

## **CHAPTER 19                      DEFINITIONS**

### **19-100            RULES OF CONSTRUCTION**

- A. The particular controls the general.
- B. The word "building" shall mean the word "structure."
- C. The word "used" shall include "arranged," "designed," "constructed," "altered," "converted," "rented," "leased," or "intended to be used."
- D. Additional definitions are found in this document within subsections of the Zoning Resolution.

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**ABUTTING.** Having a common property line or district line with an adjacent property.

**ACCESS DRIVE.** A street or right-of-way providing ingress and egress to properties adjacent to a regional thoroughfare, arterial street, or major collector street.

**ACCESSORY DWELLING UNIT (ADU)** A secondary dwelling unit that is within or adjacent to the primary single-family dwelling unit on a lot/ parcel and includes a kitchen, bathroom and sleeping facilities and has a separate entry to the secondary dwelling unit. Colorado Statutory parcels of 35-acres are also under this definition.

**ACCESSORY USE OR STRUCTURE.** A use or structure (exceeding 120 sq. ft.) subordinate to the principal structure or use which serves a purpose customarily incidental to the principal use.

**ACCESSORY BUILDINGS.** Accessory uses and structures are not permitted unless and until the principal permitted use has been established on the property.

- A. Accessory buildings greater than 120 sq. ft. in size and/or 10' in height shall observe all yard and height requirements.
- B. Structures constructed for accessory uses shall not be used for dwelling purposes.
- C. Except for agricultural usage only, accessory structures shall not exceed 10% of the lot area or a maximum of 1,000 square feet, and a maximum building height of 15 feet.

**ACCIDENT POTENTIAL ZONE (APZ) I.** An area beginning at the outer edge of the Buckley Air National Guard Base Clear Zone, 3,000 feet wide by 5,000 feet long, in which the potential for aircraft accidents, while being less than the accident potential on the Base environs, is considered measurable enough for the purposes of these Regulations to warrant certain land use restrictions to be placed on lands lying within this Zone.

**ACCIDENT POTENTIAL ZONE (APZ) II.** An area beginning at the outer edge of the Buckley Air National Guard Base Accident Potential Zone I, 3,000 feet wide by approximately 7,000 feet long together with a triangular-shaped area at the westerly edge of the 7,000 measurement which is 5,500 feet wide at the base by 7,300 feet long, all as depicted in Figure 3-1 of the June 1998 AICUZ, in which the potential for aircraft accidents, while being less than the accident potential of APZ I, is considered measurable enough for the purposes of these Regulations to warrant certain land use restrictions to be placed on lands lying within this Zone.

**ACRE, GROSS.** An area in any shape containing 43,560 square feet.

**ADJACENT LAND.** See Adjoining Lot or Land.

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

**ADMINISTRATION.** Of or pertaining to the performance of executive or managerial functions of an organization complying with the definition of a public facility.

**ADMINISTRATIVE SITE PLAN (ASP).** The Administrative Site Plan (“ASP”) is the final step in the Master Development Plan process. The ASP has three related but independent components: (1) Site Development and Grading Plan; (2) Foundation and Preliminary Architecture approval; and (3) Full Shell Building and Core approval. Each ASP approved pursuant to the procedures set forth in these Regulations shall be incorporated within the approved MDP.

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

**ADULT BOOKSTORE (Also ADULT NOVELTY STORE or ADULT VIDEO STORE).** A commercial establishment which devotes a substantial portion of its stock-in-trade or interior floor space to the promotion of or the sale or rental of books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, CD-ROMS, slides or other visual, digital, or electronic representation, or novelty items, which are characterized by an emphasis on the depiction or description of “specified sexual activities” or “specified anatomical areas”. For purposes of this definition, 20% or more of an establishment’s stock-in-trade or 250 square feet or more of an establishment’s interior floor space, are presumptively “substantial or significant.”

**ADULT CABARET.** A nightclub, bar, restaurant, “pop shop”, or similar commercial establishment which features:

- A. persons who appear nude or in a state of nudity
- B. live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”; or,
- C. films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”

**ADULT DAY CARE CENTER.** See DAY CARE CENTER, ADULT.

**ADULT DAY CARE HOME.** See DAY CARE HOME, ADULT.

**ADULT MOTEL.** A motel, hotel or similar commercial establishment which: (a) offers public accommodations, for any form of consideration, and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas” and which advertise the availability of this sexually oriented type of material by means of a sign visible from the public right-of way, or by means of any off-premises advertising including but not limited to newspapers, magazines, pamphlets or leaflets, radio or television; or, (b) offers a sleeping room for rent for a period of time less than ten (10) hours, or allows a tenant or occupant to sub-rent a sleeping room for a time period of less than ten (10) hours.

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

**ADULT THEATER.** A theater, concert hall, auditorium, or similar commercial establishment which, for any form of consideration, regularly features persons who appear in a state of nudity or live performances which are characterized by exposure of “specified anatomical area” or by “specified sexual activities.”

**AGRICULTURAL ANIMAL.** Cattle, sheep, llamas, goats, swine, mules, poultry, horses, alternative livestock as defined by Colorado Statutes (e.g. elk) and such domesticated animals as fox, mink, chinchilla, beaver and rabbits, and large birds/poultry such as emu, rhea or ostrich, except dogs and cats that are used for working purposes on the farm or ranch, and any other animal designated by the State Agricultural Commissioner, which animal is raised for food or fiber production.

**AGRICULTURAL ANIMAL, SMALL, NON-COMMERCIAL.** Chickens, geese, other small poultry, and/or rabbits, kept only for the private use of the residents of the property where the animals are raised and not for commercial purposes.

**AGRICULTURAL BUILDING.** A structure on agricultural land designed, constructed and used to house farm implements, livestock, or agricultural produce or products used by the owner, lessee, or sub-lessee or their immediate families, their employees, and persons engaged in the pick up or delivery of agricultural produce or products grown or raised on the premises. The term shall not include dwellings.

**AGRICULTURAL AND LIVESTOCK PRODUCTS.** Plant or animal products in a raw or unprocessed state that are derived from the science and art of agriculture, regardless of the use of the product after its sale and regardless of the entity that purchases the product.

**AGRICULTURE.** The science and art of production of plants and animals useful to man, including, to a variable extent, the preparation of these products for man’s use and their disposal by marketing or otherwise, and includes horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bee and any and all forms of farm products and farm production.

**AGRICULTURE, NON-COMMERCIAL.** The production of crops and livestock for consumption entirely on the premises.

**AGRI-TAINMENT.** A for profit business operation, located and operated on A-E or A-1 zoned agricultural property that is specifically approved as a use-by-special review in that zone to provide educational and/or entertainment opportunities to its patrons in an agriculturally oriented environment by way of activities, events, demonstrations, displays, interactive participation, tours, lectures, and/or the sale of agriculturally related products. Characteristic uses permitted in an agri-tainment USR include but are not limited to:

- A. Animal petting zoo and farm animal centers
- B. Bed and breakfast
- C. Camps
- D. Community Event and Conference Center
- E. Country store/craft shop
- F. Cultural, special event, and religious festivals
- G. Educational activities and programs
- H. Farm tours

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- I. Farmers market (year round)
- J. Farmhouse restaurant
- K. Farm-life activities and entertainment
- L. Guest ranch/farm house lodging
- M. Thematic vacations or events
- N. Winery operations

Accessory uses to agri-tainment may include: parking associated with an approved use, concession stands, pick your own produce, play grounds and activity fields for guests and visitors to the farm, and signage in compliance with the Signage regulations.

**AIRCRAFT-RELATED RECREATIONAL FACILITY.** A public or private facility, including structures and/or takeoff and landing areas designed and intended to provide flight training, ground school, sales, maintenance and/or repair for such uses as hot air balloons, ultralight aircraft, hang gliders, and similar uses as determined by the Zoning Administrator.

**AIRPORT INFLUENCE AREA.** An area within the unincorporated portions of Arapahoe County, proximate to an airport, which is recognized by the Board of County Commissioners as containing lands which are expected to be significantly affected by noise and/or safety hazards associated with aircraft operations associated with said airport. For purposes of these regulations, the airport influence area shall be the outside boundary of the 55 Ldn contour for that airport.

**ALLEY.** A minor right-of-way, dedicated to public uses, which gives a secondary means of vehicular access to the rear or side of properties otherwise abutting a street, and which may be used for public utility access.

**ALTER.** To change any of the supporting members of a building such as bearing walls, columns, beams or girders.

**AMATEUR MOTORSPORTS FACILITY.** A facility with supporting and accessory structures designed and operated primarily for amateur motorsports uses. Motorsports uses include but are not limited to driving motor vehicles, motorcycles or bicycles on defined tracks for practice, education, recreation or amateur competition; storage, maintenance, adjustment or repair of vehicles to be used on racetracks; and similar uses as determined by the Zoning Administrator. Competition is considered amateur if drivers are not remunerated based on performance, but this shall not preclude the occasional offering of reimbursement money which does not exceed total competitor entry fees for events.

**ANIMAL ASSISTED THERAPY ACTIVITIES.** Human interaction with animals of species known to be generally typical of farm and ranch environments for an explicit therapeutic purpose.

**ANIMAL DAY CARE FACILITY.** Any facility licensed by the State of Colorado where animals may be groomed, trained, exercised, and socialized, but not kept or boarded overnight, bred, sold or let for hire. The use must be completely enclosed except that outdoor runs or other areas in which dogs will be allowed outside of an enclosed structure off leash (hereinafter "outdoor run") are allowed between the hours of 6:30am and 9:00pm. Outdoor runs that would be less than 300' from a residential zoned property are prohibited. The building shall be soundproofed such that no noise generated by the use is perceptible at the property line.

**ANIMAL FEED YARDS, COMMERCIAL ANIMAL SALES YARDS, COMMERCIAL RIDING ACADEMIES AND PUBLIC STABLES** shall not be located closer than two hundred feet (200') from any property line, shall provide automobile and truck ingress and egress and shall provide parking and

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loading spaces so designed as to minimize traffic congestion. Odor, dust, noise or drainage shall not constitute a nuisance or hazard to adjoining properties.

**ANIMAL HOSPITAL.** Structure for the care and recuperation of ill or injured animals. Animal hospitals shall not be located closer than one hundred feet (100') from any residential district or restaurant, hotel or motel in any district. Adequate measures and controls will be required to prevent offensive odor and noise.

**ANIMATED SIGN.** Any sign, or any part thereof which changes physical position by means of movement or rotation.

**ANTENNA.** A metallic apparatus used for sending and/or receiving electromagnetic signals.

**ANTENNA (CMRS).** An exterior transmitting or receiving device used in telecommunications that radiates or captures CMRS signals. "Antenna" as used in this section does not include radio or television towers or transmitters.

**ANTENNA, ATTACHED (CMRS).** An antenna mounted on an existing building, silo, smokestack, water tower, utility or power pole or a support structure other than an antenna tower.

**ANTENNA, CONCEALED (CMRS).** 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 antennas mounted on manmade trees, clock towers, flag poles, light structures, steeples, buildings, and similar objects.

**ANTENNA TOWER (CMRS).** A freestanding structure, including monopole, guyed and lattice towers, designed and constructed primarily to support antennas and transmitting and receiving equipment.

**ANTENNA TOWER HEIGHT (CMRS).** 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.

**ANTENNA TOWER, TEMPORARY (CMRS).** 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.

**APARTMENT UNIT.** One or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit in a building containing three or more dwelling units.

**APPROACH ZONE.** An area beginning at the outer edge of the Clear Zone defined by FAA approved Airport Layout Plans; the main purpose being to facilitate the arrival and departure of aircraft utilizing the aviation facility.

**APPURTENANT RETAIL USES.** Retail uses located within office buildings which are intended to provide a service primarily for the occupants of said office building, and which are not allowed exterior advertising. Such uses may include a sandwich shop, barber/beauty shop, snack shop/restaurant, day care, etc.

**ARCHITECTURAL TREATMENT, 360 DEGREE.** See 360 DEGREE ARCHITECTURAL TREATMENT.

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**AREAS AND ACTIVITIES OF SPECIAL INTEREST.** Any area or activity which has been identified in the County Comprehensive Plan as being of special interest because it involves development activities or development areas, or both, which might create a condition incongruent with the planned and orderly use of land and/or the protection of the environment and natural resources in a manner consistent with the constitutional rights or protection of the public health, safety and well-being.

**AREA OF SPECIAL FLOOD HAZARD, AREA OF FLOOD HAZARD, FLOOD HAZARD AREA.** The land in the floodplain subject to a one percent or greater chance of flooding in any given year.

**AREA OF STATE INTEREST.** Pursuant to Article 65.1 of Title 24 C.R.S. as amended (House Bill 1041-1974), an area identified by the Board of County Commissioners as warranting State review of land use decisions.

**ASSISTED LIVING RESIDENCE.** A residential facility that makes available to three (3) or more persons, not related to the owner of such facility, either directly or indirectly through a resident agreement with the resident, room and board and at least the following services: personal services; protective oversight; social care due to impaired capacity to live independently; and regular supervision that shall be available on a twenty-four (24) hour basis, but not to the extent that regular twenty-four (24) hour medical or nursing care is required as defined under CCR 1011-1.

**AUTO DETAILING.** A commercial business cleaning the exterior and/ or interior of motor vehicles as a restorative process for the vehicle.

**AUTOMOBILE SERVICE STATION.** A facility in which the sale of automotive fuel or other petroleum products is the primary and principal activity and constitutes a substantial or significant portion of the goods offered and or services rendered. Minor automobile repair may be performed on premises. A service station may include accessory uses such as a convenience store, a single bay fully-automated vehicle wash, and/or fast-food restaurant subject to compliance with all applicable provisions of the County Land Development Code.

**AUTOMOBILE WRECKING/SALVAGE YARD.** An area where the business of auto wrecking and dismantling and the storage, sale or dumping of dismantled, obsolete, or wrecked vehicles or their parts, which may also include auto shredding and crushing services, is conducted.

**BANNER.** A temporary advertising sign which is not attached to a permanently mounted backing and/or which is allowed to wave, flap or rotate with the wind.

**BAR/TAVERN.** An establishment primarily devoted to the serving of alcoholic beverages by the drink and in which the service of food is only incidental to the consumption of such beverages.

**BASE FLOOD.** The flood having a one percent chance of being equaled or exceeded in any given year.

**BATCH PLANT, TEMPORARY.** See TEMPORARY BATCH PLANT. Also, for comparison, see TEMPORARY CONCRETE and/or BATCHING PLANT.

