would be unsafe or illegal to use on public road rights-of-way or otherwise not equipped with lamps and other equipment as required by Section 42-4-202 to 42-4-227, C.R.S. This definition does not include implements of husbandry, farm tractors, farm or ranch equipment or vehicles customarily operated in a farm or ranch operation. (Ord. 12-00 §1)
- b. *Junkyard*. A facility for the display, storage, collection, processing, purchase, sale, salvage or disposal of used or scrap materials, equipment, junk vehicles, appliances or other personal property whether of value or valueless. Junkyard does not include the storage of implements of husbandry, farm tractors, farm or ranch equipment or vehicles customarily operated in a farm or ranch operation. (Ord. 12-00 §1)
30. *Laboratory*. Establishments providing medical or dental laboratory services; or establishments with less than two thousand (2,000) square feet providing photographic, analytical or testing services. Other laboratories are classified under Industry.
31. *Maintenance and Service Facilities*. Facilities providing maintenance and repair services for vehicles and equipment, and materials storage areas. This classification includes corporation yards, equipment service centers and similar facilities owned by the city, public or private utilities, or other public entities.

32. *Maintenance/Repair Service.* Establishments providing appliance repair, office machine repair or building maintenance services. This classification excludes maintenance and repair of vehicles (see vehicle/equipment repair), and excludes maintenance and repair of industrial equipment and machinery (see limited industry).
33. *Office.*
- a. General Definition: Establishments providing executive, management, administrative or professional services, including medical or dental services, but not involving the sale of merchandise, except as incidental to a permitted use. Typical uses include real estate, insurance, property management, investment, employment, travel, advertising, law, doctor, dentist, out-patient medical laboratories, architecture, design, engineering, accounting and similar offices.
 - b. Exceptions/Limitations:
 - (1) This classification excludes banks and other financial institutions and government offices, which are classified separately.
 - (2) This classification includes clinics and medical/dental laboratories incidental to an office use, but excludes emergency health care and hospitals.
 - (3) This classification includes contractors and others who perform services off-site, but only if equipment and materials are not stored on-site and only if fabrication, services or similar work is not carried on at the site. Otherwise, such use shall be classified as limited industry.
- 33.5 *Outdoor Sales.* A retail establishment in which the retail activity occurs predominantly in an unroofed area or in which the majority of the goods, materials or other things to be sold are displayed outdoors, including any sales under a permanent structure. (Ord. 10-00 §4)
34. *Park and Recreation Facilities.* Noncommercial parks, playgrounds, recreation facilities and open spaces. This classification includes public parks, cemeteries, public squares, plazas, playgrounds, ballfields, public recreation areas, nonprofit botanical gardens and nature preserves. Golf courses are classified separately as a recreational use.
35. *Park and Ride Facilities.* A public parking lot designed for drivers to leave their cars/vehicles and use mass transit or car pools which begin, terminate or stop at the park and ride facility.
36. *Personal Services.* Establishments engaged in the provision of informational, instructional, personal improvement, personal care and similar services, such as portrait shops, photography studios, art and music schools, licensed massage therapists, driving schools, riding academies, health and fitness studios, handicraft or hobby instruction, laundry and dry-cleaning retail outlets, portrait/photographic studios, beauty and barber shops, shoe repair and tailor/alterations shops.
37. *Plant Nurseries.* Establishments selling plants and garden supplies in which all merchandise other than plants is kept within an enclosed building or fully screened enclosure, and fertilizer of any type is stored and sold in package form only.
38. *Private-Membership Recreational Facility or Club.* A recreational facility for the exclusive use of members of the organization owning the development parcel, but not open to the general public.

39. *Recycling Facility.* A lot or parcel of land, with or without buildings, upon which used materials are separated and processed for shipment for eventual reuse in new products.
40. *Religious Assembly.* Facilities for religious worship and incidental religious education, but not including private schools as defined in this Section except as an accessory use permitted by special review.
41. *Retail Establishments.*
 - a. General Definition: Establishments that sell, lease or rent consumer, home and business goods, but excluding merchandise/retail uses classified more specifically in this Section (e.g., food/beverage sales, restaurants). Typical uses include department stores, furniture stores, clothing stores and establishments providing the following products or services: antiques, art, art supplies, bicycles, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, hardware, home improvements, household products, jewelry, pet food, pharmaceuticals, printed material, sporting goods, stationary and videos; and new automotive parts and accessories (excluding service and installation).
 - b. Retail Establishments, Large: Retail establishments that contain fifteen thousand (15,000) square feet or more of gross floor area.

42. *Schools.*

- a. General Definition: Any building or part thereof used for instructional purposes to provide elementary, secondary, post-secondary or vocational education.
- b. Examples: This use classification includes:
 - (1) Public or private educational institutions at the primary, elementary, middle, junior or high school level. Examples include public and private daytime schools, boarding schools and military academies.
 - (2) Colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree. Examples include universities, liberal arts colleges, community colleges, and nursing and medical schools not accessory to a hospital and seminaries. Accessory uses may include offices, housing for students, food service, laboratories, health and sports facilities, theaters, meeting areas, parking, maintenance facilities and support commercial.
 - (3) Business, vocation and trade schools (at the secondary or higher education levels).
- c. Exceptions: This use classification does not include preschools, which are classified as "Day Care Centers."

43. *Self-Service Mini-Storage.* Provision of storage space for household or commercial goods within an enclosed building with direct public access to individual storage spaces. This use classification includes quarters for one (1) or more persons employed by and residing at the mini-storage facility for the purpose of on-site management and security. This classification also may include vehicle storage to a maximum of twenty percent (20%) of the site. (Where greater than twenty percent [20%] of the site is allocated to vehicle storage, the vehicle storage must be treated as a separate use.)

44. *Senior Institutional Living.* This classification includes the following types of uses:

- a. Continuing Care Retirement Facility (also called Independent Living Facility):
An age-restricted development that is planned, designed and operated to provide a full range of accommodations and services for older adults, including independent living, congregate care housing and medical care. Dwellings include, but are not limited to, attached or detached houses, apartments, condominiums or town homes, offering private or semi-private rooms, and may be either rental or owner-occupied units. Such facilities may offer health care and a variety of other personal services. For a facility to qualify under this definition:
 - (1) The ages of all occupants shall be restricted to sixty (60) years of age or older for all units, or in the alternative, at least one (1) resident in eighty percent (80%) of the units shall be fifty-five (55) years or older.
- b. Congregate Housing (also called Assisted Living): Specially planned, designed and managed multi-unit rental housing with self-contained apartments. Congregate housing is designed to provide supportive environments, but also to accommodate a relatively independent lifestyle. A limited number of services such as meals, laundry, housekeeping, transportation and social and recreational activities may be provided.

- c. Skilled Nursing Facility: A facility licensed by the State of Colorado as a nursing home and which is maintained primarily for the care and treatment of inpatients under the direction of a physician. Patients in such a facility require supportive, therapeutic or compensating services and the availability of a licensed nurse for observation or treatment on a twenty-four-hour basis. Nursing care may include but is not limited to terminal care; extensive assistance or therapy in the activities of daily living; continual nursing assessment and services which involve assessment of the total needs of the patient, planning of patient care, and observing, monitoring and recording the patient's response to treatment; and monitoring, observing and evaluating the drug regimen. "Skilled nursing facility" includes private, nonprofit or proprietary "intermediate nursing facilities for the mentally retarded or developmentally disabled" as that term is defined in §26-4-103(8), C.R.S., as amended.
45. *Transportation Facility Without Repairs*. Mass transit stations including bus terminals/stations, transfer points and depots without vehicle repair or storage.
46. *Vehicle Service, Limited*.
- a. General Definition: Uses that provide direct services to motor vehicles where the driver or passengers generally wait in the car or nearby while the service is performed. Incidental, accessory uses may include auto repair and tire sales.
 - b. Examples: This classification includes the following types of specific uses:
 - (1) Car Wash: Washing, waxing or cleaning of automobiles or similar light vehicles.
 - (2) Quick Lubrication Services: Any building used for minor servicing and repair of automobiles and light trucks, with an emphasis on the sale and installation of lubricants. Body and fender work or repair of heavy trucks or vehicles and retail dispensing or sales of vehicular fuels are excluded from this use classification.
 - (3) Service Station: Any building, land area or other premises used for the retail dispensing or sales of vehicular fuels; minor towing, servicing and repair of automobiles and light trucks; and including as an accessory use the sale and installation of lubricants, tires, batteries and similar vehicle accessories. A single-bay car wash is also permitted as an accessory use. Body and fender work or repair of heavy trucks or vehicles are excluded from this use classification.
 - c. Exceptions: This use classification does not include refueling facilities for vehicles that belong to a specific use (fleet vehicles), which are considered accessory uses if they are located on the site of the principal use.
47. *Vehicle/Equipment Sales and Services*.
- a. Examples: This classification includes the following types of specific uses:
 - (1) Automobile Rentals: Rental of automobiles and light trucks only, including storage and incidental maintenance, but excluding maintenance requiring pneumatic lifts.

