

10-1-2: DEFINITIONS:

Unless defined below, the terms used in this title shall be as defined in section [1-3-2](#) of this Code, or in any other provisions of this Code, including those codes adopted by reference in this Code.

ALTERNATIVE TOWER STRUCTURE: Man-made trees, clock towers, bell steeples, light poles, buildings, and similar alternative design mounting structures that are compatible with the natural setting and surrounding structures, and camouflage or conceal the presence of antennas or towers so as to make them architecturally compatible with the surrounding area pursuant to [chapter 16](#) of this title. This term also includes any antenna or antenna array attached to an alternative tower structure. A stand-alone pole in the right-of-way that accommodates small cell facilities is considered an alternative tower structure to the extent it meets the camouflage and concealment standards of this title.

ANIMAL BOARDING AND CARE FACILITY: A full service animal treatment and boarding facility licensed by the State of Colorado which may offer veterinary care, grooming, training, retail sales of pet supplies, day care and inside overnight boarding for canines and felines. The facility shall only accommodate privately owned domesticated pets which are boarded by their owner. Animals shall not be bred, sold or let for hire from this facility. This use shall not include rescue shelters, impounded canines or fostering.

ANTENNA: Any device used to transmit and/or receive radio or electromagnetic waves such as, but not limited to panel antennas, reflecting discs, microwave dishes, whip antennas, directional and non-directional antennas consisting of one or more elements, multiple antenna configurations, or other similar devices and configurations. Exterior apparatus designed for telephone, radio, or television communications through the sending and/or receiving of wireless communications signals.

ASSEMBLY: A joining together of completely fabricated parts to create a finished product.

AUTOMOBILE PARKING GARAGES/LOTS: The principal use of a parcel of land for the parking of automobiles specifically not including ancillary off street parking required in section [10-4-9](#) of this title.

AUTOMOTIVE REPAIR, MAJOR: Automotive repairs which require the removal or replacement of major component parts, including, but not limited to, motors, axles, transmissions, drive shafts and radiators. For purposes of this title, all bodywork shall be classified as "major automotive repair".

AUTOMOTIVE REPAIR, MINOR: Minor automotive repairs are those repairs including, but not limited to, chassis and axle lubrication; changing motor oil and oil filters; replacement of spark plugs and distributor points; changing or repairing tires; replacement of brake shoes, shock absorbers and exhaust systems; carburetor repair; and other similar adjustment, repair and replacement necessary for general automotive maintenance, and which do not involve the removal or replacement of major component parts or bodywork.

AUTOMOTIVE SERVICE: A commercial enterprise providing for the maintenance of motor vehicles in a fully enclosed structure, including, but not limited to, mechanical repairs, painting, bodywork, detailing, tires, mufflers, lubrication and oil changes.

BASE STATION: A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The definition of base station does not include or encompass a tower as defined herein or any equipment associated with a tower. Base station does include, without limitation:

- (A) Equipment associated with wireless communications services such as private broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul that, at the time the relevant application is filed with the City under [chapter 16](#) of this title has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support; and
- (B) Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplied, and comparable equipment, regardless of technological configuration (including distributed antenna systems ("DAS") and small-cell networks) that, at the time the relevant application is filed with the City under [chapter 16](#) of this title, has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

The definition of base station does not include any structure that, at the time the relevant application is filed with the City under [chapter 16](#) of this title, does not support or house equipment described in subsections (A) and (B) of this definition.

BLOCK: A parcel of land within a subdivision, generally bounded by public or private rights-of-way (other than alleys), or the exterior boundary of a subdivision.

BLOCK FACE: Any side of a block; also sometimes referred to as block front.

BREWERY: An establishment where malt liquors and fermented malt beverages are manufactured.

BUFFER AREAS: A landscaped area which physically separates and visually screens adjacent land uses. Specific buffer area standards are established in the B-P, T and PD Zone Districts.

BUILDING INSPECTOR: The City's building inspector.

BUILDING PERMIT: A written document granting permission to construct, erect, repair or alter structures in accordance with the Building and Zoning Codes of the City in effect at the time application for the permit is filed.

CRS: Colorado Revised Statutes.