**BED AND BREAKFAST.** A Bed & Breakfast is a single-family dwelling having a mixed use as a home for the residential owner and as an accessory use for guest lodging including meals. The home is to be the primary and legal residence of the owner.

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**BERM.** Mound of earth used for screening, definition of space, noise attenuation and decoration in landscaping.

**BILLBOARD.** A sign advertising a land use, business, product or service, not located or available upon the premises whereon the sign is located. These signs are distinguished from other off-premise signs by their larger than otherwise permitted size and typical location along State Highways and major arterial roadways. Additionally, billboards are often erected to attract attention to land uses, businesses, products, and/or services that may be utilized by motorists unfamiliar with area-wide land uses, businesses, products and/or services, such as tourists and out-of-state visitors.

**BLOCK.** A parcel of land, intended to be used for urban purposes, which is entirely surrounded by public streets, highways, railroad right-of-way, public walks, parks or green strips, rural or vacant land or drainage channels or a combination thereof.

**BOARD OF COUNTY COMMISSIONERS.** Board of Commissioners of Arapahoe County, Colorado.

**BOARDING HOUSE.** A building or portion thereof which is used to accommodate, for compensation, three or more boarders, not including members of the occupant's immediate family who might be occupying such building. The word "compensation" is money, services or other things of value.

**BROADCAST TOWER FACILITY.** A facility consisting of antennae, typically for AM and FM radio and/or VHF or UHF transmissions, an equipment building, manned or unmanned, and a guyed or self-support tower(s) and related field facilities. Each facility is intended to provide coverage to a geographic area subject to the limitations of the provider FCC license.

**BUILDING CODE.** The Uniform Building Code of Arapahoe County.

**BUILDING ENVELOPE.** An area of land within a buildable lot within which all site structures, buildings, and other hardscape elements shall be contained, except driveways. The building envelope also includes any building overhangs, eaves, protruding architectural features (e.g., bay windows, chimneys), and similar features.

**BUILDING FRONT.** One exterior wall of the building typically facing a front line of a lot; or in the event that the primary entrance is located on an exterior wall which is not the front line of the lot, the building front shall be the exterior wall containing the primary entrance to the building.

**BUILDING LINE, REAR.** A line parallel to the rear property line at the first vertical wall adjacent to the minimum required rear yard setback.

**BUILDING LINE, SIDE.** A line parallel to the side property line at the first vertical wall adjacent to the minimum required side yard setback. This line can be perpendicular to the front and rear yard building lines

**BUFFER.** A strip of land established to separate and protect one type of land use from another, to screen from objectionable noise, smoke or visual impact, or to provide for future public improvements or additional open space.

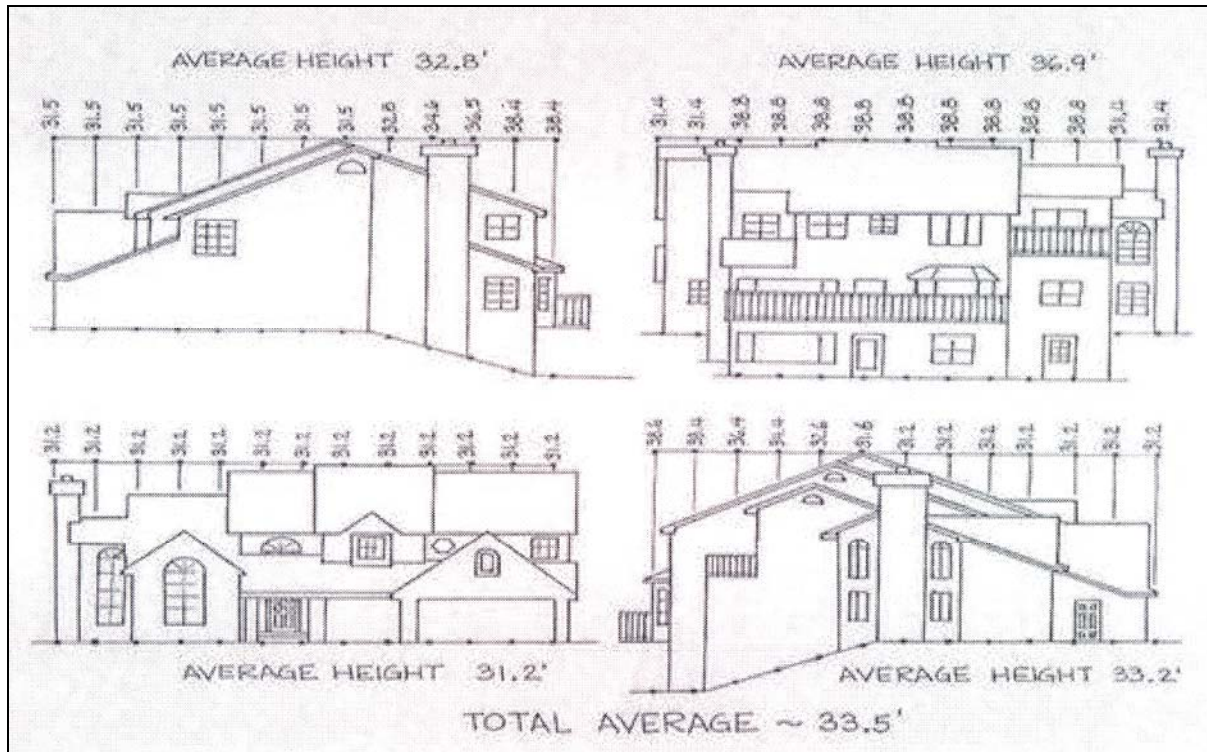
**BUFFER ZONE.** An area that experiences high volumes of aircraft overflights. Residential and other noise sensitive uses are considered incompatible here. Building height must comply with FAR 77 surface criteria, existing or future, whichever is more restrictive.

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**BUILDING.** Any structure built for the shelter or enclosure of persons, animals, chattels, property or substances of any kind (not including fences), having one or more floors and a roof, and permanently affixed to the ground.

**BUILDING ENVELOPE.** The portion of a lot within applicable setback requirements where building construction will be permitted.

**BUILDING, HEIGHT OF.** The vertical distance from the average finished grade immediately adjacent to the structure to the highest point of the structure, including rooftop appurtenances.



**BUILDING LINE, FRONT.** A line parallel to the street (front lot line) and the required front setback that is the first vertical wall of the principal building on the property.

**BUILDING, MAIN.** A building in which is conducted the principal permitted use of the lot on which it is situated.

**CAMPS.** Day camps and overnight camping in a supervised environment licensed by the State of Colorado.

**CANDELA.** A unit of measure defining the intensity of a ray of light at a given angle.

**CANOPY.** An accessory roof-type structure which is permanently affixed to the ground and typically not enclosed. As accessory structures these structures would be exempt from the minimum distance requirements between structures. These structures must meet all other minimum yard requirements within the zoning district.

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**CAR WASH.** A commercial business using self-service, in-bay automatic or conveyor equipment for cleaning and washing motor vehicles, whether as a part of another business operation or as a stand-alone operation, of any type, on a commercial basis and shall include fleet and municipal in-bay automatic and conveyor vehicle wash facilities.

**CARETAKER'S RESIDENCE.** A dwelling unit or mobile home accessory to a principal use in any one zone district designed and intended for occupancy by a person(s) owning, employed in, or dealing with and responsible for the security and maintenance of the principal use.

**CATERING SERVICE.** An establishment in which the principal use is the preparation of food and/or meals on the premises, and where such food and meals are delivered or taken to another location for consumption.

**CEMETERY.** Land used or dedicated for the burial of the dead, including such accessory uses as mortuaries, sales of burial plots, mausoleums, columbarium's, crematoriums and maintenance facilities.

**CENTRAL (COMMUNITY) SEWER SYSTEM.** A system or facility for treating, neutralizing, stabilizing, or disposing of sewage, which system or facility has a designed capacity to receive more than 2,000 gallons of sewage per day, but not including an on-site wastewater system (individual sewage disposal system). The term "central sewer system" includes appurtenances such as interceptors, collection lines, outfall and the outlet sewers, pumping stations, and related equipment.

**CENTRAL (COMMUNITY) WATER SYSTEM.** A system for the provision to the public of water for human consumption through pipes or other constructed conveyances, and which serves at least 15 service connections used by year-round residents of the area served by the system; or that regularly serves at least 25 year-round residents.

**CHECK CASHING FACILITY.** A commercial business that provides personal or business check cashing services and may include personal loans and/or payment services to individuals.

**CHILD CARE CENTER.** A facility, by whatever name known, which is maintained for the whole or part of a day for the care of five or more children under the age of sixteen years and not related to the owner, operator, or manager thereof, whether such facility is operated with or without compensation for such care and with or without stated educational purposes. The term includes facilities commonly known as day care centers, day nurseries, nursery schools, kindergartens, preschools, play groups, day camps, summer camps, and centers for mentally retarded children and those facilities which give twenty-four (24) hour care for dependent and neglected children, and includes those facilities for children under the age of six (6) years with stated educational purposes operated in conjunction with a public, private, or parochial college or a private or parochial school; except that the term shall not apply to any kindergarten maintained in connection with a public, private, or parochial elementary school system of at least six (6) grades.

**CHILD CARE HOME, LARGE.** A dwelling unit used for the purposes of providing care for seven (7) to twelve (12) children.

- A. Child care may be provided to children from 24 months to 13 years of age. This does not prohibit the care of children ages 13 to 18.
- B. Care may be provided to no more than two (2) children under the age of two (2) whether or not other siblings are in care.

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**CHURCH.** A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

**CLUSTER DEVELOPMENT.** A type of land use design concentrating development in one or more areas of the project and allowing for a reduction in lot size below minimum requirements when compensating amounts of open space are provided within the proposed project.

**CMRS.** See COMMERCIAL MOBILE RADIO SERVICE (CMRS).

**CMRS FACILITY.** See FACILITY, CMRS.

**CO-DEVELOPMENT (CMRS).** Two or more CMRS providers working together to develop a single CMRS facility.

**CO-LOCATION (CMRS).** Locating wireless communications equipment for more than one CMRS provider on a single structure.

**COMMERCIAL FEED LOT.** Any tract of land, structure, pen or corral where livestock are kept in close quarters for the purpose of feeding such livestock in order to fatten for sale or slaughter.

**COMMERCIAL MINERAL DEPOSIT.** A natural mineral deposit for which extraction by an extractor is or will be commercially feasible and which it can be demonstrated by geologic, mineralogical, or other scientific data that such deposit has significant economic or strategic value to the area, state or nation.

**COMMERCIAL MOBILE RADIO SERVICE (CMRS).** Telecommunications services, including cellular telephone, personal communications service (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, wireless Internet access and similar commercial services.

**COMMERCIAL OFFICE.** A room or group of rooms used for conducting the affairs of a business, profession, service industry or government, and some limited and accessory sales of products, but not including residential uses.

**COMMODITY.** An article of trade or commerce, especially an agricultural or mining product that can be processed and resold.

**COMPATIBLE ARCHITECTURAL TREATMENT.** The use of colors, materials and general architecture in the exterior design of structures to ensure that said structures are suitable, harmonious and in keeping with the general appearance and/or style of existing adjacent development.

**COMPREHENSIVE PLAN.** The Comprehensive Plan and amendments thereto for Arapahoe County which has been officially adopted to provide development policies for current and long range development within the County and which may include, but not be limited to, the plan for land use, land subdivision, circulation, and community facilities.

**CONCESSION STANDS.** Selling products at multiple sites within the venue, erected as necessary by property owner and/or by individual vendors.

**CONCRETE and/or BATCHING PLANT, TEMPORARY.** See TEMPORARY CONCRETE and/or BATCHING PLANT. For comparison, also see BATCH PLANT, TEMPORARY.

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**CONCRETE, MORTAR AND ASPHALT BATCHING OPERATIONS.** A site, together with its accessory facilities, where sand, gravel, cement and various petroleum derivatives are compounded to manufacture concrete, mortar and asphalt.

**CONDOMINIUM.** A legal form of ownership whereby an owner gains title to an interior air space dwelling unit, together with interest in the common areas and facilities appurtenant to such units.

**CONFINED ANIMAL FEEDING OPERATION (“CAFO”).** A confined animal or poultry growing operation (facility) for meat, milk, or egg production or stabling wherein livestock are fed at the place of confinement for 45 days or longer in any 12 month period and crop or forage growth is not maintained in the area of confinement. For purposes of these Zoning Regulations, “confined animal feeding operations” includes animal feeding operations consistent with this definition and all related animal waste treatment or collection facilities that are regulated by the Colorado Department of Public Health and Environment pursuant to the Confined Animal Feeding Operations Control Regulations, 5 CCR 1002-81, as amended, or any superseding regulations.

**CONTIGUOUS.** Lots are contiguous when at least one boundary line of one lot touches a boundary line or lines of another lot.

**CONSERVANCY LOT.** A large, privately owned lot constituting part of a conservation area in a rural cluster development. The purpose of the conservancy lot is to provide surrounding residents with visual access to open space land while keeping the land under private ownership and maintenance. Only a limited portion of any such lot shall be developed; the remainder shall be protected through conservation easements or other types of deed restrictions, and may be used only in conformance with this Code’s standards for conservation areas. Public access to conservancy lots is not required.

**CONSERVATION AREA.** The land set aside in a rural cluster subdivision and permanently preserved, through a conservation easement or other County-approved mechanism, for conservation, agricultural, or other low-impact uses as allowed by this Code. The conservation area is typically contained in delineated tracts, as shown on the approved Cluster Subdivision Plat, but may also be contained within conservancy lots, as defined herein.

**CONSERVATION EASEMENT.** A recorded deed restriction under which a property owner retains title to real property but gives up some or all of the development rights associated with it, the terms and restrictions of which are specified in a conservation easement document for the property. For a conservation easement to be recognized under federal law, the easement document must transfer the rights to enforce property restrictions to a qualified conservation organization or government agency.

**CONTROL.** A fully automatic device, which can turn on, off, or dim lights at predetermined times. A control includes, without limitation, an astronomical time clock, photocell, motion detector and dimmer.

**CONVENIENCE COMMERCIAL.** A retail or service commercial use which serves the area immediately surrounding the use by providing groceries, sundries and miscellaneous services which do not typically offer comparison shopping opportunities.

**CONVENIENCE STORE.** A small commercial establishment selling packaged food and other convenience items, which may include gasoline and/or a single-bay, fully-automated vehicle wash facility as an accessory and clearly secondary or subservient use to the convenience store, and having a gross floor area of less than three thousand (3,000) square feet.