- (2) **Commercial Parking Facility:** Lots or structures, as the principal use of a parcel, offering short-term or long-term parking to the public for a fee. See also definitions of the terms “parking area,” “parking lot” and “parking structure” in §13.3 below.
 - (3) **Limited Equipment Rentals:** The rental of supplies and equipment primarily intended for homeowner use and minor residential gardening and construction projects. All maintenance and storage of equipment shall be conducted within an enclosed building. This use classification does not include the rental, storage or maintenance of large construction equipment, which is included in either the broader use classifications of “Vehicle/Equipment Sales and Rentals” or “Construction Storage Yard.”
 - (4) **Vehicle/Equipment Repair:** Repair of automobiles, trucks, motorcycles, mobile homes, recreational vehicles or boats, including the sale, installation and servicing of related equipment and parts. This classification includes auto repair shops, body and fender shops, wheel and brake shops and tire sales and installation. This classification excludes vehicle dismantling or salvage and tire retreading or recapping.
 - (5) **Vehicle/Equipment Sales and Rentals:** Sale or rental of automobiles, motorcycles, trucks, tractors, construction or agricultural equipment, mobile homes, boats and similar equipment, including incidental storage and incidental maintenance.
 - (6) **Vehicle Storage:** Storage of parking tow-aways, impound yards and storage lots for automobiles, trucks, buses and recreational vehicles.
- b. **Exceptions:** This use classification does not include repair and service of industrial vehicles, equipment or heavy trucks; and does not include vehicle wrecking and salvage, all of which are classified as “Industrial Services.”
48. **Warehousing and Storage.** This classification includes the following specific types of uses:
- a. **Bulk Storage:** The storage of chemicals, petroleum products, grains and other materials in above-ground structures for subsequent resale to distributors or retail dealers or outlets. “Bulk storage” shall not include bulk storage of materials or hazardous substances that are flammable or explosive or that create hazardous or commonly recognized offensive conditions.
 - b. **General Warehousing and Storage:** A building or tract of land used primarily for the storage of goods and materials, including tank storage, commodity warehouses, refrigerated warehouses and general merchandise warehouses.
 - c. **Limited Warehousing and Storage:** Provision of storage space for household or commercial goods within an enclosed building without direct public access to individual storage spaces. This classification includes facilities with a maximum of five thousand (5,000) square feet of gross floor area, but excludes wholesaling and distribution, self-service mini-storage and vehicle storage.
 - d. **Exceptions:** This classification does not include uses that involve the transfer or storage of solid or liquid wastes (see Industrial Services above). Mini-warehouses are classified as Self-Service Mini-Storage uses. Vehicle storage is classified as “Vehicle Storage” uses.

49. *Wireless Telecommunication Facilities.*

- a. General Definition: The equipment, physical plant and portion of the property and/or building used to provide Commercial Mobile Radio Services (CMRS), including but not limited to cables and wires, conduits, pedestals, antennas, towers, concealed structures, electronic devices, equipment buildings and cabinets, landscaping, fencing and screening and parking areas.
- b. Exceptions: This use classification does not include the following:
 - (1) Receive-only antennas and amateur radio facilities that are owned and operated by a federally licensed amateur radio station operator are not included in this classification.
 - (2) Radio and television studios, which are classified as “Office” uses.
 - (3) Radio and television broadcast facilities that are public safety facilities, which are classified as “Major Utilities.”

50. *Wholesale Sales and Distribution.*

- a. General Definition: A use engaged in enclosed storage, wholesale and/or distribution of manufactured products, supplies and equipment, including accessory offices and showrooms, and including incidental retail sales, but excluding bulk storage of materials or hazardous substances that are flammable or explosive or that create hazardous or commonly recognized offensive conditions. Products may be picked up on-site or delivered to the customer. Other accessory uses may include product repair, parking, minor fabrication services and repackaging of goods.
- b. Examples: This classification includes the following types of specific uses:
 - (1) Small-scale Wholesale Sales and Distribution: Distribution and storage having a maximum gross floor area of five thousand (5,000) square feet and having no more than two (2) docks or service bays.
 - (2) Other Wholesale Sales and Distribution: Wholesale or rental of machinery, equipment, heavy trucks, 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 and building hardware.
- c. Exceptions: This use classification does not include the following:
 - (1) Uses that involve the transfer or storage of solid or liquid wastes.
 - (2) Trucking terminals, which are defined as storage and distribution facilities having more than six (6) heavy trucks on the premises at one (1) time, but excluding trucking accessory to a limited industry or general industry classification.
 - (3) Mini-warehouses, which are classified as “Self-Service Mini-Storage” uses.
 - (4) Vehicle storage, which is classified as “Vehicle Storage.”
 - (5) Firms that engage primarily in sales to the general public or on a membership basis, which are classified as Retail Sales and Service.

- (6) Firms that are primarily storing goods with little on-site business activity, which are classified as "Warehousing and Storage."
- (7) Wholesale sales of building materials, which are classified as "Building Materials/Services."

(Ord. 10-00 §4, 7/25/00; Ord. 12-00 §1, 9/12/00; Ord. 2-02 #10, 2/12/02; Ord. 11-02 §1, 8/13/02; Ord. 6-06 §1, 9/26/06)

§ 13.3 DEFINITIONS OF WORDS, TERMS AND PHRASES

The following words, terms and phrases, when used in this Code, shall have the meanings ascribed to them in this Section:

1. *Abutting or Adjoining* shall mean to physically touch or border upon; or to share a common property line or border.
2. *Accessory Building* shall mean a building detached from a principal building and customarily used with, and clearly incidental and subordinate to, the principal building or use, and ordinarily located on the same lot with such principal building.
3. *Accessory Dwelling Unit* shall mean a second dwelling unit integrated with a single-family detached dwelling that is located on the same lot as the single-family detached dwelling. "Accessory Dwelling Unit" does not include mobile homes, recreational vehicles or travel trailers.
4. *Accessory Structure* shall mean a structure detached from a principal building and customarily used with, and clearly incidental and subordinate to, the principal building or use, and ordinarily located on the same lot with such principal building.
5. *Accessory Use* shall mean a use of land or a building that is customarily and clearly incidental and subordinate to the principal use of the land or building and that is ordinarily located on the same site or lot as such principal use.
6. *Accommodations Use* shall mean a commercial, visitor-serving facility that provides temporary lodging in guest rooms or guest units, for compensation, and with an average length of visitor stay of less than thirty (30) days. Examples of accommodations uses include motels, hotels, bed and breakfast inns, resort lodges and hostels. A principal "nightly rental" use of a dwelling unit in the A-1 or CD zoning districts, as more specifically described in §13.2.C.2 of this Chapter, is an accommodations use. On the other hand, an accessory short-term "nightly rental" use of a dwelling unit in a residential zoning district, as allowed by §5.2.B.2.g of this Code, is not an accommodations use. See also the definition of "guest room or unit" below.
7. *Acre* shall mean a gross measure of land area equivalent to forty-three thousand five hundred sixty (43,560) square feet.
8. *Adequate Public Facilities ("APF")* shall mean the public facilities and services necessary to maintain the adopted level of service standards.
9. *Adjacent* shall mean the same as "Abutting or Adjoining."
10. *Administrative Appeals* shall mean appeals where it alleged by the appellant that there is error in any order, requirement, decision or refusal made by an administrative official or agency based on, or made in the application of, the standards or enforcement of this Code in a specific situation, with limited necessity for reference to general goals and policies of the Comprehensive Plan.

11. *Adult Material* shall mean any material including, but not limited to books, magazines, newspapers, movie films, slides or other photographic or written materials, video tapes or devices that are distinguished by their emphasis on depicting, describing or relating to Specified Anatomical Areas or Specified Sexual Activities.
12. *Adverse Impact* shall mean a condition that creates, imposes, aggravates or leads to inadequate, impractical, unsafe or unhealthy conditions on a site proposed for development or on off-site property or facilities.
13. *Alter* or *Alteration* shall mean any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders or interior partitions, as well as any change in doors, windows, means of ingress or egress or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one (1) location to another.
14. *Amendment* shall mean any addition, deletion or revision of the text of this Code or any addition, deletion or revision of the Official Zoning Map adopted after public hearings.
15. *Animal, Domestic* shall mean small animals of the type generally accepted as pets, including but not limited to dogs, cats and fish, but not including roosters, ducks, geese, pea fowl, goats, sheep, hogs or similar animals.
16. *Antenna* shall mean an exterior transmitting or receiving device used in telecommunications that radiates or captures radio signals.
17. *Antenna, Attached* shall mean an antenna mounted on an existing building, silo, smokestack, water tower, utility or power pole or a support structure other than an antenna tower.
18. *Antenna, Concealed* shall mean an antenna with a support structure that screens or camouflages the presence of antennas and/or towers from public view, in a manner appropriate to the site's context and surrounding environment. Examples of concealed antennas include manmade trees, clock towers, flag poles, light structures, steeples and similar objects.
19. *Antenna Setback* shall mean the distance between a property line and the footprint of the antenna structure, including antennas, reflectors, dishes and other appurtenances.
20. *Antenna Tower* shall mean a freestanding structure, including monopole, guyed and lattice towers, designed and constructed primarily to support antennas and transmitting and receiving equipment.
21. *Antenna Tower Height* shall mean the distance from the finished grade at the antenna tower base to the highest point of the tower. Overall antenna tower height includes the base pad, mounting structures and panel antennas, but excludes lightning rods and whip antennas.
22. *Applicant* shall mean, unless otherwise specified, an owner or other person with a legal property interest, including heirs, successors and assigns, who has filed an application for subdivision or development.
23. *Arterial Street*. See "Street, Arterial" below.

24. *Attainable Housing* or *Attainable Housing Units* shall mean the following:
 - a. Renter-Occupied Attainable Housing Units. See §11.4.C.
 - b. Owner-Occupied Attainable Housing Units. See §11.4.C. (Ord. 2-02 #9)
25. *Bank, River or Stream* shall mean the boundary along a stream or river at the high water mark.
- 25.5. *Barn/Stable* shall mean a building, used exclusively to store farm implements, grain, hay, and other farm products and/or to shelter and feed livestock; or, a building having stalls or compartments used exclusively to shelter and feed livestock. (Ord. 18-01 #25)
26. *Basement* shall mean that portion of a building that is partly or completely below natural or existing grade.
27. *Bedroom* shall mean a private room planned and intended for sleeping, separated from other rooms by a door, and accessible to a bathroom without crossing another bedroom.
28. *Berm*, in the context of landscaping or buffer requirements, shall mean a mound of earth typically used to shield, screen and buffer undesirable views and to separate potentially incompatible land uses.
29. *Bikeway* shall mean a pathway, often paved and separated from streets and sidewalks, designed to be used by bikers.
30. *Board of County Commissioners* shall mean the governing body of Larimer County, Colorado, officially known as the Larimer County Board of County Commissioners.
31. *Board of Trustees* shall mean the governing body of the Town of Estes Park, officially known as the Town of Estes Park Board of Trustees.
32. *Boards* shall mean the Larimer County Board of County Commissioners and the Town of Estes Park Board of Trustees.
33. *Boundary Adjustment* shall mean the division of one (1) or more lots, tracts or parcels of land for the purpose of adjusting boundary lines between such lots, tracts or parcels of land and adjacent lots, tracts or parcels of land, which adjustments do not create additional lots or building sites for any purposes.
34. *Buffer* or *Bufferyard* shall mean 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 potential nuisances.
35. *Building* shall mean any permanent structure built for the shelter or enclosure of persons, animals, chattels or property of any kind, and which is governed by the following characteristics:
 - a. Is permanently affixed to the land; and
 - b. Has one (1) or more floors and a roof.

- 35.5. *Building Envelope* shall mean an area within the property boundaries of a lot or property within which an allowed building or structure may be placed. No portion of the building, including cornices, canopies, eaves, landings, or attached decks, shall extend outside the bounds of a building envelope. (Ord. 18-01 #25)
36. *Building Line* shall mean a line parallel to the street lot line touching that part of a building closest to the street. See also "Setback Line."
37. *Building Mass* shall mean the three-dimensional bulk of a building: height, width and depth.
38. *Building, Principal* shall mean the building or structure on a lot used to accommodate the primary permitted use, such use possibly occurring in more than one (1) building or structure.
39. *Building Scale* shall mean the relationship of a particular building, in terms of building mass, to other nearby and adjacent buildings.
40. *Bylaws* shall mean the governing covenants, controls and restrictions for a condominium owner association or corporation, containing all the information required by the Colorado Condominium Ownership Act, §38-33-101 et seq., C.R.S.
41. *Caliper* shall mean the diameter of a tree trunk measured six (6) inches from the ground for trees up to four (4) inches in caliper/diameter and twelve (12) inches from the ground for trees four (4) inches or larger in caliper/diameter.
42. *Camping Unit* shall mean any tent, trailer, recreation vehicle or similar structure established or maintained and operated in a campground as temporary living quarters for travel, recreation or vacation purposes.
43. *Campsite* shall mean any plot of ground within a campground intended for exclusive occupancy by a camping unit or units under the control of a camper.
44. *Caretaker Quarters*. See "Employee Housing" below.
- 44.5. *Carport* shall mean a garage that is open on at least two (2) sides. (Ord. 15-03 #1)
45. *Change of Use* shall mean any use that substantially differs from the previous use of a building or land in terms of, for example, required parking, landscaping or drainage, and particularly in terms of the new use's overall effect on the surrounding neighborhood and zoning district purpose.
46. *Channel* means a natural or artificial watercourse or drainage way of perceptible extent with definite bed and banks to confine and conduct continuously or periodically flowing water.
47. *Character* shall mean those attributes, qualities and features that make up and distinguish a development project and give such project a sense of purpose, function, definition and uniqueness.
48. *Clearing* shall mean the indiscriminate removal of trees, shrubs and undergrowth with the intention of preparing real property for nonagricultural development purposes.
49. *Co-Development* shall mean two (2) or more competing Commercial Mobile Radio Services (CMRS) providers working together to develop a single CMRS facility.
50. *Co-Location* shall mean locating wireless communications equipment for more than one (1) CMRS provider on a single structure.
51. *Commercial Mobile Radio Services (CMRS)* shall mean telecommunications services including cellular telephone, personal communications service (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, wireless Internet access and similar services.

52. *Commercial Mobile Radio Services Facility* shall mean the equipment, physical plant and portion of the property and/or building used to provide CMRS services, including but not limited to cables and wires, conduits, pedestals, antennas, towers, concealed structures, electronic devices, equipment buildings and cabinets, landscaping, fencing and screening, and parking areas.
53. *Commercial Mobile Radio Services Facility, Temporary* shall mean a CMRS facility designed for use while a permanent CMRS facility or network is being designed or built, or for a special event where many people attending are CMRS users.
54. *Commercial Use* shall mean activity involving the sale of goods or services carried out for profit.
55. *Common Open Space* shall mean land within or related to a development, not individually owned or dedicated for public use but generally owned and/or maintained by a homeowners association, that is designed and intended for the common use or enjoyment of the residents of the development and their guests, and may include such complementary structures and improvements as are necessary and appropriate.
56. *Compatible* or *Compatibility* shall mean the characteristics of different uses or activities or design which allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include height, scale, mass and bulk of structures. Other characteristics include pedestrian or vehicular traffic, circulation, access and parking impacts. Other important characteristics that affect compatibility are landscaping, lighting, noise, odor and architecture. Compatibility does not mean "the same as." Rather, compatibility refers to the sensitivity of development proposals in maintaining the character of existing development.
57. *Complete Application* shall mean an application for development approval or a permit that has been submitted in the required format, includes all mandatory information, and is accompanied by the established fee.
58. *Comprehensive Plan* shall mean the Estes Valley Comprehensive Plan, dated December 1996, as amended from time to time.
59. *Condominium* or *Condominium Project* shall mean a building, or group of buildings, in which dwelling units, offices or floor area are designated for separate ownership, and the remainder of the structure, land area and facilities is commonly owned by all the unit owners on a proportional, undivided basis.
60. *Condominium Unit* shall mean an individual air space unit in a condominium, together with the proportional, undivided interest in the common elements appurtenant to such unit.
61. *Coniferous* shall mean trees and shrubs which generally have needles rather than leaves, bear cones and typically remain green throughout the year.
62. *Contiguous* shall mean next to, abutting or touching and having a boundary or portion thereof that is coterminous. Contiguity is not broken by a road or alley, a public or private right-of-way or easement, a natural or artificial water course or intersecting mining claim.
63. *Corner Lot* shall mean a lot that abuts two (2) or more streets that intersect at one (1) or more corners of the lot.