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### **COUNTRY CLUBS, GOLF COURSES.**

- A. Buildings shall be set back a minimum of one hundred feet (100') from any property line.
- B. Facilities such as restaurants and bars may be permitted when occupying an integral part of a main structure and there is no exterior display or advertising.
- C. Swimming pools, tennis courts, etc., shall be located not less than twenty-five feet (25') from any property line.
- D. Access to golf "driving ranges" shall be located on arterial or collector streets. Floodlights used to illuminate the premises shall be so directed and shielded so as to not be an annoyance to any developed residential property or constitute a traffic hazard.

**COUNTRY STORE AND CRAFT SHOPS.** Facilities that provide an opportunity for visitors to purchase merchandise and agriculturally related products or items.

**CREMATORIUM.** A location containing properly installed, certified apparatus intended for the act of cremation of remains.

**DAY CARE CENTER.** An establishment used for the purposes of providing care for eight (8) or more children under the age of sixteen (16) years, who are not related to the owner, operator or manager thereof, for less than a twenty-four (24) hour consecutive period.

**DAY CARE CENTER, ADULT.** A non-residential, protective facility specializing in providing activities and socialization for the elderly and/or disabled adults. Care is generally provided during daytime hours, but less than a twenty-four (24) hour consecutive period, with a variety of planned program activities.

**DAY CARE HOME.** A dwelling unit used for the purposes of providing care, for compensation, of children under the age of sixteen (16) years, who are not related to the owner, operator or manager thereof, for less than a twenty-four (24) hour consecutive period.

**DAY CARE HOME, ADULT.** A dwelling unit used for the purposes of providing care for, and specializing in the special needs of, elderly and/or disabled adults who are not related to the owner of the dwelling/resident manager of the day care home, for compensation.

**DEANNEXED LAND.** A land area which had been located within a municipality pursuant to a void annexation ordinance as determined by Final Judgment pursuant to Section 31-12-117, C.R.S., as amended.

**DEED RESTRICTION.** Clauses in a deed limiting the future uses or enjoyment of a property. Deed restrictions may impose a vast variety of limitations and conditions; for example, they may limit the density of buildings and dictate the types of structures that can be built.

**DENSITY.** The average number of families, persons or dwelling units per unit of land. In these Regulations, density is normally expressed as the number of dwelling units per gross acre.

**DEVELOPMENT.** When used in the Floodplain Management Regulations means any man-made change to improved or unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

**DIRECTORY SIGN.** A sign utilized on a parcel containing more than one (1) legal use which lists the names and/or other information of the individual businesses located on the parcel.

## Chapter 19: Definitions

**DIRECTIONAL SIGN.** Any sign on a lot that directs the movement or placement of pedestrian or vehicular traffic with or without reference to, or inclusion of, the name of a product sold or service performed on the lot or in a building, structure or business enterprise occupying the same.

**DISCONNECTED LAND.** A land area which was located within the boundaries of a municipality and has been disconnected from said municipality by Final Court Decree pursuant to Section 31-12-119, or 31-12-603, or 31-12-704, C.R.S., as amended, or by any other legal theory.

**DISH-SHAPED ANTENNAS.** Considered accessory structures in all zoning districts, used for the reception of television, microwave and/or cable TV, shall meet accessory structure setback and maximum height requirements within each zoning district.

**DISPLAY SURFACE.** The display surface is the area made available by the sign structure for the purpose of displaying the advertising message.

**DISPOSITION.** A contract of sale resulting in the transfer of equitable title to an interest in subdivided land; an option to purchase an interest in subdivided land; a lease or an assignment of an interest in subdivided land; or any other conveyance of an interest in subdivided land which is not made pursuant to one of the foregoing

**DISTRICT ZONING.** A portion of the County within which the use of land and structure(s) and the location, height and bulk of structure(s) are governed, i.e., the A-1 classification is a district as is the R-1 classification.

**DRAINAGE WAY.** A natural or artificial channel, swale, arroyo, gully, gulch, ditch, trench, creek, stream, river, slough, wetland, pond, reservoir, or lake that either conveys or receives seasonal or storm water runoff.

**DRIVE-IN or DRIVE-THROUGH FACILITY.** An establishment that, by design, physical facilities, service, or packaging procedures, encourages or permits customers to receive services or obtain goods while remaining in their motor vehicles.

**DRIVE-IN, TAKE-OUT RESTAURANT.** See RESTAURANT, DRIVE-IN, TAKE-OUT.

**DRIVE-IN THEATERS.** Shall be located on an arterial street, and shall provide ingress and egress designed to minimize traffic congestion. In addition, the viewing screen shall not be visible from arterial roadways.

**DROUGHT TOLERANT LANDSCAPE.** A reduced water-usage landscape achieved through the use of good planning and design, limited turf area, soil improvements, efficient irrigation, mulching, low-water-use plants, and appropriate turf materials.

**DUMPSTERS/TRASH CONTAINERS.** See TRASH CONTAINERS/DUMPSTERS.

**DUMPSTER ENCLOSURE.** See TRASH ENCLOSURE.

**DWELLING UNIT, DUPLEX.** A building containing two single-family dwelling units totally separated from each other by an unpierced wall extending from ground to roof.

## Chapter 19: Definitions

**DWELLING UNIT, EFFICIENCY.** A dwelling unit consisting of not more than one habitable room together with kitchen or kitchenette and sanitary facilities.

**DWELLING UNIT, SINGLE-FAMILY.** Kitchen, dining, living, sleeping and bath accommodations necessary for service to a family.

**DWELLING UNIT, MULTIFAMILY.** A structure housing more than two dwelling units with each dwelling unit containing the necessary kitchen, dining, living, sleeping and bath accommodations necessary for one family unit, each unit having a separate entrance, i.e.: triplex, four-plex, multifamily complex.

**EASEMENT.** The right of a person, government agency, or public utility company to use public or private land owned by another for a specific purpose.

**EDUCATIONAL ACTIVITIES AND PROGRAMS.** Agricultural and/or culturally related topics discussed, observed, and/or experienced by way of classes, demonstrations, exhibits, lectures, and/or hands-on involvement, organized and conducted for the purposes of teaching participants about agricultural or farm related subjects such as: soil conservation and crop rotation, harvesting, crop varieties and cultivation techniques, historical landmarks, agricultural technology advancements, gardening, crafts, antique farm equipment and vehicle shows, etc.

**EFFECTED LAND.** The area of land from which any amount of overburden has been removed, or upon which any amount of overburden has been deposited, or both. This term also includes the disturbed surface of an area where a mining operation is being or will be conducted, including but not limited to: on-site private ways, roads and railroad lines; land excavations; development drill sites or workings; refuse banks or spoil piles; evaporation or settling ponds; leaching dumps; placer areas; tailings ponds or dumps; work, parking, storage or waste discharge areas; areas in which structures, facilities, equipment, machines, tools or other materials or property which result from or are used in such operations are situated.

**ELECTRONIC MESSAGE BOARD.** The information displayed on the sign face must be a complete message, thought and/or advertisement and shall be shown in its entirety at one time. It shall not require change in words, devices, symbols, etc. to complete its message or meaning. At no time may the sign face flash, blink, rotate or change, except as permitted for time and temperature. The sign face may not be changed more than once every five (5) minutes and may include multiple colors. The entire display must be turned off while the sign face is being changed. Lighting shall conform to chart below:

Candela per square meter (nits) shall mean a unit of measurement referring to the illumination of exposed LED (light emitting diode) lighting and also referred to as nits.

The intensity of the LED display shall not exceed the levels specified in the chart below:

Intensity levels (nits)

| Color      | Daytime | Nighttime |
|------------|---------|-----------|
| Red only   | 3,150   | 1,125     |
| Green only | 6,300   | 2,250     |
| Amber only | 4,690   | 1,675     |
| Full color | 7,000   | 2,500     |

## Chapter 19: Definitions

**EVENT AND CONFERENCE CENTER.** A location for family, community, public, private, corporate or ticketed events including, but not limited to, events such as: weddings, company outings, picnics, church gatherings, reunions, cultural festivals, shows, company meetings, holiday celebrations, conferences, and other similar events.

**EVIDENCE.** Any map, table, chart, contract, or any other document or testimony prepared or certified by a qualified person to attest to a specific claim or condition, which evidence must be relevant and competent and must support the position maintained by the subdivider.

**EXISTING MANUFACTURED HOME PARK OR SUBDIVISION.** When used in the Floodplain Management Regulations means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the Floodplain Management Regulations.

**EXPANSION TO EXISTING MANUFACTURED HOME PARK OR SUBDIVISION.** When used in the Floodplain Management Regulations means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**EXPANSIVE SOILS (shrink/swell soils).** Soil conditions exhibiting a high potential for changes in volume due to varying amounts of moisture and clay content which could severely damage building foundations, roads and other.

**EXPERIENCED FAMILY CHILD CARE PROVIDER.** To be approved for the Experienced Family Child Care provider, the provider must:

- A. Have been a family child care home provider in Colorado for at least the last six (6) consecutive years;
- B. Have completed 90 clock hours of training within the preceding six (6) years (excluding pre-licensing training); providers with a minimum of 65 hours of training within the preceding six (6) years may be approved for the license if they complete the additional 25 hours of training within one year of the effective date of these rules; 40 hours of the 90 hours must be in infant/toddler training;
- C. Have has no substantiated complaints in the preceding two (2) years for violations that could directly threaten the health or safety of children in care;
- D. Have no negative licensing action taken against the license in the preceding two (2) years;
- E. Meet requirements of 35 square feet of inside space and 75 square feet of outside space per child;

The following chart describes the various options available to the Experienced Family Child Care Provider. Providers are free to move from one option to another without notifying the department, as long as they are in compliance with all licensing rules.

## Chapter 19: Definitions

### All Options Include Provider's Own Children Under 10 years of Age \*

| Options  | Number of Children Birth to School Age | Number of Children Allowed Under Two Years of Age | Of Those Under Two, The Number Under 18 Months Allowed | Number of Additional School Age Children Allowed |
|----------|--|---|--|--|
| Option 1 | 5                                      | 4   | 2  | 2  |
| Option 2 | 6                                      | 3   | 2  | 3  |
| Option 3 | 8                                      | 2   | 2  | 0  |
| Option 4 | 7                                      | 2   | 2  | 2  |

**EXPLOSIVE AND HIGHLY FLAMMABLE OR HAZARDOUS MATERIALS.** Materials or liquids which, when ignited, exhibit large scale, rapid and spectacular expansion, outbreak or other upheaval. Hazardous materials are as defined by State Statute.

**FACADE/FASCIA.** Any face of a building given special architectural treatment, i.e., a false, superficial or artificial appearance or effect.

**FACILITY, CMRS.** The equipment, physical plant and portion of the property and/or building used to provide CMRS services. This includes but is 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.

**FAMILY.** An individual or two or more persons related by blood, marriage or adoption residing under one head of household, or a group of not more than five (5) persons, who need not be related, living as a single housekeeping unit. The definition of "Family" specifically excludes any group home licensed by the State for the use of four (4) to eight (8) persons.

**FAMILY FOSTER HOME.** A facility providing care and training for no more than four (4) children not related to the caretaker for regular twenty-four (24) hour care.

**F.A.R. PART 77.** Federal Aviation Administration regulations pertaining to height and obstruction criteria within prescribed distances from an airport as these regulations currently exist and as may be amended from time to time. Part 77 Regulations may also affect lands located outside the boundaries of a defined Airport Influence Area.

**FARM.** An area that is used for the production of farm crops, such as vegetables, cotton or grain and their storage, as well as raising thereon of farm animals, such as poultry or swine, on a limited basis. Farms also include dairy produce. Farming does not include the commercial raising of animals, commercial pen feeding (feed lots), or the commercial feeding of garbage or offal to swine or other animals.

**FARM ANIMAL CENTERS.** Displays and presentation in which living animals of species known to be generally typical of farm and ranch environments are kept and exhibited to the public in a setting that allows the public to view or physically interact with the animals.

**FARM MUSEUM.** A building having public significance by reason of its architecture or former use or occupancy or a building serving as a repository for a collection of farming curiosities or objects of interest, arranged, intended and designed to be used by members of the public for viewing with or without an admission charge and which may include as an accessory use the sale of goods to the public as gifts or for their own use.

## Chapter 19: Definitions

**FARM TOURS.** Activity conducted via foot, tractor, ATV, animal, and/or other means of access as appropriate for the introduction of the farm, its environs, and its functions.

**FARMERS MARKET (YEAR ROUND).** A public point of sale at which multiple farmers and often other vendors sell unprocessed produce directly to consumers.

**FARMHOUSE RESTAURANT.** A family dining venue designed with a “farmhouse kitchen” style or rural-oriented character, equipped with a full kitchen and operating on scheduled hours.

**FARM-LIFE ACTIVITIES AND ENTERTAINMENT.** Displays, contests, and constructions involving the agricultural products of a farm such as corn mazes, hay tunnels, cooking contests, pumpkin patch, organics, etc. Activities showcased by festivals, contests, events and admissions including, but not limited to, hay rides, community square dances, tractor and horse pulls, sleigh rides etc.

**FARMING AND GARDENING CLASSES.** Instruction given by a skilled individual or staff pertaining to the act of, or a specific aspect of farming or gardening and/or a specific aspect of farming.

**FAST FOOD RESTAURANT.** A restaurant operation located either within a retail center or situated on its own freestanding "pad," which primarily 1) serves food that is prepared and/or packaged within five minutes and can be intended for consumption away from the premises, 2) contains a drive-in or drive-through facility, 3) is intended to primarily serve the passerby and/or motoring public. This term does not include a restaurant offering curbside delivery as a secondary and clearly subordinate use.

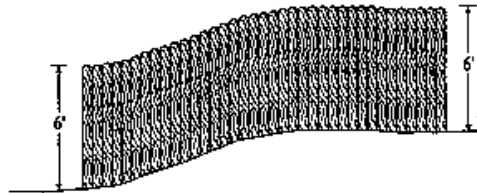
**FEE SIMPLE OWNERSHIP.** The complete ownership interest in real property, free and clear of any condition, limitation, or restriction on its alienation; the ownership of the entire “bundle” of rights attached to real property.

### **FENCE HEIGHT.**

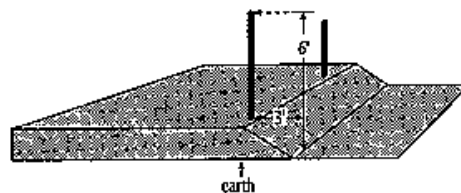
- A. Height means the distance of the vertical fence surface measured from finished grade to the top of the vertical surface. When measuring the height of a fence, measure from the lowest point within three (3) feet on either side of the fence.
- B. Pillars or posts between vertical fence surfaces may exceed the maximum permitted fence height by ten percent (10%).
- C. When a fence is erected on top of a retaining wall, the height of the fence shall be measured from the top of the retaining wall.
- D. The following illustrations pertain to measurement or determination of fence height.

## Chapter 19: Definitions

**Fences should follow the natural contours of the ground.**



**Measure from the ground level at the lowest grade level within three feet of either side of the fence.**



**FINAL ACCEPTANCE.** The acknowledgment by the County that the guaranty period has expired and there are no outstanding items to be corrected under the provisions of the guaranty.

**FINAL DEVELOPMENT PLAN (FDP).** The Final Development Plan is the second step in establishing approval of land uses and siting restrictions for a development. This document provides specific information on the uses to be permitted and the manner in which they may be situated on the property.

**FINANCIAL ESTABLISHMENT.** The provision of banking and financial services to consumers and clients that may include walk-in and drive-through services such as check cashing, business and consumer lending, private or business savings accounts and similar monetary services.

**FLAG LOT.** A polygonal-shaped lot, with the appearance of a flag and flagpole, that does not front or abut a public roadway and where the narrow “flagpole” part of the lot is used to provide access to the public roadway. Typically, the widest part of a flag lot is located at the rear of another lot or parcel, and the flagpole part of the lot is comprised entirely of a private right-of-way or driveway.

**FLASHING SIGNS.** Any directly or indirectly illuminated sign, either stationary or animated, which exhibits changing natural or artificial light or color effects by any means whatsoever.

**FLEX INDUSTRIAL.** An industrial building that contains no more than fifteen percent of the gross building area devoted to offices uses that support the principal industrial use, and no more than five percent of the gross building area is devoted to display and sales of the products produced in the building.

**FLEX OFFICE/WAREHOUSE.** An office and warehouse building on a parcel of land that can adjust the amount of the office and warehouse space ratio in direct proportion to the amount of available on-site parking, but at a ratio not more than fifty-one (51) percent office and forty-nine (49) percent warehouse, based on the parking spaces required for each allowed use.

## Chapter 19: Definitions

**FLOODPLAIN.** The land area that will be inundated or flooded based on the stormwater runoff produced by the 100-year storm event.

**FLOOD INSURANCE RATE MAP (FIRM).** The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones.

**FLOOD INSURANCE STUDY.** The official report provided by the Federal Emergency Management Agency that includes flood profiles, water surface elevation of the base flood, as well as the Flood Boundary – Floodway Map.

**FLOOD OR FLOODING.** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters and/or the unusual and rapid accumulation or runoff of surface waters from any source.

**FLOODPROOFING.** Means any combination of structural and non-structural additions, changes, or adjustments to structures which reduces or eliminates flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**FLOODWAY.** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one-half foot.

**FLOOR AREA, GROSS.** All areas located within the outside walls of a building, exclusive of basement area, garage space and porches.

**FLOOR AREA RATIO (F.A.R.).** The ratio of building gross square footage to the gross square footage of a parcel. For example, 43,560 square feet of building on one acre of land (43,560 sq. ft.) would equal a 1:1 floor area ratio.

**FOOTCANDLE OR F.C.** A unit of illuminance equivalent to one lumen per square foot.

**FLOWER FARMS.** A farm where the principal source of income is the production of decorative or ornamental plants generally not used as an edible commodity.

**FUEL DISPENSER.** A mechanical device used to convey or pump automotive fuel or other petroleum products from a storage tank, regardless of whether said storage tank is above or below grade, into a vehicle or other appropriate container.

**FULL CUTOFF LUMINAIRE.** A light fixture that has a light distribution pattern that results in no light being permitted at or above a horizontal plane located at the bottom of the luminaire.

**FULLY SHIELDED LUMINAIRE.** A light fixture that provides internal or external shields and louvers that prevents light emitted by the light fixture from causing glare or light trespass.

**FUNCTIONALLY DEPENDENT USE.** When used in the Floodplain Management Regulations, means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water (e.g. docking facility).

**GARAGE, PRIVATE.** An accessory building or a part of a main building used for storage of the private vehicles or boats of the family(ies) occupying the dwelling unit(s) to which the garage is accessory.

## Chapter 19: Definitions

**GARAGE, PUBLIC.** Any garage other than a private garage available to the public for the storage of vehicles and boats when such vehicles are parked or stored for remuneration, hire or sale.

**GARDENING.** The raising of produce for personal consumption, and not for resale as a commodity.

**GEOLOGIC HAZARD.** A geologic phenomenon which is so adverse to past, current or foreseeable construction or land use as to constitute a significant hazard to public health, safety or property. This term includes, but is not limited to, landslide, rock fall, seismic effect, mud flow, ground subsidence, shrink/swell soils and unstable or potentially unstable slopes.

**GEOLOGIC HAZARD AREA.** An area which contains or is directly affected by geologic hazard.

**GLARE.** The sensation produced by luminance within the visual field that is sufficiently greater than the luminance to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance or visibility.

**GRADE.** The average elevation of the area immediately adjacent to the sign, excluding berming.

**GROSS LAND AREA.** The land area proposed to be subdivided, including land to be dedicated for streets and other public purposes.

**GROCERY STORE.** A general retail establishment that offers for sale primarily food and groceries and may include such accessory services as bakery, delicatessen, butcher/seafood shop, pharmacy, consumer banking, retail prepared food, alcoholic and non-alcoholic beverage sales, and similar goods and services to the public.

**GROUND-BASED EQUIPMENT (CMRS).** The plant and equipment, including but not limited to cables, wires, conduits, ducts, pedestals, electronics and other appurtenances, used to transmit, receive, distribute, provide, or offer CMRS services, but are not mounted to a tower or other structure and are located on the ground or in a structure located on or under the ground.

**GROUND SIGN.** A sign structure supported by poles, uprights, or braces extending from or anchored into the ground but not attached to any part of the building.

**GROUP HOME.** Any residential structure which provides non-institutional housing for a group of four to eight persons acting as a single housekeeping unit and is licensed by the State. A Group Home shall not otherwise be considered a “family” as defined in this section. There are two types of group Homes:

### *Type A Group Home*

Forms of housing which are specifically regulated by either federal or state government:

- A. Group Home, Handicapped – A dwelling unit is shared by handicapped persons living together as a single housekeeping unit.
- B. Group Home, Developmentally Disabled – Per C.R.S. 30-28-115 (2)(a), developmentally disabled is defined as those persons having cerebral palsy, multiple sclerosis, mental retardation, autism or epilepsy; a group home for these persons.
- C. Group Home, Mentally Ill – Per C.R.S 27-10-102 (7) “Mentally ill persons” are those persons with substantial disorder of the cognitive, volitional or emotional process that grossly impairs judgment or capacity to recognize reality or to control behavior (mental retardation and mental illness may or may not be mutually exclusive); a group home for these persons.

## Chapter 19: Definitions

- D. Group Home –Elderly – Per C.R.S 30-28-115 (2)(b), elderly persons are considered to be those persons sixty (60) years or older who do not need skilled or intermediate care facilities; a group home for these persons.

*Type B Group Home.* All other forms of group housing.

**GUEST RANCH.** Any building or buildings for dwelling purposes where the primary purpose is to rent such unit for limited periods of time in connection with recreation or vacation facilities available on the premises. Such units shall not be rented or leased for permanent occupancy.

**GUEST RANCH/FARM HOUSE LODGING.** Overnight accommodations, separate from the landowner's residence, provided for guests wishing to have a "life on the farm" experience. These accommodations are usually offered with one or more designated meals, similar in size and format to a bed and breakfast operation.

**GUYED TOWER (CMRS).** A non-self-supported tower utilizing a guy wire support framework under tension on a concrete base. The guy wire support system allows for greater tower height but requires a larger land area for installation.

**HANDICAP.** Physical or mental impairment which substantially limits one or more of a person's major life activities, and as further defined by the U.S. Department of Housing and Urban Development (24 CFR Ch 1 § 100.201 (4-1-91 Edition), in response to the Fair Housing Act Amendments of 1988.

**HEALTH CLUB.** A commercial establishment that provides exercise facilities for activities such as running, jogging, aerobics, weight lifting, court sports, and swimming and may also provide locker rooms, showers, massage services, saunas and related accessory uses.

**HEALTH ESTABLISHMENT, INCLUDING NURSING HOME.** Facilities which make medical services and nursing care available for a continuous period of twenty-four (24) hours or more to three (3) or more persons not related to the operator.

**HIGHEST ADJACENT GRADE.** Means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**HISTORIC STRUCTURE.** When used in the Floodplain Management Regulations, means any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- D. Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:
  1. by an approved state program as determined by the Secretary of the Interior or;
  2. directly by the Secretary of the Interior in states without approved programs.

## Chapter 19: Definitions

**HOME OCCUPATION.** Any occupation or activity which is clearly incidental to and conducted wholly within a dwelling unit and not in any accessory building or space on the premises by residents of the dwelling unit.

**HOSPITAL.** A facility which makes available one or more of the following: medical, surgical, psychiatric, chiropractic, maternity and/or nursing services.

**HOTEL.** See MOTEL.

**HUNTING CLUB.** Buildings and facilities, owned or operated by a corporation, association, person or persons, for a social, educational or recreational hunting purpose to which membership is required for participation and not primarily operated for profit nor to render a service that is customarily carried on as a business.

**IDENTIFICATION SIGN.** A sign on any lot containing more than one (1) legal use which may be either ground sign or wall mounted, the contents of which is limited to the name, telephone number, location of the use upon the lot, hours of operation, service and/or products offered.

**IESNA.** Illuminating Engineering Society of North America.

**ILLUMINATED SIGN.** A sign lighted by or exposed to artificial lighting either by lights on or within the sign or directed towards the sign.

**INITIAL ACCEPTANCE.** Acknowledgment by the County, that to the best of the County's knowledge, all work has been completed in accordance with the construction plans and specifications.

**INOPERABLE VEHICLE.** Any vehicle lacking a current valid registration that is displayed on the vehicle or trailer and/or whose operation is not currently possible due to the disassembly of vehicle parts preventing vehicle operation. Inoperable vehicles shall not be permitted on residential properties and/or on the public right-of-way immediately adjacent to said residential property.

**INSTITUTIONAL HOUSING.** Includes persons under formally authorized, supervised care or custody in institutions at the time of enumeration. Such persons are classified as "patients" or "inmates" of an institution regardless of the availability of nursing or medical care, the length of stay, or the number of persons in the institution. Generally, institutionalized persons are restricted to the institutional buildings and grounds (or must have passes or escorts to leave) and thus have limited interaction with the surrounding community. Also, they are under the care of trained staff having responsibility for their safety and supervision.

**JUNK YARD.** A building, structure or parcel of land, or portion thereof, used for the collecting, storage or sale of wastepaper, rags, scrap metal or discarded material; or, for the collecting, dismantling, storage, salvaging, or demolition of vehicles (whether operable or inoperable) machinery or other materials.

**KENNEL.** Any premises where any combination of dogs, cats or other household pets, totaling four (4) or more animals, six (6) months of age or older, are kept, boarded or bred for the intention of profit.

**LABORATORY.** A building or a portion of a building devoted to basic applied research and the experimental study or science of the testing and analysis of chemicals, drugs, minerals, bacteriological, biological, medical, x-ray, pathological, and similar analytical or diagnostic services to doctors or dentists. No fabrication is conducted on the premises except the custom fabrication of dentures, dental implants, and optical lenses.

## Chapter 19: Definitions

**LAMP.** The component of the light fixture that produces the actual light. A lamp includes, without limitation, the bulbs and tubes that produce the actual light.

**LAND DISTURBANCE.** The term “land disturbance”, as used in Chapter 12-200 Grading, Erosion and Sediment Control Regulations, means the permanent or temporary purposeful alteration of existing ground contour by means of excavation, grading, filling, drilling, or removal of ground cover vegetation.

**LAND IMPROVEMENTS.** Physical changes made to land and/or structures placed on or under the land surface in order to change the natural or preexisting conditions of the land in preparation for the construction of improvements related to the use of land for a specific purpose. Typical land improvements would include grading, street pavement, curbs and gutters, sidewalks, drainage facilities, storm and sanitary sewers, and utility facilities.

**LANDING STRIPS FOR AIRCRAFT AND HELIPORTS.** Shall not be located closer than one thousand feet (1000') from any existing dwelling and shall be approved by the Federal Aviation Administration (FAA). All proposals for landing strips for aircraft, ultralights and/or helicopter shall obtain approval as required by these Regulations.

**LANDING STRIP FOR PRIVATE AIRCRAFT.** A runway or landing area without general aviation airport functions maintained for the private use of the owner of the property on which it is located (includes personal heliport).

**LARGE CHILD CARE HOME.** See **CHILD CARE HOME, LARGE.**

**LARGE WIND ENERGY CONVERSION SYSTEM.** Any mechanism, including blades, rotors, or other moving surfaces, designed for the purpose of converting wind energy into mechanical or electrical power. For the purpose of these Regulations, towers, tower bases, guy wires and any other structures necessary for the installation of a large wind energy conversion system are also included. To be considered a Large Wind Conversion System, the capacity shall be greater than 100 kW for each wind energy conversion system.

**LATTICE TOWER (CMRS).** A multi-legged freestanding framework tower with structural support provided by the framework sections of the tower. Each leg of the lattice tower has a separate concrete foundation.

**Ldn.** An A- weighted, day/night 24-hour average sound level, in decibels, obtained after the addition of 10 decibels to sound levels occurring during the night time period from 10 p.m. to 7 a.m., which can be used to assess the amount of exposure to aircraft noise which can be expected at certain locations proximate to an airport. The Ldn rating is computed pursuant to FAA standards and procedures and arranged in contours on maps maintained for each airport by the Arapahoe County Mapping Division.

- A. 65 Ldn NOISE ZONE. Refers to property located within the outside boundary of the 65 Ldn noise contour in effect at the time of submittal of an application for land use or subdivision approval.
- B. 60 Ldn NOISE ZONE. Refers to property located between the boundary of the 65 Ldn noise contour and the 60 Ldn noise contour.
- C. 55 Ldn NOISE ZONE. Refers to property located between the boundary of the 60 Ldn noise contour and the boundary of the 55 Ldn noise contour.

## Chapter 19: Definitions

**LED.** Light-emitting diode. LED lamp emits an almost monochromatic light of a particular color depending on the material used.

**LEGAL BUILDING SITE.** A lot that can be developed with the provisions of these Regulations and within other rules and regulations adopted by the County.