64. *County* shall mean Larimer County, Colorado.
65. *Cul-de-sac* shall mean a local or private street with only a single means of egress and ingress and having a turn-around at one (1) end. (Ord. 8-05 #1)
66. *Curb* shall mean a stone, concrete or other improved boundary usually demarcating the edge of a roadway, parking lot or other paved area.
67. *Curb Cut* shall mean the opening along the curb line at which point vehicles may enter or leave the roadway.
68. *Cut* shall mean the excavating of earth from the ground surface during the process of land development.
69. *Cutoff* shall mean the point at which all light rays emitted by a lamp, light source or luminaire are completely eliminated (cut off) at a specific angle above the ground.
70. *Cutoff Angle* shall mean the angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source above which no light is emitted.
71. *Deciduous* shall mean trees and shrubs that lose their leaves at the end of each growing season and develop new ones the following season.
72. *Decision-Making Body* shall mean the entity (typically the Board of County Commissioners, Board of Trustees, Estes Valley Planning Commission, Town or County Board of Adjustment, or Staff) that is authorized to finally approve or deny an application or permit required under this Code.
73. *Deck* shall mean a platform, either freestanding or attached to a building, that is supported by pillars or posts.
74. *Declaration* shall mean an instrument recorded pursuant to the statutes of the State of Colorado and that defines the character, duration, rights, obligations and limitations of condominium ownership, including but not limited to plats and maps.
75. *Dedication* shall mean the grant of an interest in property to the public for public use and benefit.
76. *Density* shall mean the number of dwelling or guest units for each acre of land. For purposes of this Code, density shall be calculated on a "net" basis. See "Density, Net" below.
77. *Density, Net* shall mean the number of dwelling units or guest rooms/units in an accommodations use on a lot or site divided by the total gross area (in acres) of the site on which the units are located, exclusive of the following land areas (in acres):
 - a. Eighty percent (80%) of lands located in the 100-year floodplain;
 - b. Eighty percent (80%) of lands located above the elevation serviceable by the Town of Estes Park water system;
 - c. All lands within private streets or dedicated public rights-of-way; and
 - d. All lands subject to a ground lease that, because of the lease terms, would not be available for development of the proposed land use(s) on the subject property.
78. *Depth, Lot or Site* shall mean the horizontal distance between the front and rear property lines of a site measured along a line midway between the side property lines.

79. *Developer*. See “Subdivider or Developer,” below.
80. *Development* shall mean the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, but shall not include the dividing of land into two (2) or more parcels (see “Subdivision” below).
- a. *Development* shall include:
- (1) Any construction, placement, reconstruction alteration of the size, or material change in the external appearance of a structure on land;
 - (2) Any change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on a tract of land or a material increase in the intensity and impacts of the development;
 - (3) Any change in use of land or a structure;
 - (4) Any alteration of a shore or bank of a river, stream, lake, pond, reservoir or wetland;
 - (5) The clearing of land as an adjunct of construction;
 - (6) The commencement of drilling (except to obtain soil samples), mining, stockpiling of fill materials, filling or excavation on a parcel of land;
 - (7) The demolition of a structure;
 - (8) The deposit of refuse, solid or liquid waste, or fill on a parcel of land; and
 - (9) The installation of landscaping within the public right-of-way, when installed in connection with the development of adjacent property.
- b. *Development* shall *not* include:
- (1) Work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way;
 - (2) Work by any utility and other entity or person(s) engaged in the distribution or transmission of gas or water or other utilities, for the purpose of inspecting, repairing, renewing or constructing, on established rights-of-way, any sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks or the like;
 - (3) A change in the ownership or form of ownership of any parcel or structure; and
 - (4) The creation or termination of rights of access, easements, covenants concerning development of land, or other rights in land.
81. *Development Plan* shall mean the proposed layout of a lot or site showing all elements of the proposed site development as well as existing conditions, including but not limited to topography, vegetation, drainage, floodplains, wetlands and waterways, landscaping and open areas, walkways, circulation, utility services, surrounding development, existing buildings, structures, trees and vegetation to remain, and other information as may be reasonably required by the Decision-Making Body to make an informed decision.

82. *Diameter at Breast Height (DBH)* shall mean tree trunk diameter measured in inches at a height of four and one-half (4.5) feet from the ground or, in the case of a tree that is divided into multiple trunks below four and one-half (4.5) feet, as measured at the most narrow point beneath the point of division.
83. *Drainage Way* means a natural or artificial land surface depression with or without perceptively defined beds and banks to which surface runoff gravitates and collectively forms a flow of water continuously or intermittently in a definite direction.
84. *Drip Line* shall mean the distance between the outer edge of a tree trunk and the vertical line extending from the outermost edge of the tree canopy to the ground.
85. *Drive-Through* shall mean an establishment which by design, physical facilities, service or packaging procedures encourages or permits customers to receive services, obtain goods or be entertained while remaining in their motor vehicles.
86. *Driveway* shall mean a paved or unpaved area used for the ingress and/or egress of vehicles, which allows access from a street to a building or other structure or facility, and which is not necessarily contained in a deeded right-of-way or easement. Driveways that exceed *Shared Driveway* standards set forth in Appendix D shall be considered streets. (Ord. 8-05 #1)
87. *Driveway, Shared* shall mean a single driveway serving two (2) or more adjoining lots or uses.
88. *Dwelling, Accessory*. See "Accessory Dwelling Unit" above.
89. *Dwelling, Attached* shall mean a dwelling unit structurally attached to one (1) or more other dwelling units by common walls.
90. *Dwelling, Detached* shall mean a dwelling unit having open space on all sides.
91. *Dwelling, Multi-Family* shall mean a building containing three (3) or more dwelling units, designed for occupancy by three (3) or more households living independently of each other. All the dwelling units in a multi-family dwelling are located on the same one (1) lot. Commonly referred to as apartments or condominiums.
92. *Dwelling, Single-Family* shall mean a detached dwelling designed to be occupied by one (1) household.
93. *Dwelling, Town Home* shall mean an attached dwelling, containing a single dwelling unit, that is located on a separate lot. A town home dwelling is in a row of at least three (3) such units, in which each unit has its own front and rear access to the outside.
94. *Dwelling, Two-Family* shall mean two (2) attached dwellings, located on a single lot, and designed to be occupied by two (2) households living independently of each other.
95. *Dwelling Unit* shall mean a building or portion of it designed and used as living and sleeping quarters for a single household, and that includes exclusive sleeping, kitchen, eating and sanitary facilities.
96. *Easement* shall mean an area that is reserved, conveyed or granted one (1) or more property rights by the property owner to and for the use of the public, a corporation or other persons, for a designated part of the property, and for a specified or limited purpose without the transfer of fee title.

97. *Easement, Conservation* shall mean an easement stipulating that the described property will remain in its natural state and precluding future or additional development or subdivision.
98. *Effective Date of this Code* shall mean February 1, 2000.
99. *Employee Housing* shall mean an accessory dwelling unit(s) for an owner, operator or employee of the principal use or business located on a site. Employee housing includes a dwelling unit occupied by an owner, operator or employee acting as caretaker, custodian or security personnel for the principal use or business on a property (the latter is sometimes referred to as "caretaker quarters").
100. *Estes Valley Ridgeline Protection Map* shall mean the official map showing the location of specific ridgeline protection areas in the Estes Valley, together with associated view and vantage points, dated November 3, 1999, as amended from time to time.
101. *EVPC* shall mean the Estes Valley Planning Commission.
102. *Excavation* or *Excavating* shall mean the removal or recovery by any means whatsoever of soil, rock, minerals, mineral substances or organic substances, other than vegetation, from water or land, on or beneath the surface thereof, whether exposed or submerged.
104. *Fence* shall mean an artificially constructed barrier of any material or combination of materials erected to enclose, screen or separate areas.
105. *Fill* shall mean a deposit of materials of any kind placed by artificial means.
106. *Floor Area, Gross* shall mean the combined sum of the gross building floor area of all principal and accessory buildings on a lot, including basement gross floor area except as specifically excluded herein, as measured along the outside enclosing walls, but not including:
 - a. Parking structures accessory to a nonresidential use;
 - b. Any area where the floor-to-ceiling height is less than five (5) feet;
 - c. Attainable housing bonus units meeting the requirements of §11.4. Only bonus units shall be exempt; (Ord. 18-01 #25)
 - d. Floor area placed below grade as set forth in §11.8. (Ord. 8-05 #1)
107. *Floor Area Ratio (FAR)* shall mean the ratio of gross floor area divided by gross lot or land area measured in square feet less all land area within private streets or dedicated public rights-of-way.