**LIGHT BULB STRINGS AND EXPOSED TUBING.** External displays, other than temporary decorative holiday lighting, which consist of light bulbs, festoons, or strings, and neon or gaseous light tubing, whether open or enclosed within transparent or translucent cabinets, are prohibited.

**LIGHT FIXTURE.** The complete lighting unit consisting of some or all of the following: the lamp, ballast, housing, and the parts designed to distribute the light, to position and protect the lamps, and to connect the lamp to the power supply.

**LIGHT INDUSTRIAL.** A place of business for light industrial and/or high technology development, including but not limited to any of the following: laboratories (basic and applied research, manufacturing, experimental, testing) manufacturing, fabrication, processing or assembling of products, indoor storage, accessory office, office/showroom/warehouse, bakery, dry cleaning or laundry, wholesale greenhouses or nursery, minor auto repair excluding outdoor storage, quasi-public use, and wholesale sale or indoor storage of any commodity listed herein.

**LIGHT INDUSTRIAL PARK DEVELOPMENT.** A light industrial park is a planned-unit development consisting of non-residential, non-retail commercial uses designed to accommodate a mix of similar and compatible light industrial uses and associated services. Light industrial park development shall consist of high quality architectural and landscaping standards, be designed in a campus setting, and have minimal aesthetic or environmental impacts on surrounding adjacent properties. The development may also contain buildings that have non-light industrial uses when deemed necessary and appropriate by the Board of County Commissioners, (such as office/showroom, hotel and conference facilities health clubs, restaurants or other similar uses) when such uses satisfy the standards of these Regulations. All buildings contained within a Light Industrial Park shall be integrated into the overall development scheme through architecture, site layout, and other development standards.

**LIGHT POLLUTION.** Any electric light that is emitted into the atmosphere, either directly or indirectly by reflection against any exterior surface, including, without limitation, the ground, buildings, cars, glass, or windshields, that alters the appearance of the night sky, interferes with astronomical observation, or interferes with the natural functioning of nocturnal native wildlife.

**LIGHT TRESPASS.** Light falling where it is not wanted or needed and includes light projected onto a property from a light source not located on that property.

**LIVE-WORK UNIT.** A combination of residential occupancy and a dominant commercial activity located within a dwelling unit that is not a home occupation, with access from the commercial activity provided to the residential unit.

**LIVESTOCK.** Cattle, sheep, goats, swine, mules, poultry, horses, alternative livestock as defined by Colorado statutes (e.g., elk), and such domesticated animals as fox, mink, chinchilla, beaver, and rabbits, and all other animals raised or kept for profit.

**LOGO.** A sign exhibiting a distinctive symbol which identifies a business.

## Chapter 19: Definitions

**LOT.** A designated parcel of land established by a recorded subdivision plat, subdivision exemption plat, recorded deed or court order, which is recognized as a separate legal entity for purposes of transfer of title.

**LOT AREA.** The total square footage or acreage contained within lot lines of any single lot of record.

**LOT, CORNER.** A site bounded by two or more adjacent street lines which have an angle of intersection of not more than 135 degrees.

- A. On any corner lot on which a front and side yard is required, no wall, fence, sign, structure or any obstructive plant growth having a height in excess of three feet (3') above the elevation of the lowest point on the crown of the adjacent roadway shall be maintained in a triangle formed by measuring from the point of intersection of the front and exterior lot lines a distance of thirty feet (30') along said front and side lot lines, connecting the points so established to form a single triangle on the area of the lot adjacent to the street intersection. However, all structures shall set back no less than twenty-five feet (25') from each lot line abutting a street unless an approved P.U.D. Plan permits a lesser setback.

**LOT COVERAGE.** That portion of the lot area covered by a building(s), including all overhanging roofs and parking areas (note definition of unobstructed open space).

**LOT, DOUBLE FRONTAGE.** A lot having a frontage on two (2) non-intersecting streets as distinguished from a corner lot.

**LOT, INTERIOR.** A lot other than a corner lot.

**LOT LINE.** A property line bounding a lot, excluding any dedicated street or alley.

**LOT LINE, FRONT.** The line separating a lot from a street or road upon which the principal building faces.

**LOT LINE, REAR.** The lot line opposite and most distant from the front line, except for corner lots. The rear lot line may be any lot line not fronting on a street. Triangular lots shall maintain a rear yard of not less than twenty-five feet (25') from the point of intersection of the side lot lines.

**LOT LINE, SIDE.** Any lot line which is neither front nor rear.

**LOT WIDTH.** The distance between side lot lines measured along the front setback line.

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

**LUMENS.** The amount of overall light output or quantity of light.

**LUMINANCE.** Relates to the quantity of light reflected or emitted toward an observer. Luminance is what an observer sees, whether it is the light reflected from a wall or the light coming directly from a luminaire.

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**MAINTAINED ILLUMINANCE.** The light level that occurs immediately before lamp burnout. This light level is approximately 50-60% of the initial illuminance.

**MAJOR ELECTRICAL, NATURAL GAS, AND PETROLEUM-DERIVATIVE FACILITIES OF A PRIVATE COMPANY.** Include transmission lines, power plants, and transmission substations owned by a private company and also transmission pipelines, compressor and processing stations, and storage areas of private companies providing natural gas or other petroleum derivatives.

**MANUFACTURED HOME.** A single-family dwelling which is partially or entirely manufactured in a factory; is not less than twenty-four feet (24') in width and thirty-six feet (36') in length, is installed on an engineered foundation, has brick, wood or cosmetically equivalent exterior siding and a pitched roof, and is certified pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974," 42 U.S.C. 5401 et seq., as amended. The term "manufactured home" does not include a "recreational vehicle."

When used in the Floodplain Management Regulations means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

**MANUFACTURED HOME PARK OR SUBDIVISION.** Means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. OR Means a parcel of land that is divided into two or more lots for long-term lease or sale, with infrastructure designed for the installation of manufactured homes.

**MANUFACTURING, LIGHT.** Manufacturing and processing in which no operations are carried on which will be likely to create smoke, fumes, noise, odor, vibration, or dust, measurable at the property line, or which will be detrimental to the health, safety, or general welfare of the community. May involve the storage of raw material, components to be assembled, or the outdoor storage of finished products.

**MANUFACTURING, HEAVY.** Manufacturing and processing in which operations are carried on which will be likely to create smoke, fumes, noise, odor, vibration, or dust, or which may be detrimental to the health, safety, or general welfare of the community, but must be within Local, State and Federal environmental standards and regulations. May include materials manufacturing, treatment and assembly, and bulk storage of raw materials and finished products.

**MARQUEE.** A permanent roof structure attached to and entirely supported by a wall of a building, having no connection or relationship with the roof of the building to which it is attached.

**MASTER DEVELOPMENT PLAN (MDP).** The Master Development Plan ("MDP") is an alternative Planned Unit Development process available for all or any part of an Office Park Development and other eligible developments. The Board of County Commissioners may, by resolution, adopt standards which allow this process to be used in other development scenarios. The process is intended for developments that are able to contain within the development the impacts of final site design and architecture, due to the size of the development, perimeter screening and landscaping features, topography, or well-defined architectural and site design standards. The MDP sets forth one or more proposed development scenarios for the project. It establishes development parameters that are more refined and more precise than those set forth in Preliminary Development Plans, thereby enabling an expedited staff-level review of final site plans as established in the MDP.

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**MESSAGE PARLOR.** All persons and entities which are subject to regulation under C.R.S. 12-48.5-101, et seq., as amended, and regulations adopted pursuant thereto by the Board of County Commissioners.

**MAUSOLEUM.** A building or structure that is part of a cemetery and contains above-ground tombs.

**MAXIMUM INITIAL HORIZONTAL ILLUMINANCE.** The maximum initial lighting levels in foot-candles as measured for exterior areas at grade level anywhere within the property including areas under canopies, balconies or other non-enclosed or partially enclosed areas.

**MAXIMUM INITIAL ILLUMINATION LEVEL.** The maximum lighting level on a property that is produced by a lamp at one hundred hours of operation.

**MAXIMUM INITIAL LAMP LUMEN RATING.** The maximum rated light output per lamp. If a light fixture has multiple lamps, this rating refers to the combined total lumens of all lamps within the light fixture.

**MAXIMUM INITIAL LINE-OF-SIGHT ILLUMINANCE.** The maximum initial lighting levels at eye level, on the property line, and looking towards the brightest and closest light fixture.

**MEDIAN.** An area in the appropriate center of a County street or state highway which is used to separate the directional flow of traffic, may contain left-turn lanes, and is demarcated by curb and gutter, having painted or thermally applied stripes or other means of distinguishing it from the portion of the roadway utilized for through traffic.

**MENU BOARD SIGN.** A sign placed adjacent to a “drive-through” lane which advertises products and prices of products intended to be purchased and/or picked up by purchasers while remaining in their vehicle, and which is located adjacent to the use or business selling said products.

**MICROBREWERY.** A facility for the production and packaging of malt beverages for distribution, retail or wholesale, on or off premises. The development may include other such uses such as a standard restaurant, bar or live entertainment as otherwise permitted in the zone district.

**MICROWAVE DISH.** A receiver for ultrahigh frequency electromagnetic waves.

**MINERAL.** An inanimate constituent of the earth including, but not limited to, coal, oil and natural gas, oil shale, sand, gravel, quarry, aggregate, limestone, in either solid, liquid or gaseous state, which when extracted from the earth is usable in its natural form or is capable of conversion into usable form as a metal, a metallic compound, a chemical, an energy source, a raw material for manufacturing, or construction material. This definition does not include surface or ground water subject to appropriation for domestic, agricultural or industrial purposes.

**MINERAL RESOURCE AREA.** An area in which minerals are located in sufficient concentration in veins, deposits, bodies, beds, seams, fields, pools or otherwise, as to be capable of economic recovery. The term includes but is not limited to any area in which there has been significant mining activity in the past, there is significant mining activity in the present, mining development is planned or in progress, or mineral rights are held by mineral patent or valid mining claim with the intention of mining. The term also includes an area of oil, gas or geothermal resource development if such area has been identified by the State Oil and Gas Conservation Commission or the Colorado Geological Survey for designation.

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**MINI-WAREHOUSE/SELF STORAGE.** A structure or group of structures containing separate, individual, and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time.

**MINING.** The process of removing or extracting minerals and building stone from naturally occurring veins, deposits, bodies, beds, seams, fields, pools or other concentrations in the earth's crust. This term also includes the preliminary treatment of such ore or building stone.

**MINOR DEVELOPMENT.** A subdivision of land that does not involve any of the following: 1) the creating of more than 4 lots; 2) the extension of municipal facilities; and 3) the creation of any new streets.

**MINOR MODIFICATION TO AN APPROVED LOCATION AND EXTENT PLAN.** For the purposes of this Section, a modification to an approved Location and Extent Plan shall be considered minor if there are no land use changes proposed and if the changes to approved development standards comply with the limitations and specifications of the Administrative Amendment Regulations found in these Regulations.

**MOBILE HOME.** Any structure transportable on its own wheels, on flatbed or other trailers, or on detachable wheels, which is designed and generally and commonly used for occupancy by persons for residential purposes in either temporary or permanent locations.

**MOBILE HOME PARK.** Any lot or part thereof, or any parcel of land which is used or offered as a location for one or more mobile homes used for any purpose.

**MONOPOLE (CMRS).** A self-supported freestanding tower with structural support in the one-legged design on a single concrete foundation

**MOTEL.** A structure, or portion thereof, or a group of attached or detached structures containing completely furnished individual guest rooms or suites occupied on a transient basis for compensation. Also includes the term Hotel.

**MOTHER-IN-LAW APARTMENT/DWELLING UNIT.** A portion of an existing or proposed principle dwelling unit maintained and used as a separate dwelling unit in which members of the immediate family, not to exceed three persons, reside. A mother-in-law apartment or dwelling unit shall be attached to the principle dwelling unit and be constructed of a similar architectural style as the principle dwelling unit. Such dwelling may include separate kitchen facilities and separate entrances from the principle dwelling unit. The lot containing the principle dwelling unit and mother-in-law apartment or dwelling unit shall not be further subdivided in order to create a separate lot for the mother-in-law apartment or dwelling unit. A mother-in-law apartment or dwelling unit shall not be rented, leased, or sold separately from the principle dwelling unit. For purposes of this definition, the term "immediate family" shall include relatives, by blood or marriage, to include children, parents, grandparents, brothers, sisters of the occupants.

**NATIONAL COOPERATIVE SOIL SURVEY.** The soil survey conducted by the U.S. Department of Agriculture in cooperation with the State Agricultural Experiment Stations and other federal and state agencies.

**NEW CONSTRUCTION.** Structures for which the "start of construction" commenced on or after the effective date of the Floodplain Management Regulations, and includes any subsequent improvements to such structures.

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**NEW DEVELOPMENT AND REDEVELOPMENT.** For purposes of these regulations, new development and redevelopment shall refer to all projects which are required to submit site construction plans to the County, for review and approval excluding building permit plans, in accordance with the County's Land Development Code requirements.

**NEW MANUFACTURED HOME PARK OR SUBDIVISION.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of these Floodplain Management Regulations.

**NIGHT CLUB.** A commercial establishment dispensing alcoholic beverages for consumption on the premises and in which the service of food is only incidental to the consumption of such beverages. Dancing and entertainment, including but not limited to musicians and comedians, are permitted. This definition does not include sexually-oriented businesses.

**NOISE CONTOUR.** The line linking together a series of points of equal cumulative noise exposure. Noise contours are developed based upon actual and projected data, including aircraft flight patterns, the number of daily aircraft operations by type of aircraft, noise characteristics of each aircraft, and typical runway usage patterns.

**NOISE SENSITIVE USES.** The following uses are considered by the County to be noise sensitive uses:

- A. Residential uses intended for permanent occupancy by owners or renters, but not including transient lodging or institutional uses such as hospitals and detention facilities.
- B. Type B Group homes. Educational uses, including schools, public and private, and non-aviation related training centers, churches, auditoriums, concert halls, day care uses.

**NONCONFORMING STRUCTURE.** A structure legally existing and/or used at the time of adoption of these Regulations, or any amendment thereto, which does not conform with the regulations of the zoning district in which it is located.

**NONCONFORMING USE.** A use legally existing and/or used at the time of adoption of these Regulations, or any amendment thereto, which does not conform with the use regulations of the zoning district in which it is located.

**NURSERY SCHOOL.** An establishment providing specialized curriculum and group care on a planned, regular basis for more than four (4) children, unrelated by blood or adoption, for less than twenty-four (24) hours. A nursery school shall maintain a minimum six foot (6') high solid fence, wall, or chain link fence which encloses outdoor play areas.