108. *Floodplain* shall mean land located in the Estes Valley that is adjacent to a body of water that has been or may hereafter be covered by floodwater, as delineated on the official floodplain map(s) adopted by the Town or County.
109. *Frontage*. See “Lot Frontage” below.
110. *Garage* shall mean an accessory building or a portion of the principal building, including carports, for the private accessory use of the owner or occupant of a principal building intended for storage of motor vehicles and equipment with no facilities for mechanical service or repair of a commercial or public nature. All area within the walls enclosing the garage shall be considered garage space. For carports, all area under the roof shall be considered garage space. (Ord. 15-03 #1)
111. *Garage, Public* shall mean a garage other than a private or storage garage, where motor vehicles are housed, equipped for operation, repaired or kept for remuneration, hire or sale.
- 111.5. *Garage Sale* shall mean the sale or offering for sale to the general public of more than five (5) items of personal property on any portion of a lot in a residential zoning district, whether within or outside any building. Sales of programs and food and beverage items at school athletic events shall not be deemed to constitute garage sales. Garage sales shall be limited to no more than four (4) consecutive calendar days and shall occur not more than twice within a twelve-month period. (Ord. 18-01 #25)
112. *Grade* shall mean:
- a. The average elevation of the land around a building; or
 - b. The percent of rise or descent of a sloping surface as it exists or as rendered by cut and/or fill activities.
113. *Grade, Existing or Natural* shall mean the surface of the ground or pavement at a stated location as it exists prior to development or disturbance.
114. *Grade, Finished* shall mean the final elevation of the ground level after topsoil has been applied to graded slopes, as measured six (6) feet from the exterior walls of the structure.
115. *Grading* shall mean rearrangement of the earth's surface by stripping, cutting, filling or stockpiling of earth or land, including the land in its cut or filled condition, to create new contours or grades.
116. *Ground Cover* shall mean low-growing plant materials intended to spread over the ground. Ground cover also includes mulches used to fill in around plantings and grass.
117. *Guest Quarters* shall mean living quarters with or without kitchen facilities for the use of temporary guests of the occupants of the single-family dwelling.
118. *Guest Unit or Guest Room* shall mean:
- a. A room or suite of rooms in an accommodations use that contains sleeping and sanitary facilities and that may include limited kitchen facilities.
 - b. For purposes of this definition, “limited kitchen facilities” shall mean a kitchen that is not contained in a separate room and that may have a sink and only the following appliances: (a) a refrigerator no larger than three and one-half (3½) cubic feet; (b) a stove/oven no wider than twenty (20) inches; and/or (c) a microwave oven.

119. *Hazard Areas* shall mean all areas that are or that may become hazardous due to environmental conditions. The hazards include, but are not limited to, the following: wildfire, avalanche, landslide, rock fall, mud flow and debris fan, unstable or potentially unstable slopes, seismic effects, radioactivity, ground subsidence and expansive soil and rock.
120. *Hazardous Substance* shall mean 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.
121. *Height (Building Height)* shall be established by a plane measured vertically above the existing natural terrain elevation prior to grading (i.e., from existing or natural grade, as defined in this Code). Height shall be measured as the vertical distance in feet from the original natural terrain within a building footprint to the highest point of the finished roof situated directly above the point of measurement, not including projections specifically excluded from building height measurement in §1.9.E.2 of this Code. Small areas of rugged terrain inconsistent with this plane shall not increase or reduce building height. "Small areas" are those features with a maximum width of twenty-five (25) feet.
122. *High Water Mark* shall mean the line on the bank of a stream, river, lake or impoundment to which the high water ordinarily rises annually in seasons, as indicated by changes in the characteristics of soil, vegetation or other appropriate means, taking into consideration the characteristics of the surrounding areas. Where the ordinary high water mark cannot be found, it shall be presumed to be the edge of vegetation growing along the channel bank. In braided channels, the ordinary high water mark shall be measured so as to include the entire stream feature.
123. *Home Occupation* shall mean a business, profession, occupation or trade that is conducted for gain as an accessory use within a dwelling unit, or an accessory building by a resident of the dwelling unit. (Ord. 15-03 #1)
124. *Homeowner Association* shall mean a private, nonprofit corporation of property owners for the purpose of owning, operating and maintaining various common properties and facilities (except that as this definition relates to a condominium project, the homeowner association does not own the common property/facilities; it operates and maintains them on behalf of the condominium owners).
125. *Household* shall mean a family unit related by blood, marriage or adoption, or eight (8) or fewer unrelated individuals (including resident and nonresident caregivers) living together in a single dwelling unit, with common access to and common use of all living and eating areas and all facilities for the preparation and serving of food within the dwelling unit.
126. *Impervious Surfaces* shall mean those portions of a lot that are covered by principal and accessory buildings or structures, and by surfaces that prevent the passage or absorption of stormwater, such as paving and driveways.
127. *Improvements* shall mean any manmade, immovable item which becomes part of, is placed upon or is affixed to real estate, including but not limited to any utility, paving, grading, drainage or structure.

128. *Individual Air Space Unit* shall mean, in the context of a condominium project, any enclosed room or rooms occupying all or part of a floor or floors of a building to be used for residential, professional, commercial or industrial purposes.
- 128.5. *Interactive kiosk* shall mean a device that allows the public to access the internet, send and retrieve e-mail or provide wayfinding or other information. These may be incorporated within an existing structure or be freestanding. These shall not be used to provide off-premises signage for other businesses. The display shall comply with the adopted sign code. Display of off-site content shall be user-activated. Content shall be restricted to comply with Title 9, "Public Peace, Morals and Safety," of the Municipal Code. (Ord. 2-06 §1; Ord. 4-06 §1)
129. *Kennel* shall mean a commercial or noncommercial use with indoor and/or outdoor facilities for the keeping, breeding, boarding or training of four (4) or more adult canine or feline animals (i.e., animals over the age of three [3] months). (Ord. 8-05 #1)
130. *Kitchen* shall mean a room or space within a room equipped with such electrical or gas hook-up that would enable the installation of a range, oven or like appliance using 220/40 volts or natural gas (or similar fuels) for the preparation of food, and also containing either or both a refrigerator and sink.
131. *Land Disturbance* shall mean any activity involving the clearing, cutting, excavating, filling or grading of land or any other activity that alters land topography or vegetative cover. See Definition 48, Clearing and §7.3.C, "Exemptions for Specific Activities."
132. *Landscaping* shall mean the preservation of the existing trees, shrubs, grass and decorative materials such as fences or walls on a lot, tract or parcel of land, or the rearrangement thereof, or the modification thereof by planting or installing more or different trees, shrubs, grass or decorative materials.
133. *Level of Service (LOS)* shall mean:
- a. In general terms, an indicator of the extent or degree of service provided by, or proposed to be provided by, a facility based on and related to the operational characteristics of the facility. Generally, "level of service" indicates the capacity per unit of demand for a public facility.
 - b. More specifically, in terms of transportation, "level of service (LOS)" shall mean a qualitative measure describing operational conditions within a traffic stream; generally described in terms of such factors as speed, freedom to maneuver, traffic interruptions, comfort, convenience and safety. LOS is usually expressed in terms of six (6) levels, designated A through F, with A (free flow of traffic with minimum intersection delay) being the best, and F (forced flow, jammed intersections, long delays) being the worst.
134. *Limits of Disturbance* shall mean the area(s) of a site, as established pursuant to §7.2.D of this Code, that may be disturbed by earth movement (grading), or cleared of vegetation, including disturbance or clearance to provide space for construction of principal and accessory uses and structures, driveways, parking areas, roads, drainage and stormwater management facilities, and/or utilities.

135. *Lot* shall mean one (1) of the following:

- a. An individual parcel of land which was intended at the time of its creation to be separately owned, developed and otherwise used as a separate developable unit that was platted by a subdivision plat created in conformance with the applicable subdivision and zoning regulations, if any, in effect at the time of creation and recorded in the office of the Larimer County Clerk and Recorder.
- b. An individual parcel of land which was intended at the time of its creation to be separately owned, developed and otherwise used as a separate developable unit that was created by a legal conveyance of said parcel prior to May 5, 1972 and

created in conformance with the applicable subdivision and zoning regulations, if any, in effect at the time of creation. In determining whether or not the individual parcel was intended at the time of its creation to be separately owned, developed and otherwise used as a separate developable unit, the procedure and standards for review set forth in §3.14 shall be used.