**NUDITY OR STATE OF NUDITY.** (a) The appearance of human bare buttock, anus, pubic region, male or female genitals, or the areola or nipple of the female breast: or (b) a state of dress which fails to opaquely and fully cover a human buttock, anus, male or female genitals, pubic region or areola or nipple of the female breast.

**NUDE MODEL STUDIO.** Any place where a person, who appears in a state of nudity or displays "specified anatomical areas" is provided for money or any form of consideration to be sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons. The term "Nude Model Studio" does not apply to:

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

**NURSING HOME.** An establishment, other than a hospital, licensed by the State, which operates and maintains continuous day and night facilities providing room and board, personal service and skilled nursing care.

**OFFICE PARK DEVELOPMENT.** An office park development is a zone category consisting of an integrated commercial development existing or planned for Professional Office uses and uses that are accessory or appurtenant to Professional Office uses, in a campus setting with mostly internal access points and high-quality architectural and landscaping standards. All buildings shall be integrated into the overall development scheme through architecture, site layout and other development standards.

**OFFICE/SHOWROOM.** An office building in which no more than ten percent of the gross floor area of each office suite is devoted to display and sales of products represented by the occupant of the office suite.

**OFF-STREET PARKING.** 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.

**OFF-PREMISE SIGN.** A sign advertising a land use, business, product or service not located or available upon the premises whereon the sign is located.

**ONSITE WASTEWATER SYSTEM (“OWS”).** An absorption system of any size or flow or a system or facility for treating, neutralizing, stabilizing, or disposing of sewage that is not part of or connected to a central (community) sewer system. Includes, by way of example only, septic tanks and absorption areas.

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

**OPEN SPACE / UNOBSTRUCTED.** An area intended to provide light and air and is any parcel of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use. Open space may include active recreation with limited pervious surfaces, such as swimming pools, play equipment for youngsters, ball fields, court games and picnic tables. Passive open space may include areas not occupied by any structures and limited pervious surfaces such as parks, and landscape tracts (except parking lot islands). Credit will be considered for courtyards and plazas based upon the Planning Division Manager’s review. Open space shall not include driveways, parking lots, parking islands, drive aisles or other surfaces designed or intended for vehicular travel.

**OPERATOR.** Any person, firm or corporation engaged in or controlling a mining operation.

**OUTDOOR DISPLAY/SALES.** An outdoor area for the display and/or sale of merchandise or vehicles.

**OUTDOOR STORAGE.** The storage of any material outside of the principal permitted structure on any parcel, which material is either wholly or partially visible.

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**OVERBURDEN.** All of the earth and other materials which lie above natural mineral deposits and which are disturbed from their natural state in the process of mining.

**OVERNIGHT CAMPGROUND.** An area specifically designed to accommodate the parking or placement of truck campers, camping trailers and tents used for human occupancy on a transient basis. No truck camper, camping trailer or tent shall be maintained continuously on an overnight campground for more than thirty (30) days during a calendar year.

**PARCEL.** An area of land which is not uniquely defined on a subdivision plat, but which is described by any of the following methods:

- 1) An aliquot part of a section;
- 2) A metes-and-bounds description;
- 3) A book and page or reception number reference;
- 4) Any so-called "assessor's tract;" or
- 5) Defined by means other than a plat.

**PARAPET WALL.** A low wall or protective railing along the edge of a roof, balcony or terrace.

**PARK.** Any public or private land available for active or passive recreational, educational, cultural or scenic purposes of a size, location and configuration useable as a park and approved by the PWD Department.

**PARKING LOT, ACCESSORY.** An all-weather surfaced parking area or garage designated for the short-term or long-term parking of vehicles associated with the principal or primary use of the property and/or parking of licensed equipment used by the principal or primary use of the property.

**PARKING LOT, COMMERCIAL.** A parking lot or parking garage for public parking for a fee, not including parking lots or garages operated as an accessory use in association with a residential development, commercial or industrial business development or public transit station.

**PARKING LOT, SERVICE.** See SERVICE PARKING LOT.

**PERMANENT SIGN.** A sign constructed of durable material and affixed, lettered, attached to or placed upon a fixed, nonmovable, nonportable supporting structure.

**PERSON.** An individual, proprietorship, partnership, corporation, limited liability company, association, or other legal entity.

**PETS.** Dogs and cats over the age of six months, pot bellied pigs, and reptiles or other small animals of a type typically purchased at local pet stores, which are customarily kept in the home or on the premises for the sole pleasure and enjoyment of the occupants and not raised for commercial purposes. The definition of pets does not include chickens, geese, ducks, turkeys or other poultry or domesticated fowl. Pets that are caged indoors or kept in a terrarium or aquarium or confined in a pond will not be counted in the allowed quantity of pets within a zone district. Keeping of wild or exotic animals as defined by the State of Colorado Division of Wildlife is PROHIBITED. Keeping of any poisonous animal is PROHIBITED. Keeping of any constrictor snake or any reptile with a length greater than three (3) feet, measured from the tip of the nose to the tip of the tail, is PROHIBITED.

**PHARMACY.** A place where medicines are compounded or dispensed and other medical accessory merchandise is displayed or sold.

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**PICK YOUR OWN PRODUCE.** A commercial activity wherein the general public is invited onto an agricultural property such as a farm to pick produce grown on the farm, such as apples, strawberries, pumpkins, flowers, etc. The activity may vary with the season and public interest.

**PLANNED UNIT DEVELOPMENT (PUD).** An area of land, controlled by one or more landowners, to be developed under unified control or unified plan of development for a number of dwelling units, commercial, education, recreational, or industrial uses, or any combination of the foregoing, the plan for which does not correspond in lot size, bulk, or type of use, density, lot coverage, open space, or other restriction to the existing land use regulations.

**PLANNING COMMISSION.** The Arapahoe County Planning Commission, Arapahoe County, Colorado.

**PLAT.** A map or plan of property, recorded with the Arapahoe County Clerk and Recorder.

**PLAT APPLICATION.** The application form and all accompanying documents required by these Regulations for review of a subdivision plat.

**PLAT, FINAL.** A map and supporting materials of certain described land prepared in accordance with the county's requirements as an instrument for recording of real estate interests with the County Clerk and Recorder.

**PLAT, PRELIMINARY.** The map or maps of a proposed subdivision and specified supporting materials, drawn and submitted in accordance with the County's requirements to permit the evaluation of the proposal prior to detailed engineering and design.

**PLAYGROUNDS AND ACTIVITY FIELDS.** Designed play areas and/or fields to be used for active and passive recreation for all ages including amenities such as swings, slides, sand boxes, water "spray grounds", volleyball sand courts, hard court play surfaces for toy tractors and basketball, open fields appropriate for model airplane or kite flying, etc.

**POLITICAL SIGN.** A sign advertising or promoting a candidate, political party, ballot issue or political issue to be voted upon at any public election.

**POST-CURFEW LIGHT LEVELS.** Lighting that is operated after 10 :00 p.m. or within one hour after the close of business, whichever is later, until one hour prior to the commencement of business.

**POST-CURFEW MAXIMUM INITIAL HORIZONTAL ILLUMINANCE LEVEL.** The lighting levels after 10 :00 p.m. or one hour after the close of business, whichever is later.

**PRE-CURFEW LIGHT LEVELS.** Lighting that is operated from one hour prior to commencement of business to 10:00 p.m. or within one hour after the close of the facility, whichever is later.

**PRELIMINARY DEVELOPMENT PLAN (PDP).** The Preliminary Development Plan ("PDP") is the first step in establishing land uses and siting restrictions for a parcel of land. The uses and siting restrictions permitted by the PDP establish the general requirements with which the development must comply. The uses, minimums and maximums established in the PDP will be reviewed at the Final Development Plan stage to further determine appropriateness for the particular site and neighborhood.

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**PRINCIPAL PERMITTED USE.** The primary use to be established on a parcel of land provided said use conforms to the provisions of the governing zone district, is architecturally consistent and compatible with surrounding development and complies with any and all applicable County, state or federal rules, regulations and requirements pertaining to the specific use.

**PRIVATE IMPROVEMENT.** Any improvement required by these Regulations or as a part of the conditional approval of a subdivision which is provided by the developer and not maintained by the County or a quasi-public entity.

**PRIVATE ROOM.** A room in a motel, hotel or other similar establishment that has a bed and a bath in the room or an adjacent room, and is used primarily for lodging.

**PROFESSIONAL OFFICE.** An office used by a profession acceptable to the County, and which profession is either licensed by the State of Colorado to perform the type of work involved, or is accredited by or registered with a professional group and is operating within the scope of such accreditation or registration.

**PROJECT IDENTIFICATION SIGN.** A sign whose only message consists of the name and/or address of the development which is located on the parcel of land containing the project (i.e. Smith's Shopping Center, Smith's Office Park, The Smith Hotel, etc.).

**PROJECTING SIGN.** A sign which projects from a wall or roof and is supported by a wall or roof of a building.

**PROPERTY LINE ADJUSTMENT.** The relocation of a property line which does not create additional lots, nonconforming lots or structures, changes of use, effects an easement and does not result in any non-buildable lots.

**PUBLIC FACILITY.** Any activity that is primarily funded by, and/or has the capability to levy taxes, and is of significant benefit to the public and the surrounding area, not conducted for profit, and provides a commodity or service that could not be provided within a reasonable distance of the surrounding area. Examples include public airports and related facilities, public hospitals and other emergency medical facilities, public meeting halls, public recreation facilities, schools and major facilities of a public utility.

**PUBLIC IMPROVEMENT.** Any improvement required by these Regulations for which the County or a quasi-public agency, conditionally agrees to assume responsibility for maintenance and operation, or which may affect an improvement for which the County, or a quasi-public agency, is already responsible. Such facilities include but are not limited to streets, parks, trails, drainage facilities, water and sewer facilities, gas, electricity, telephone, cable television, and other utility facilities.

**PUBLIC UTILITY.** Every firm, partnership, association, cooperative, company, corporation and governmental agency, and the directors, trustees or receivers thereof, whether elected or appointed, which is engaged in providing railroad, airline, bus, electric, rural electric, telephone, telegraph, communications, gas, gas pipeline carrier, water, sewerage, pipeline, street transportation, sleeping car, express, or private car line facilities and services.

**PUBLIC WORKS AND DEVELOPMENT DEPARTMENT.** Herein referred to as PWD.

**QUALIFIED CONSERVATION ORGANIZATION.** A non-profit organization, as defined under Section 501.C-3 of the *Internal Revenue Code*, and usually a conservation organization or land trust,

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designated to enforce the recorded deed restrictions on the use of property, as typically defined through a conservation easement.

**QUALIFIED PROFESSIONAL.** A professional acceptable to the County, and who is either licensed by the State of Colorado to perform the type of work involved, or who is accredited by or registered with a professional group and who is operating within the scope of his/her accreditation or registration.

**QUASI-PUBLIC AGENCY.** An institution constituted with a governing board and obtaining more than 51 percent of its funds from tax revenue

**QUASI-PUBLIC USE.** Charitable, educational, cultural and/or religious organizations or use which, as a primary function of their operation, provide significant benefits to the health, safety and welfare of the citizens of Arapahoe County, as may be determined by the Board of County Commissioners. Examples of such uses are religious organizations, private meeting halls and private schools.

**RANCH.** A parcel of land used primarily for the breeding of horses; raising of livestock; individual training or training of small groups; practice equestrian courses and arenas not used for scheduled, public or club events; boarding only of horses, mules or ponies directly involved with current breeding or training activities; and ancillary sales and previews of livestock and occasional weekend activities.

**RANCH HAND/AGRICULTURAL WORKER HOUSING.** A separate dwelling unit for the housing of ranch/agricultural workers apart from the permitted single-family dwelling.

**RECLAMATION.** The rehabilitation of affected land by means of replanting, soil stabilization, water resource restoration and other measures appropriate to the subsequent beneficial use of such mined and reclaimed lands.

**RECORDED MINERAL RIGHTS.** Those mineral rights which have been officially recorded or registered with the Colorado Secretary of State or the Clerk and Recorder of Arapahoe County.

**RECREATION, PRIVATE/COMMERCIAL.** Uses, structures and/or land utilized for the provision of recreational activities and/or open space which may be developed, operated and/or maintained for profit by an entity other than a public entity, such as a swimming pool, tennis court/club, recreation center, etc.

**RECREATION, PUBLIC.** Uses, structures and/or land utilized for the provision of recreational activities and/or open space which may be developed, operated and/or maintained by a public entity.

**RECREATIONAL FACILITY –INDOOR.** An establishment providing recreational activities, completely enclosed by a structure, such as bowling alley, gymnasium, roller skating, ice skating, billiards, pool, theatre swimming pool or related amusement. This does not include adult entertainment establishments.

**RECREATIONAL VEHICLE.** Means a vehicle which is:

1. built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projections;
3. designed to be self-propelled or permanently towable by a light duty truck; and
4. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**REFUSE.** All waste material directly connected with the cleaning, classification, milling, smelting, refining, preparation and otherwise of substances mined.

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**REGIONAL FACILITY.** An improvement or a part of a network or system of improvements that serve a larger area than a single subdivision and have value to a subdivision based on the nature and use of the improvement for roads, drainage, utilities, bridges, trails and open space, or floodplain requirements that insure the fullest use and development of an individual subdivision.

**RESEARCH AND DEVELOPMENT.** The use of resources for the applied and deliberate discovery of new information and ways of doing things as creative work undertaken by one or many on a systematic basis, together with the application of that information in inventing new products and processes.

**RESEARCH AND DEVELOPMENT- BUSINESS.** A business that engages in research or in the research and development of innovative ideas in technology-intensive fields and/or processes, but not in mass production of products.

**RESIDENCE-FREE ZONE.** All lands within one mile of the Adams County Front Range Airport and in that airport's final approach area where residential construction will not be permitted.

**RESOURCE RECOVERY.** The industrial process of obtaining materials or energy from solid waste for recycling or reuse.

**RESOURCE RECOVERY OPERATION.** An industrial processing operation which primarily is conducted for the purpose of recycling and/or reuse of a product or products.

**RESTAURANT.** An establishment where food and drink are prepared, served and consumed primarily within the principal building.

**RESTAURANT, DRIVE-IN, TAKE-OUT.** An establishment where food and/or beverages are sold in a form ready for consumption, where all or a significant portion of the consumption takes place or is designed to take place outside of the confines of the restaurant building, and where ordering and pick-up of food, and consumption of food, may take place from a motor vehicle.

**RESTAURANT, FAST FOOD.** See FAST FOOD RESTAURANT.

**RESTRICTED DEVELOPMENT AREA.** A racetrack or rectangular-shaped pattern beginning at the departure end of a Centennial Airport runway and terminating at the arrival end of the same runway, which provides an average flight path for arriving and departing aircraft.

**RESUBDIVISION/REPLAT.** The changing of any existing lot or lots of any subdivision plat previously recorded with the County Clerk and Recorder.

**RETAIL.** Establishments engaged in selling goods or merchandise to the general public

**RETAIL, SERVICE.** Establishments providing services to the general public.

**RETAINING WALL.** A wall designed to resist the lateral displacement of soil or other materials.

**REZONING.** For the purpose of these Regulations, a revision to the County Zoning Map.

**RIDING STABLE AND/OR ACADEMY.** Any establishment which rents, boards or leases riding animals and gives lessons to develop horsemanship.

## Chapter 19: Definitions

**RIGHT-OF-WAY.** A land area, either public or private, on which an irrevocable right-of-passage has been recorded for the use of pedestrian, equestrian or vehicular movement; railroads; public utilities; and water and sewer facilities.

**RODEO.** An event comprising of activities for competition, entertainment or display of skills including, but not limited to, horseback riding, bronco riding, steer wrestling, calf roping and/or riding, bulldogging and barrel racing and excludes horse racing and steer tailing (coliar). User fees, dues, admission fees, or other compensation may be paid, but compensation is not a required element to define an event as a rodeo. Food and/or alcohol may be bought or sold on the premises, subject to meeting any State or local health and safety regulations and/or licensing requirements.

**ROOF LINE.** The highest point on any building where an exterior wall encloses usable floor area, excluding roof area provided for housing or screening of mechanical equipment.

**ROOF SIGN.** A sign upon or above the roofline or parapet of the building or structure.

**RUNWAY PROTECTION ZONE.** An area immediately adjacent to all runway thresholds in which no non-aeronautical structures are normally permitted due to the obstacle clearance requirements of immediately arriving and departing aircraft.

**RURAL AREA.** Lands within unincorporated Arapahoe County, which are located outside the boundaries of both “Urban Services area” (as depicted in the Comprehensive Plan) and any “Urban Growth Boundary” for Bennett, Byers, Strasburg, or Watkins (As depicted in an approved sub-area plan).

**SANITARY LANDFILL.** An area where waste materials are dumped, compacted and covered with a layer of soil in compliance with applicable State and/or local requirements.

**SEASONAL FARMING OR RANCHING EVENTS.** Events related to or occurring in the course of farming and ranching, taking place during, or dependent upon a particular season. Uses may include but not be limited to: rodeos, equestrian events, ancillary sales and previewing of livestock and training of small groups.

**SEASONAL FARMERS MARKET.** A public point of sale, operational only during a pre-determined portion of the year, at which multiple farmers, or representatives of multiple farms, sell unprocessed produce harvested during a particular season directly to consumers.

**SENSITIVE DEVELOPMENT AREA.** Those land areas shown as having significant resource value on the Arapahoe County Resource Composite Map, or any of the following features identified by the County and riparian areas, agricultural land use, NREC-designated “Prime Farm Land”, steep slopes, water buffers, ecological resources, historic and archeological sites, viewsheds, ridgelines, and important visual resources.

**SERVICE COMMERCIAL.** Uses that are commercial in operation and primarily sell services to customers on site as a full-time business activity. Such uses include hairdressing and hair cutting, tailoring and dressmaking, laundry services, shoe repair, grooming and similar uses.

**SERVICE PARKING LOT.** An all-weather surfaced parking area designated for the short or long-term parking of vehicles and equipment used by the principal or accessory use of the property.

**SETBACK.** The required minimum horizontal distance between the location of structures or uses and the related front, side, or rear lot line measured perpendicular to such lot line:

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- A. Front setback – a setback extending across the full width of the lot measured perpendicular to the front lot line;
- B. Rear setback – a setback extending across the full width of the lot measured perpendicular to the rear lot line;
- C. Side setback – a setback extending the full length of the side lot line measured perpendicular to the side lot line. The side setback typically overlaps with the front or rear setback.

**SETBACK (CMRS).** The distance between a property line and the footprint of the antenna structure, including antennas, reflectors, dishes and other appurtenances.

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

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

**SHIELDED.** The light emitted from the lighting fixture is projected below a horizontal plain running through the lowest point of the fixture where light is emitted. The lamp is not visible with a shielded light fixture, and no light is emitted from the sides of such a fixture.

**SHOOTING RANGE, OUTDOOR.** The commercial use of land for archery and/or the discharging of firearms for the purposes of target practice, skeet and trap shooting, advanced firearms training, or temporary competitions, such as turkey shoots. Excluded from this use type shall be general hunting and unstructured discharging of firearms on private property with the property owner’s permission.

**SIGHT TRIANGLE.** An area of land located at intersections of streets, drives, and other public and/or private ways situated to protect lines of sight for motorists, within which, the height of materials and/or structures is limited. With any parcel containing a sight distance triangle, no obstruction shall be permitted to be erected or grown above three feet (3') in height within such sight triangle area.

**SIGNIFICANT IMPACT.** Any material effect on the surrounding area that potentially endangers health, safety, economy or resources. It includes, but is not limited to, the imposition of any obstacle to the extraction of a strategic, commercial mineral deposit, a significant increase in the cost of providing any governmental services, an increase in air and water pollution in excess of federal or state standards, a measurable increase in noise or obnoxious odor around residential or potential residential areas and contribution to or initiation of hazardous traffic patterns.

**SIGN.** Any object or device containing letters, figures and/or other means of communication or part thereof, situated outdoors or indoors, of which the effect produced is to advertise, announce, communicate, identify, declare, demonstrate, direct, display, and/or instruct potential users of a use, product and/or service.

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**SIGN, DIRECTIONAL.** See DIRECTIONAL SIGN.

**SIGN, DIRECTORY.** See DIRECTORY SIGN.

**SIGN HEIGHT.** The vertical distance from the average finished grade below the sign (excluding berming) to the highest point on the sign structure.

**SIGN MESSAGE.** The thought or idea conveyed or expressed by the words, letters, insignia, figures, designs, fixtures, colors, motion, illumination, sound or projecting images or any combination thereof.

**SIGN PERMIT.** A permit issued for the erection, construction, enlargement, alteration, moving, improvement, removal, conversion, or demolition of any sign, issued pursuant to these Regulations.

**SIGN, SPECIAL AREA/THEME.** See SPECIAL AREA/THEME SIGN.

**SIGN STRUCTURE.** A sign structure shall include, but not be limited to, the supports, uprights, braces, backing, sign board, and framework designed to contain a sign message. Sign structure is not meant to include the message conveyed by the sign.

**SIGN, TEMPORARY.** See TEMPORARY SIGN.

**SIGN, TOP OF BUILDING.** See TOP OF BUILDING SIGN.

**SIGN WITHOUT BACKING.** Any word, letter, emblem, insignia, figure, or similar character or group thereof that is neither backed by, incorporated in, or otherwise made a part of any larger display area.

**SITE-SPECIFIC DEVELOPMENT PLAN.** Pursuant to the Colorado Revised Statutes, as may be amended, a Plan approved by the Board of County Commissioners which grants a vested property right.

**SLAUGHTER HOUSE.** An industrial facility where animals are processed for consumption as food products and the facility meets all of the air and water quality requirements of the public health agencies.

**SLOPE.** The vertical elevation of a land area divided by the horizontal distance, expressed as a percentage. For purposes of this Land Development Code, slopes must cover a total land area of at least 5,000 square feet.

**SMALL WIND ENERGY CONVERSION SYSTEM (SWECS).** Any mechanism, including blades, rotors, or other moving surfaces, designed for the purpose of converting wind energy into mechanical or electrical power. For the purpose of these Regulations, towers, tower bases, guy wires and any other structures necessary for the installation of a small wind energy conversion system are also included. To be considered a SWECS, the capacity can be up to 100 kW for each wind energy conversion system.

**SNOW SHADOWING.** All buildings, structures and coniferous landscaping located on the south sides of public rights-of-way will be required to provide a 1:1 ratio of height to setback as a minimum distance from the right-of-way.

**SOLID WASTE DISPOSAL SITE AND FACILITY.** The location and facility at which the deposit and final treatment of solid, liquid or hazardous wastes occurs or a discrete area of land or an excavation where solid wastes are placed for final disposal, which is not a land application unit, waste impoundment, or waste pile. Landfills include, but are not limited to: ash monofills, construction and demolition

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landfills, industrial landfills, sanitary landfills, tire monofills and similar facilities where final disposal occurs.

**SPECIAL AREA/THEME SIGN.** A sign which identifies a unique, planned area of the County such as a Metro District, residential community, conglomeration of office parks, etc.

**SPECIFIED ANATOMICAL AREAS.** As used herein means and includes any of the following:

- A. less than completely and opaquely covered human genitals, pubic region, buttock, anus, or female breast below a point immediately above the top of the areola: or human male genitals in a discernible turgid state, even if completely and opaquely covered.

**SPECIFIED SEXUAL ACTIVITIES.** Means and includes any of the following:

- A. the fondling or other intentional touching of human genitals, pubic region, buttock, anus or female breast;
- B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
- C. Masturbation, actual or simulated;
- D. Human genitals in a state of sexual stimulation, arousal or tumescence; or,
- E. Excretory functions as part of or in connection with any of the activities set forth in subparts (a) through (d) of this subsection.

**STABLE, PRIVATE.** A structure to house riding animals, which shall be limited to the capacity of not more than one riding animal per acre.

**STABLE, COMMERCIAL.** A building or shelter to house riding animals on a rent, lease or fee basis.

**STABLE, COMMUNITY.** A structure or shelter owned and maintained jointly by several property owners to shelter riding animals; provided, however, that no space shall be occupied by animals owned by other than the joint owners of such structure or shelter.

**STABLES (PRIVATE OR COMMUNITY).** Shall be located on the rear half of a lot, not closer than twenty- five feet (25') from any property line, and not closer than fifty feet (50') from any dwelling.

**START OF CONSTRUCTION.** The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days or the permit date. The *actual start* means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home or a foundation. *Permanent construction* does not include land preparation such as clearing, grading and filling; nor does it include excavation for a basement, footings, piers, or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a *substantial improvement*, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**STEEP SLOPE.** Slopes that are 15% or greater.

**STORAGE CAPACITY, FLOODPLAIN.** The volume of space above an area of floodplain that can be occupied by floodwater of a given stage at a given time, regardless of whether the water is moving. Storage capacity tends to reduce downstream flood peaks.

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**STORAGE CONTAINER/PODS.** A prefabricated structure, commonly comprised of lightweight metal, which is intended for temporary storage of personal items.

**STREET.** A public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles. Streets are further classified by the functions they perform.

**STREET, ARTERIAL.** A street designed to carry high volumes of traffic across and through the County and which interconnects with and augments the regional thoroughfare systems to provide service for trips of moderate length and to distribute travel areas smaller than those of regional thoroughfares.

**STREET, COLLECTOR.** A street connecting a series of local streets to each other in such a manner that local traffic is collected and distributed to other collector or to arterial streets. Collector streets provide both land access services and local traffic movement within and between residential neighborhoods, commercial areas and industrial areas.

**STREET CUL-DE-SAC.** A local street of relatively short length with one open end and the other end terminating in a vehicular turnaround.

**STREET, DEAD-END.** A street that is connected to another street at one end, but which is intended to ultimately connect with another street at the closed end.

**STREET FRONTAGE.** The distance along any boundary line of a lot which is also the boundary line of a public street, road or highway right-of-way. A local or collector street parallel and adjacent to a regional thoroughfare or arterial street providing access to adjacent properties at specified points.

**STREET, LOCAL.** A street primarily intended to serve and provide access to properties abutting the street and not connecting with other streets in such a way as to encourage through traffic.

**STREET, PRIVATE.** The pavement design and construction of private streets shall be in accordance with criteria contained in the Arapahoe County Roadway Design and Construction Standards. A note so indicating shall be placed on the Final Plat, Replat, Final Development Plan, Subdivision Development Plan, or other official document prior to execution by the Board of County Commissioners.

**STREET, REGIONAL THOROUGHFARES.** Streets and highways primarily designed to serve major centers of activity within a metropolitan area, having high existing or projected traffic volumes and carrying a high proportion of the total urban travel within a minimum of mileage.

**STRING OF LIGHTS.** A series of lights attached to a wire, race, or inserted in transparent tubing in such a way that it can be moved about or hung in various ways, and whose bulbs are not luminaires permanently attached to a building or other structure.

**STRUCTURE.** When used in the Floodplain Management Regulations means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

**STRUCTURE (NON-FLOODPLAIN).** Anything constructed or erected that requires location on the ground or attached to something having location on the ground but excluding in-ground swimming pools. Signs, fences, or walls used as fences, as otherwise regulated in this Code and requiring a building permit.

**STRUCTURE, SIGN.** See SIGN STRUCTURE.

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**STRUCTURE, TEMPORARY.** A structure which is not a permanent structure, or one which is constructed for a special purpose in contemplation of eventual removal. For the purpose of these Regulations, the term "temporary" shall mean a period up to six (6) months.

**SUBDIVIDER OR DEVELOPER.** Any person, firm, partnership, joint venture, association, or corporation who shall participate as owner, promoter, developer, or sales agent in the planning, platting, development, promotion, sales, or lease of a subdivision.

**SUBDIVISION IMPROVEMENTS AGREEMENT.** One or more security arrangements which the County shall accept to secure the actual cost of construction of such public improvements as may be required by the Board of County Commissioners.

**SUBDIVISION AND SUBDIVIDED LAND.** Any parcel of land in the State which is divided into two (2) or more parcels, separate interests, or interests in common, unless exempted under subsections (A), (B) or (C).