- c. Any parcel of thirty-five (35) acres or more which when created was located within unincorporated Larimer County, Colorado, and did not cause a parcel of less than thirty-five (35) acres to remain. (Ord. 18-02 #1)
136. *Lot Area* shall mean the total gross amount of horizontal land area within lot lines. Public rights-of-way and private streets shall not be included in calculating lot area.
 137. *Lot Coverage* shall mean that portion of a lot that is covered by principal and accessory buildings or structures, and by surfaces that prevent the passage or absorption of stormwater such as paving and driveways.
 138. *Lot, Corner* shall mean a lot located at the intersection of and abutting two (2) or more streets.
 139. *Lot, Conservancy* shall mean a lot that is at least two and one-half (2.5) acres in area and that includes within the lot lines a portion of the overall development's required private open area set-aside (see §7.4 of this Code). The portion of the conservancy lot containing the private open area set-aside is deed-restricted to preclude future development or disturbance.
 140. *Lot Depth* shall mean the average distance from the front lot line to the rear lot line, measured in the general direction of the side lot lines, that is, from the direction the lot faces and is addressed by.
 141. *Lot, Double Frontage* shall mean a lot having a frontage on two (2) streets that do not intersect at the boundaries of the lot, as distinguished from a corner lot.
 142. *Lot, Flag or Flagpole* shall mean a lot not meeting minimum frontage requirements and where the access to the public or private road is by a narrow private right-of-way or driveway, also known as a flagpole. The length of the flagpole shall be measured from the frontage line to the nearest point of intersection with the lot's property line parallel or most nearly parallel to the frontage line.
 143. *Lot Frontage* shall mean that dimension of a lot or a portion of a lot abutting a street right-of-way, excluding the exterior side dimension of a corner lot.
 144. *Lot, Interior* shall mean a lot other than a corner lot.
 145. *Lot Lines* shall mean the property lines along the edge of a lot or site:
 - a. Front Lot Line: The shortest lot line of all street lot lines. If all street lot lines are the same length, then all shall be considered front lot lines.
 - b. Side Lot Line: Any lot line except a rear lot line. (Ord. 8-05 #1)
 - c. Rear Lot Line: A lot line that is opposite a front lot line, but which does not abut a street. A triangular lot has two (2) side lot lines but no rear lot line. For other irregularly shaped lots, the rear lot line is all lot lines that are most nearly opposite the front lot line.

- d. Interior Side Lot Line: A side lot line that does not abut a street.
 - e. Street Lot Line: Any lot line that abuts a street. *Street lot line* does not include lot lines that abut an alley. On a corner lot and a double frontage lot, there are two (2) (or more) street lot lines. Street lot lines can include front lot lines and side lot lines. (Ord. 8-05 #1)
 - f. Street Side Lot Line: A lot line that is both a side lot line and a street lot line.
146. *Lot of Record* shall mean a legal lot which is a lot, parcel or tract of land created by a legal conveyance of said lot, parcel or tract prior to May 5, 1972; a lot, parcel or tract shown on a subdivision plat which was approved and recorded prior to May 5, 1972, according to the subdivision regulations in effect at the time of approval; a lot, parcel or tract created by approval of the Board of Trustees or County Commissioners in conformance with the subdivision regulations in effect at the time of approval and which has been recorded in the office of the Larimer County Clerk and Recorder; or any parcel of thirty-five (35) acres or more which, when created, did not cause a parcel of less than thirty-five (35) acres to remain. (Ord. 12-00 §2)
147. *Lot, Reverse Frontage* shall mean a double frontage lot that is designed to be developed with the rear yard abutting a major street and with the primary means of ingress and egress provided on a minor street.
148. *Lot Width* shall mean the horizontal distance between the side lot lines along a straight line parallel to the front lot line (or the chord thereof) and located the minimum front setback distance from the front lot line. Lot width standards shall apply to lots that do not have a front lot line, i.e., lots that do not abut a street. In these cases, the Decision-Making Body shall determine where to measure lot width. (Ord. 8-05 #1)
149. *Management Plan* shall mean a detailed analysis of the objectives of the land owner and a description of the resources available on a particular site which includes a plan to use "best management practices" to achieve the objectives while maintaining the needs of the total ecosystem including soil, water, air, plants, animals and humans.
150. *Manufactured Home or Housing* shall mean a single-family dwelling that:
- a. Is partially or entirely manufactured in a factory;
 - b. Is not less than twenty-four (24) feet in width and thirty-six (36) feet in length;
 - c. Is installed on an engineered permanent foundation;
 - d. Has brick, wood or cosmetically equivalent exterior siding and a pitched roof; and

- e. Is certified pursuant to the “National Manufactured Construction and Safety Standards Act of 1974,” 42 U.S.C. 5401 et seq., as amended.
151. *Maximum Extent Feasible* shall mean that no feasible and prudent alternative exists, and all possible efforts to comply with the regulation or minimize potential harm or adverse impacts have been undertaken. Economic considerations may be taken into account but shall not be the overriding factor in determining “maximum extent feasible.”
152. *Maximum Extent Practicable* shall mean under the circumstances, reasonable efforts have been undertaken to comply with the regulation or requirement, that the costs of compliance clearly outweigh the potential benefits to the public or would unreasonably burden the proposed project, and reasonable steps have been undertaken to minimize any potential harm or adverse impacts resulting from the noncompliance
153. *Microcell* shall mean a low power CMRS facility used to provide increased capacity in high telecommunications demand areas or provide infill coverage in areas of weak reception, including a separate transmitting and receiving station serving the facility.
154. *Mixed Use* shall mean the development of a lot, tract, parcel of land, building or structure with two (2) or more different principal uses including, but not limited to, residential, office, retail, personal service or entertainment uses, designed, planned and constructed as a unit.
155. *Mobile Home* shall mean a single-family dwelling built on a permanent chassis that is transportable in one (1) or more sections, designed for long-term residential occupancy and containing complete electrical, plumbing and sanitary facilities, and designed to be installed in a permanent or semi-permanent manner with or without a permanent foundation. “Mobile Home” does not include recreational vehicles or travel trailers.
156. *Mobile Home Park* shall mean a unified development of mobile home spaces or lots arranged on a tract of land that is at least ten (10) acres in size, and for the purpose of renting or leasing spaces meeting the requirements of this Code. A mobile home park is operated for the pecuniary benefit of the owner of the parcel of land on which the mobile home park is located.
157. *Mobile Home Space or Lot* shall mean a parcel of land within a mobile home park designated by the management to accommodate one (1) mobile home and its accessory buildings, and to which the required sewer and utility connections are provided by the mobile home park.
158. *Multi-Family Residential Use or Development*. See “Dwelling, Multi-Family” above.
159. *Nightly Rentals, Long-Term* shall mean the leasing of a principal or accessory dwelling unit for compensation and for a term of thirty (30) days or longer. See §13.2.C.2 for the description of a principal nightly rental use, and §5.2.B of this Code regarding accessory nightly rental uses in the residential zoning districts.
160. *Nightly Rentals, Short-Term* shall mean the leasing of a principal dwelling unit for compensation and for a term of less than thirty (30) days. See §13.2.C.2 for the description of a principal nightly rental use, and §5.2.B of this Code regarding nightly rentals in residential zoning districts.