- A. The terms "subdivision" and "subdivided land" as defined above shall not apply to any division of land which creates parcels of land each of which comprise thirty-five (35) or more acres of land, none of which is intended for use by multiple owners.
- B. Unless the method of disposition is adopted for the purpose of evading this article, the terms "subdivision" and "subdivided land" as defined above, shall not apply to any division of land:
  1. Which creates parcels of land, such that the land area of each of the parcels, when divided by the number of interests in any such parcel, results in 35 or more acres per interests;
  2. Which is created by a lien, mortgage, deed of trust or any other security instrument;
  3. Which could be created by any court in this state pursuant to the law of eminent domain, or by operation of law, or by order of any court in this state if the Board of County Commissioners of Arapahoe County, in which the property is situated, is given timely notice of any such pending action by the court and given opportunity to join as a party in interest in such proceeding for the purpose of raising the issue of evasion of provisions of these Regulations prior to entry of the court order; and, if the Board does not file an appropriate pleading within twenty days after receipt of such notice by the court, then such action may proceed before the court;
  4. Which is created by a security or unit of interest in any investment trust regulated under the laws of this state or any other interest in any investment entity;
  5. Which creates cemetery lots;
  6. Which creates an interest or interests in oil, gas, minerals, or water which are now or hereafter severed from the surface ownership of real property; or
  7. Which is created by the acquisition of an interest in land in the name of a husband and wife or other persons in joint tenancy, or as tenants in common and any such interest shall be deemed for the purposes of this section as only one interest;
  8. Which is created by a contract concerning the sale of land which is contingent upon the purchaser's obtaining approval to subdivide, pursuant to this article and any applicable County regulations, the land which he is to acquire pursuant to the contract;
  9. Which is created by the combination of contiguous parcels of land into one larger parcel. If the resulting parcel is less than thirty-five acres in land area, only one interest in said land shall be allowed. If the resulting parcel is greater than thirty-five acres in land area, such land area, divided by the number of interests in the resulting parcel, must result in thirty-five or more acres per interest. Easements and rights-of-way shall not be considered interests for purposes of this subparagraph.
- C. The Board may exempt from this definition of the terms "subdivision" and "subdivided land," any division of land if the Board determines that such division is not within the purposes of this article.

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**SUBSTANTIAL DAMAGE.** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

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

- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
- B. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

**SUBDIVISION REGULATIONS.** The Subdivision Regulations duly adopted by the Board of County Commissioners of Arapahoe County.

**SWIMMING POOLS (PRIVATE).** Including hot tubs, spas, artificial ponds or other structures capable of containing more than a 24-inch depth of water. Pools shall not be located closer than ten feet (10') from any property line. Swimming pools shall comply with the Arapahoe County Building Code.

**360 DEGREE ARCHITECTURAL TREATMENT.** Building materials, color schemes and rooftop screening which is identical on all sides of a structure, and which encloses loading docks and other service areas.

**TAVERN.** An establishment for the sale and on-premises consumption of alcoholic beverages, by the drink, to the general public and where food is sold or served accessory to the primary use.

**TECHNICAL REVIEW COMMITTEE.** The committee established to review design and engineering issues and minimum requirements related to the development and subdivision standards used by the County and comprised of representatives of the Engineering Services Division and Transportation Division that have review responsibilities established by County rules and regulations.

**TEMPORARY BATCH PLANT.** A plant for the manufacture or mixing of concrete, cement, and concrete and cement products, including any apparatus and uses incident to such manufacturing and mixing.

**TEMPORARY CONCRETE and/or BATCHING PLANT.** A temporary concrete mixing and/or asphalt batching plant used for construction of a road or structure.

**TEMPORARY SIGN.** Temporary signs shall include, but not be limited to, any exterior sign, banner, pennant, valance or advertising display:

- A. Which is constructed of cardboard, paper, cloth, canvas, fabric, plywood, light weight plastic or other light weight material, with or without frame; or
- B. Which is designed for short-term use, or to be moved about from place to place, or not permanently affixed to a nonmovable, non-portable supporting structure.
- C. "Temporary signs" shall not include signs placed in the open bed of a vehicle or printed, affixed, lettered, placed upon or attached to a vehicle.

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**TEMPORARY STRUCTURE.** See STRUCTURE, TEMPORARY.

**TIME AND/OR TEMPERATURE DEVICES.** Signs consisting of devices which provide time and/or temperature information.

**TIRES, BATTERIES AND ACCESSORIES.** Retail establishments which perform minor auto repair, as defined in this section.

**THEMATIC VACATIONS.** Social, educational or cultural gatherings, for one or more days, conducted in a farm-like atmosphere including such activities as “visiting farmer” vacations.

**TOP OF BUILDING SIGN.** A sign located above the top row of windows and below the parapet edge or leading edge of the building roofline.

**TOPSOIL.** The layer at the surface of the earth which has been so modified and acted upon by physical, chemical and biological agents that it will support rooted plants necessary to achieve reclamation goals.

**TOWNHOME.** An individual dwelling unit situated on one (1) lot but attached to one (1) or more similar dwelling units by a common wall or party wall. Where such a unit is attached to another, the property line shall be the center of the common wall or party wall. The owner of a townhome unit may have an undivided interest in common areas and elements appurtenant to such units.

**TRACT.** A parcel platted in a subdivision which is set aside as a restricted tract unsuitable for development, or for a public or community-wide purpose which shall be shown on the face of the plat. A public or community-wide purpose may include a drainage area, stormwater detention or retention areas, areas for signs, parks, open space, utilities, or land areas reserved for other public facilities. Except for restricted tracts, a tract is further defined as having been dedicated to the County or a quasi-public agency, or as being owned by a homeowners association for the subdivision in which the tract is located.

**TRAFFIC PATTERN AREA.** A racetrack or rectangular-shaped pattern beginning at the departure end of a runway and terminating at the arrival end of the same runway, which provides an average flight path for arriving and departing aircraft. For Centennial Airport, the Traffic Pattern Area is designated as the “Restricted Development Area.

**TRAIL.** A public pathway for the use of pedestrian, non-motorized bicycle, or equestrian uses officially designated on a subdivision plat of record, or the County's Comprehensive Plan.

**TRANSMISSION LINES.** Any electric transmission line and appurtenant facilities which emanate from a power plant or a substation and terminate at a substation, which are designed for or capable of, the transmission of electricity at 115 kilovolts or greater.

**TRASH CONTAINER/DUMPSTER.** A waste receptacle designed to be emptied into garbage trucks.

**TRASH ENCLOSURE.** An enclosure constructed to secure, contain, or visually screen dumpsters/trash containers.

**TRUCK STOP.** A facility intended to provide services to the trucking industry, including but not limited to the following activities: dispensing of fuel, repair shops, automated washes, restaurants, motels, accessory entertainment such as video arcades. A truck stop may allow overnight accommodations not otherwise associated with a hotel/motel use.

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**TURNAROUND.** The circular or T-shaped terminating end of a cul-de-sac which provides sufficient area for the turning of emergency vehicles, sanitation trucks, or other service vehicles and automobiles.

**TWENTY-FOUR (24) HOUR USE.** A land use whose hours of operation exceed eighteen (18) consecutive hours in any 24 hour day. A land use seeking hours of operation in excess of eighteen hours in any 24 hour period.

**UNDERGROUND MINING.** Mining activity which occurs primarily beneath the surface of the ground.

**UNIFORMITY RATIO.** The ratio between the maximum initial horizontal illuminance level and the minimum initial horizontal illuminance level on the site and within a specific use area such as a parking lot.

**UNINCORPORATED.** Situated outside of cities and towns, so that, when used in connection with "territory", "areas", or the like, it covers, includes, and relates to territory or areas which are not within the boundaries of any city or town.

**URBAN GROWTH BOUNDARY.** An urban growth boundary (UGB) is a planning strategy used by Denver Regional Council of Governments (DRCOG) and accepted by Arapahoe County by the intergovernmental agreement known as the Mile High Compact. The Urban Growth Boundary/Area defines where future development is intended to occur so infrastructure can be planned and constructed more cost-effectively. An urban growth boundary also encourages a more compact development pattern by directing growth inward, stimulating infill and redevelopment activity, and capitalizing on the use of existing infrastructure.

**URBAN DRAINAGE AND FLOOD CONTROL DISTRICT (UDFCD).** A multi-jurisdictional independent service district tasked with assisting local governments with drainage and flood control problems and providing oversight and management of drainage facilities within the boundaries of the district.

**USE.** 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.

**USE BY SPECIAL REVIEW.** Use which must have approval of the Board of County Commissioners before being allowed in a specific District.

**USE, PRINCIPAL.** The primary use located on a parcel.

**USE, SPECIAL EXCEPTION.** Use which must have approval of the Arapahoe County Board of Adjustment before being allowed in a specific District.

**UTILITY LINES.** All utility lines, except major transmission lines, shall be placed underground in all zoning districts, unless the Board of County Commissioners grants an exception.

**VEHICLE REPAIR, MAJOR.** A commercial business for the general repair, rebuilding, or reconditioning of engines and drive trains, framework, body work, welding and painting performed on motor vehicles and trailers.

**VEHICLE REPAIR, MINOR.** A commercial business for the servicing of passenger and light-truck motor vehicles including the replacement and/or repair of parts, but not requiring the removal of the

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engine or drive train or pieces of body work larger than minor trim, and including the replacement of tires, batteries, vehicle fluids, exhaust systems and brakes.

**VESTED PROPERTY RIGHT.** Pursuant to the Colorado Revised Statutes, as may be amended, a property right granted for three years after approval of a "site specific development plan," as approved by the Board of County Commissioners.

**VIOLATION.** Means the failure of a structure or other development to be fully compliant with the Floodplain Management Regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) of 44 CFR is presumed to be in violation until such time as that documentation is provided.

**VOIDED ANNEXATION.** The result of a court action which has the effect of making the land use regulations created upon an annexing parcel of land voidable. A parcel of land which has had its annexation voided and is required to rezone under these Regulations prior to development of the parcel.

**WALL SIGN.** A sign attached to, painted on, or erected against a wall or parapet wall of a building, structure or fence whose display surface is parallel to the face of the building, structure or fence and whose height does not exceed the height of the wall, structure or fence to which said sign is attached, painted upon, or against which said sign is erected.

**WAREHOUSE.** A facility for the storage of merchandise or materials for later shipment, reshipment or processing as a separate industrial or commercial operation that may include heavy truck traffic and categorized organization of the stored materials.

**WASTE TRANSFER STATION.** A fixed facility where non-hazardous solid waste and rubbish from collection vehicles is consolidated for subsequent transfer to disposal sites.

**WATERCOURSE.** A channel, slough, artificial channel, gulch, arroyo, stream, creek, pond, reservoir, or lake which carries or contains storm runoff and flood water.

**WATER SURFACE ELEVATION.** Means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

**WHITE LIGHT SOURCE.** A light source that falls within the 460 and 580 nanometer wavelength of light.

**WIND ENERGY CONVERSION SYSTEM.** See Small Wind Energy Conversion System (SWEC) or Large Wind Energy Conversion System.

**WINDOW SIGN.** A sign which is applied or attached to, or located within one foot (1') of the interior of a window, which sign can be seen through the window from the exterior of the structure.

**WINERY OPERATIONS.** The cultivation of plants intended for the production of wine, research of agricultural crop potential, importation of grapes and related products from vineyards, production of wine and/or the sale of related products.

**YARD, FRONT.** Required unobstructed open space extending from the front lot line into a lot over the full lot width, excepting driveways and walks.

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**YARD, REAR.** Required unobstructed open space extending from the rear lot line into a lot over the full lot width; provided, however, that exterior chimneys, soffits and bay windows may extend into the rear yard a distance of up to 24". Said rear yard shall be measured from the property line to the foundation or the nearest point of projection of the structure.

**YARD, SEPARATION.** Minimum distance between structures measured from the foundation of one structure to the foundation of an adjoining structure; provided, however, that exterior chimneys, soffits and bay windows may extend into this open area a distance of up to 24" for each of the structures.

**YARD, SIDE.** Required unobstructed open space extending from the side lot line into a lot over the full lot depth; provided, however, that exterior chimneys, soffits and bay windows may extend into the side yard a distance of up to 24". Said side yard shall be measured from the property line to the foundation or to the nearest point of projection of the structure.

**ZERO LOT LINE.** A situation in which either two adjoining structures on adjacent but separate properties share a common wall or a structure is built up to its property line with no easement or setback requirement.

### **REVISIONS:**

Rev Date 4.2.01; Minor Revisions 9/02; Rev Date 12.03 Addition of Lighting Definitions; Rev Date 6.04 Agri-tainment Definitions; Rev Date 6.05 GESC Definitions; Rev Date 10.05 Day Care Definitions; Rev Date 1.06 Rural Cluster Definitions; Rev Date 3.06 USR/1041 Definitions; Rev Date 01.07 Stormwater Management Manual; Rev Date 8.07 Group Home/Family Definitions/Amateur Motorsports Facility; Rev Date 7.09 Pet and Building Height Definition; Rev Date 11.30.10 Floodplain Regulations Definitions; Rev Date 1.31.11 Added the following definitions: Accessory Dwelling Unit (ADU); Building Line, Rear; Building Line, Side; Auto Detailing; Car Wash; Catering Services; Cemetery; Check Cashing Facility; Convenience Store; Crematorium; Commercial Office; Drive-In; Financial Establishment; Grocery Store; Live-Work Unit; Mausoleum; Night Club; Office/ Business Park Development; Resource Recovery; Retail/ Retail Sales; Service Commercial; Structure (Non-Floodplain); Tavern; Urban Drainage and Flood Control District (UDFCD); Warehouse; Waste Transfer Station; revised Building Line, Front; Drive-Up (Or Through) Facility; Restaurant, Drive-in, Take-Out; Twenty-Four (24) Hour Use; Removed Bank, Drive-Through; **Case No. W10-036** September 30, 2011 – modifications, revisions & deletions to the following definitions: Agricultural Animal; Agricultural Animal, Small, Non-Commercial; Airport Influence Area; Assisted Living Residence; Auto Repair, Minor; Auto Repair, Major; Automobile Wrecking/Salvage Yard; Automobile Service Station.; Bar/Tavern; Car Wash; Catering Service; Child Care Home, Large; Convenience Store; Day Care Center; Daycare Center, Adult Day Care Home - Day Care Home, Adult; Drive-In or Drive-Through Facility; Drought Tolerant Landscape; Event and Conference Center; Fast Food Restaurant; Fuel Dispenser; Grocery Store; Health Club; Laboratory; Large Wind Energy Conversion System; Lot; Manufacturing, Light; Manufacturing, Heavy; Microbrewery; Night Club; Office Park Development; Office/Showroom; Outdoor Display/Sales; Parcel; Parking Lot, Accessory; Parking Lot, Commercial; Pets; Professional Office; Research And Development; Research And Development-Business; Retail; Retail, Service; Slaughter House; Small Wind Energy Conversion System (SWECS); Trash Container/Dumpster; Trash Enclosure; Truck Stop; Urban Growth Boundary; Vehicle Repair, Minor; Vehicle Repair, Major; Wind Energy Conversion System; relocated and amended or deleted definitions from Chapter 10 Overlay Zones; added definitions from new CMRS 12-1100.