161. *Nonconforming Building or Structure* shall mean a building or structure, not including signs, that was legally established prior to the effective date of this Code but that does not comply with the dimensional standards that apply within the zoning district in which the building or structure is located.
162. *Nonconforming Lot* shall mean a lot that was legally established prior to the effective date of this Code but that does not comply with the dimensional standards that apply within the zoning district in which the lot is located.
163. *Nonconforming Uses* shall mean a use that was legally established prior to the effective date of this Code but that no longer complies with the use regulations that apply within the zoning district in which the use is located.
164. *Off-Site Improvement* shall mean any utility, paving, grading, drainage, structure or modification of topography that is, or will be located on property that is: (a) not within the boundary of the property to be developed, or (b) on or under any perimeter roadway surrounding the property to be developed.
165. *Off-Street Loading* shall mean a site or portion of a site devoted to the loading or unloading of motor vehicles or trailers, including loading berths, aisles, access drives and landscaped areas.
166. *Off-Street Parking* shall mean a site or portion of a site devoted to the off-street parking of motor vehicles, including parking spaces, aisles, access drives and landscaped areas.
167. *Open Areas* shall mean any parcel or area of land or water essentially unimproved with any residential, commercial or industrial uses and set aside, dedicated or reserved for public or private use and enjoyment including recreational, scenic or environmental purposes. Open areas may include agricultural uses and natural features located on a site, including but not limited to meadows, forested areas, steep slopes, flood plains, hazard areas, unique geologic features, ridgelines, unique vegetation and critical plant communities, stream corridors, wetlands and riparian areas, wildlife habitat and migration corridors, areas containing threatened or endangered species and archeological, historical and cultural resources.
168. *Open Space Development* shall mean a development or subdivision design technique that concentrates buildings or lots on a part of the site to allow the remaining land to be used for recreation, common open space and preservation of environmentally sensitive areas.
169. *Ordinary High Water Mark*. See “High Water Mark,” above.
170. *Outdoor Activity* shall mean any enterprise, operation or activity that occurs in an unroofed area as part of a permitted use on a lot and any outdoor display of materials, machinery, vehicles or things that may or may not be for sale or rent.
171. *Outdoor Storage* shall mean the keeping, in an unroofed area, of any equipment, goods, junk, material, merchandise or vehicles in the same place for more than twenty-four (24) hours.

172. *Overall Access Management Plan* shall mean a plan that depicts the post-development flow of vehicular access to a site and where such flow interfaces with existing or proposed pedestrian, bicycle and adjacent public street traffic.
173. *Overlay District* shall mean a zoning district that encompasses one (1) or more underlying zones and that imposes additional or alternative requirements to that required by the underlying zone district.
174. *Owner* shall mean an individual, firm, association, syndicate, partnership or corporation having fee title to a parcel of land.
175. *Parcel* shall mean a contiguous area of land in the possession of, owned by or recorded as the property of the same person or persons.
176. *Parking Aisle* shall mean the traveled way by which cars enter and depart parking stalls or spaces.
177. *Parking Area* shall mean any public or private area, under or outside a building or structure, designed and used for parking motor vehicles including parking lots, garages, private driveways and legally designated areas of public streets.
178. *Parking Lot* shall mean an off-street, ground-level open area for the temporary storage of motor vehicles.
179. *Parking, Shared* shall mean joint use of a parking lot or area for more than one (1) principal use.
180. *Parking Space* shall mean the space or area in which vehicles park in a private or public parking area.
181. *Parking Structure* shall mean a building or structure consisting of more than one (1) level and used to temporarily park or store motor vehicles.
182. *Parkway* shall mean an area of grass or other living landscape materials between a road and a sidewalk (also referred to as a "tree lawn").
183. *Party-in-Interest* shall mean a person or organization that has standing to appeal the final decision of a Decision-Making Body. Such standing to appeal shall be limited to the following parties:
 - a. The Applicant;
 - b. Any party holding a proprietary or possessory interest in the real or personal property that was the subject of the decision by the Decision-Making Body whose action is to be appealed;
 - c. Owners of property located within five hundred (500) feet of the boundaries of the subject property, except for appeals of separate lot determinations; or (Ord. 8-05 #1)
 - d. The Boards as represented by the request of a single member of either Board.
184. *Planned Unit Development* shall mean a development of a property as a single entity for mixed residential/commercial purposes, when the zoning regulations that would normally apply may be superseded by controls specific to the project that allow a more sensitive and more economical arrangement of buildings and streets on the site.

185. *Planning Commission* shall mean the Estes Valley Planning Commission (“EVPC”).
186. *Porch* shall mean a covered platform, usually having a separate roof, at an entrance to a dwelling, or an open or enclosed gallery or room, which is not heated or cooled, that is attached to the outside of a building.
187. *Plat or Plan, Preliminary* shall mean a map of a proposed land subdivision showing the character and proposed layout of the tract in sufficient detail according to these regulations to indicate the suitability of the proposed subdivision prior to detailed engineering and design.
188. *Plat, Final* shall mean a map of a land subdivision prepared according to applicable laws of the State of Colorado and these regulations having the necessary affidavits for filing, dedications and acceptances, and with complete bearings and dimensions of all lines defining lots and blocks, streets and alleys, public areas and other dimensions of land.
189. *Plat, Vacated* shall mean a plat that is made legally null and void through the procedures described in this Code.
190. *Principal or Primary Entrance* shall mean the place of ingress and egress used most frequently by the public.
191. *Principal Use* shall mean the primary or predominant use of any lot or parcel, such use possibly occurring in more than one (1) building or structure. Generally, the establishment of any one (1) use listed as permitted by right or conditionally in Chapter 4 of this Code (Tables 4-1 and 4-4) would constitute the establishment of a principal use on a given lot or parcel.
192. *Professional Geologist* shall mean, for purposes of preparation of a geotechnical or hazard mitigation report required by §7.7 of this Code, a person who is a graduate of an institution of higher education that is accredited by a regional or national accrediting agency with a minimum of thirty (30) semester hours (forty-five [45] quarter hours) of undergraduate or graduate work in a field of geology. The professional geologist shall have post-baccalaureate training in the field of geology, with a specific record of an additional five (5) years of geological experience to include no more than two (2) years of graduate work.
193. *Public Hearing* shall mean a formal meeting held pursuant to public notice, intended to inform and obtain public comment, prior to taking action in accordance with this Code.
194. *Qualified Designer* means a land surveyor or engineer who has been duly licensed by the State of Colorado to perform the type of work involved.
195. *Recreation, Active* shall mean leisure-time activities, usually of a formal nature and often performed with others, requiring equipment, nonmotorized or otherwise, and taking place at prescribed places, sites or fields. Included activities are swimming, tennis and other court games, baseball and other field sports, track and playground activities.
196. *Recreation, Passive* shall mean leisure-time activities that involve relatively inactive or less energetic activities, such as walking, sitting, picnicking, card games, chess, checkers and similar table games, and not typically requiring prescribed places, sites, courts or fields.

- 196.5 *Recreational Equipment* shall include, but is not limited to, the following: boats, golf carts, all terrain vehicles, snowmobiles, horse trailers and jet skis. (Ord. 15-03 #1)
197. *Recreational Facility* shall mean a place designed and equipped for the conduct of sports or passive and/or active recreational activities.
198. *Recreational Vehicle* shall mean a wheeled vehicle, required by the State to have a vehicular registration, built on a chassis that can be towed, hauled or driven and primarily designed as a temporary dwelling for recreation, vacation and travel use, including, but not limited to, travel trailers, truck campers, tent trailers, pick-up campers, camping trailers and self-propelled motor homes. (Ord. 15-03 #1)
199. *Rentals, Nightly or Short-Term*. See definition of “Nightly Rentals” above.
200. *Retail Uses*. See definition of “Retail Establishment” use classification in §13.2 above.
201. *Retaining Wall* shall mean a structure designed to resist the lateral displacement of soil or other materials in order to protect property and/or prevent erosion.
202. *Review Body* shall mean the entity (typically Staff or the Estes Valley Planning Commission) that is authorized to recommend approval or denial of an application or permit required under this Code.
203. *Ridge* shall mean an elongated crest or series of crests of a hill.
204. *Ridgeline* shall mean a ground line located at the highest elevation of and running parallel to the long axis of the ridge.
205. *Ridgeline Protection Area* shall mean those areas designated as protected ridgelines on the Estes Valley Ridgeline Protection Map, plus the land located within one hundred (100) horizontal feet (plan view) on either side of ridgeline. See definition of “Estes Valley Ridgeline Protection Map” above.
206. *River or Stream Corridor* shall mean the corridor defined by a river’s or stream’s ordinary high water mark. See “High Water Mark” above.
207. *Schedule of Fees* shall mean the list of charges adopted by resolution of the Boards, and not a part of this Code, to cover the costs of administering the review, decision and/or appeal processes required by a development proposal, such costs to be borne by the developer or Applicant, paid in advance, and subject to periodic revision by the Boards.
208. *Sensitive Environmental Areas* shall mean areas with one (1) or more of the following characteristics: (a) river and stream corridors; (b) wetlands; (c) steep slopes of twelve percent (12%) or greater; (d) soils classified as highly erodible, subject to erosion or highly acidic; (e) fault areas; (f) rock outcroppings; (g) critical wildlife habitats; or (h) view corridors that present vistas to mountains and foothills, water bodies, open areas or other regions of principal environmental importance.
209. *Setback* shall mean the distance between the nearest lot line and the furthestmost projection of a building or structure along a line at right angles to the lot line. Setback also refers to the horizontal distance (plan view) between the delineated edge of a wetlands, designated ridgeline protection area, stream/river corridor or wildlife habitat and the furthestmost projection of a building or structure. Setbacks shall be unobstructed from the ground to the sky except as otherwise specifically allowed in §1.9.D of this Code.

210. *Setback, Front* shall mean a setback that extends across the full width of a site, the depth of which is the distance between the front property line and the furthestmost projection of a building or structure along a line at right angles to the front lot line, excluding allowable projections set forth in §1.9.D of this Code.
211. *Setback Line* shall mean that line that is the required minimum distance from any lot line and that establishes the area within which the principal structure must be erected or placed. See also “Building Line.”
212. *Setback, Rear* shall mean a setback that extends across the full width of a site, the depth of which is the distance between the rear property line and the furthestmost projection of a building or structure along a line at right angles to the rear lot line, excluding allowable projections set forth in §1.9.D of this Code.
213. *Setback, Side* shall mean a setback on that portion of a lot that is not adjacent to a private or public street. It extends from the rear line of the required front yard, or the front property line of the site where no front yard is required, to the front line of the required rear yard, or the rear property line of the site where no rear yard is required, the width of which is the distance between the side lot or property line and a line parallel thereto on the site.
214. *Sidewalk* shall mean a paved surface area usually paralleling and separate from the roadway, used as a pedestrian way.
215. *Significant Tree* shall mean any tree with a diameter at breast height (DBH) of eight (8) inches or more.
216. *Site* shall mean a lot, or group of contiguous lots not divided by an alley, street other right-of-way, or city limit, that is proposed for development in accord with the provisions of this Code, and is in a single ownership or has multiple owners, all of whom join in an application for development.
217. *Site Specific Development Plan* shall mean final approval or final conditional approval of a: (1) final subdivision plat (including a minor subdivision plat); (2) final PUD plan; or (3) development plan, which results in a vested right as provided in §24-68-101 et seq., C.R.S., as amended.
218. *Sketch Plan* shall mean a conceptual plan of a proposed development or subdivision for purposes of informal review that carries no vested rights or obligations.
219. *Slope* shall mean the deviation of a surface from the horizontal, usually expressed in percent or degree.
220. *Slope, Average* shall mean the difference in elevation divided by horizontal distance, and shall be measured over the entire parcel based on two-foot contour intervals, as shown in the following formula:
- $$\text{Average Slope} = \frac{0.0046 \times \text{length of contour lines (in feet)}}{\text{Site or parcel area (in acres)}}$$
221. *Slope, Steep* shall mean slopes that are twelve percent (12%) or greater.
222. *Special Review Use* shall mean a use permitted in a zoning district subject to discretionary review and approval by the EVPC. Special review uses are typically uses that may have unique or widely varying operating characteristics, may have potential operational or other impacts on adjacent properties, or may have unusual site development demands.

223. *Specified Anatomical Areas* shall mean any of the following that are less than completely and opaquely covered: (a) human genitals and pubic region; (b) buttocks; (c) the human female breast or breasts to a point immediately below the top of the areola; and (d) human male genitals in a discernibly turgid state even if completely and opaquely covered.
224. *Specified Sexual Activities* shall mean human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, oral copulation or sodomy; fondling or other erotic touching of human genitals (pubic region), buttocks or female breasts.
225. *Staff* shall mean the Directors of the Town of Estes Park Community Development Department and the Larimer County Planning Department, and their designees.
- 225.5. *Statement of Intent* shall include the following unless waived by Staff at the pre-application meeting: existing conditions, development request, any requests for modifications or exceptions to the Code, and a project description to include: vehicular and pedestrian access, vehicular and pedestrian circulation system, density, number of units, number of lots, acreage, land use, landscaping and maintenance plan, utilities, stormwater drainage and erosion control, and type and amount of impervious coverage. All points of noncompliance with applicable Code provisions shall also be noted and justification provided. (Ord. 18-01 #25)
226. *Stream Corridor*. See "River or Stream Corridor" above.
227. *Street* shall mean any public or private thoroughfare which affords a principal means of access to abutting property, and includes such terms as public right-of-way, highway, road, drive, lane, court and avenue. Driveways that exceed *Shared Driveway* standards set forth in Appendix D shall be considered streets. (Ord. 8-05 #1)
228. *Street, Arterial* shall mean any state or federal numbered highway, any street with a right-of-way width greater than sixty (60) feet, or any other street depicted as a "principal arterial" on the Estes Valley Long Range Transportation Plan (Map 5.10 in the Comprehensive Plan). (Ord. 8-05 #1)
229. *Street, Collector* shall mean a street that collects traffic from local streets and connects with arterials, and which is projected to average between one thousand one (1,001) and four thousand (4,000) vehicle trips per day at full development. (Ord. 8-05 #1)
- 229.5 *Street, Dead-end* shall mean a local or private street with only a single means of egress and ingress. (Ord. 8-05 #1)
230. *Street, Local* shall mean a street designed to provide vehicular access to abutting property and to discourage through traffic, and which is projected to average between one hundred twenty-one (121) and one thousand (1,000) vehicle trips per day at full development. (Ord. 8-05 #1)
- 230.5 *Street, Sub-Local* shall mean a street designed to provide vehicular access to abutting property and to discourage through traffic, and which is projected to average one hundred twenty (120) or fewer vehicle trips per day at full development. (Ord. 8-05 #1)
231. *Structural Alteration* means any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

232. *Structure* means anything constructed or erected, the use of which requires location on or in the ground, including buildings, mobile homes, billboards, swimming pools, tanks or the like, or part thereof.
233. *Subdivider or Developer* shall mean any person, firm, partnership, joint venture, limited liability company, association or corporation who participates as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale or lease of a subdivision or development.
234. *Subdivision* shall have the meaning given in §30-28-101, C.R.S., and shall include any use of a parcel or building for condominiums.
235. *Subdivision, Minor* shall mean subdivision for the purposes of boundary adjustments; or subdivision into a total of not more than four (4) lots, provided that each resulting lot fronts onto an existing dedicated public street and the subdivision entails no extension of municipal facilities.
236. *Substantial Economic Hardship* shall mean a denial of all reasonable economic use of a subject property.
237. *Thread* shall mean the centerline of the low-flow course of a stream. (Ord. 2-02 #5)
238. *Traffic Impact Analysis* shall mean a report analyzing anticipated roadway conditions with and without an Applicant's development, and may also include a parking study and overall access management plan for the development site.
239. *Trail and Trail Head* shall mean a tract of land designated and used by the public for walking, hiking, biking, horseback riding or other recreational activities, and a facility for the parking of motor vehicles that provides safe access to the trail.
240. *Town* shall mean the Town of Estes Park, Colorado.
241. *Town Home*. See "Dwelling, Town Home" above.
242. *Underlying Zone District* shall mean the zoning districts set forth in Chapter 4 of this Code which divides the Estes Valley into zoning districts.
243. *Use* shall mean the purpose for which land or premises or a building thereon is designed, arranged or intended, or for which it is or may be occupied or maintained.
244. *Variance* shall mean a grant by the Board of Adjustment permitting an owner to use a lot not wholly in accordance with the provisions of this Code because the BOA finds that strict conformance would be an unusual hardship not created by the owner, but depriving him or her of reasonable use of the lot. Such a grant specifies a minimum deviation or deviations from the regulations intended to cure the hardship but not create detrimental conditions affecting abutting property owners or the public at large.
245. *Vegetation* shall mean trees, grass, shrubs or vines.
246. *Vested Right* shall mean the right to undertake and complete development and use of real property under the terms and conditions of an approved site specific development plan, as provided in the provisions of Article 68 of Title 24, C.R.S., as amended.

247. Wetlands shall mean an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.
248. *Xeriscape* shall mean landscaping that requires less water on vegetation that is suited to soils and climate.
249. *Yard* shall mean an open area on the same site as a structure, unoccupied and unobstructed by structures from the ground upward, except as otherwise provided in this Code, including a front yard, side yard or rear yard. See "Setback" above.

(Ord. 12-00 §2, 9/12/00; Ord. 18-01 #25, 10/23/01; Ord. 2-02 ##1, 5, 9, 2/12/02; Ord. 18-02 #1, 12/10/02; Ord. 15-03 #1, 8/12/03; Ord. 8-05 #1, 6/14/05; Ord. 2-06 §1, 6/27/06; Ord. 4-06 §1, 7/25/06)