CAMOUFLAGE, CONCEALMENT, OR CAMOUFLAGE DESIGN TECHNIQUES: A wireless communication facility (WCF) is camouflaged or utilizes camouflage design techniques when any measures are used in the design and siting of a WCF with the intent to minimize or eliminate the visual impact of such facilities to surrounding uses. A WCF site utilizes camouflage design techniques when it: a) is integrated as an architectural feature of an existing structure such as a cupola, or b) is integrated in an outdoor fixture such as a flagpole, or c) uses a design which mimics and is consistent with the nearby natural, or architectural features (such as an artificial tree) or is incorporated into (including without limitation, being attached to the exterior of such facilities and painted to match it) or replaces existing permitted facilities (including without limitation, stop signs or other traffic signs or freestanding light standards) so that the presence of the WCF is not readily apparent.

CAMPGROUND: Any tract of land on which may be located accommodations for temporary occupancy exclusively for recreational purposes including tents, camping trailers, motor homes or other recreational equipment which includes living accommodations, and which areas generally retain the natural, open character of the land.

CARPORT: A permanent, roofed structure used for parking motor vehicles which is enclosed on not more than three (3) sides, and is constructed in compliance with the regulations of the City.

CARPORT, TEMPORARY: A prefabricated structure, commonly comprised of a lightweight metal frame and a fabric roof, which is intended as a shelter for motor vehicles or other similar equipment, and which does not comply with the City's zoning, building construction and/or fire safety regulations.

CEMETERY: The use of property for the interment of human remains, whether above or below ground, along with all accessory structures which are commonly and reasonably associated with such use.

CHILDCARE CENTER: Any facility operated to provide full or part time care for any number of children in other than a residence or which is staffed by persons who are not full time residents on site, and the operation of which has been approved in accordance with this title. "Childcare center" does not include home childcare or childcare which is provided by an employer on the same premises as the business and solely for the benefit of the employees of that business.

CHURCH: A building, together with its parsonage, and accessory buildings and uses, where persons regularly assemble for religious worship, meetings, church school and other activities, and which is maintained and controlled by a religious body organized for the purposes of worship.

CHURCH FACILITIES: Any facility which is located on the same lot as a church or parsonage, but which is not used for the primary purpose of regular religious services, meetings, church school or related activities. Church facilities include, but are not limited to, full time general education schools, daycare centers, bingo parlors, gymnasiums and reception or banquet halls.

COLLOCATION: The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

COMMUNITY CORRECTIONAL FACILITY: Any facility which provides confinement for offenders who have been placed in a community corrections or work release program by judicial action, or by the correctional department of a unit of local government or the State or Federal government. This definition includes, but is not limited to, halfway houses and work release quarters which are intended to provide programs and services to aid such offenders in obtaining and holding regular employment, and participating in vocational training programs and academic courses.

COMMUNITY DEVELOPMENT: The City's Department of Community Development.

COMPREHENSIVE PLAN: One (1) or more documents, approved by the Council, which set forth goals, objectives and policies for the City and neighborhoods. Goals and policies which have been adopted, or as they may be expanded or amended, are to serve as a guide for decisions by the Planning Commission and the Council on a variety of subjects, including, but not limited to, initial zoning, rezoning, conditional uses, growth and development, transportation, parks and open space, capital improvements, and cultural arts.

CONGREGATE CARE: See definition of nursing home/congregate housing.

CORRECTIONAL INSTITUTION: Any permanent structure, publicly or privately owned and operated, intended solely for the detention, safekeeping and confinement of prisoners directed to the facility by judicial action, or by persons awaiting judicial hearing.

DAYCARE CENTER: See definition of childcare center.

DENSITY: The relationship of structural development to the site on which the development is located, commonly expressed as the number of residential units per acre, or the floor area to lot area ratio of nonresidential projects.

DENSITY, TRANSFER OF: The conveyance of a regulated density of development from one (1) portion of a site to another portion of the same site while maintaining the maximum permitted intensity or density for the entire site.

DETOXIFICATION CENTER: Any facility, premises or part thereof, to which persons who are under the influence of alcohol or drugs are taken or to which facility or premises any person voluntarily or by court order enters for purposes of "drying out" or detoxification of such person's blood from drugs or alcohol.

DEVELOPMENT: Any manmade change to unimproved property including, but not limited to, grading, drilling, excavation, filling, paving, installation of utilities or landscaping, and the construction of structures, retaining walls and fences.

DIRECTOR OF COMMUNITY DEVELOPMENT: The City's Director of Community Development, or his/her designee.

DIRECTOR OF PUBLIC WORKS: The City's Director of Public Works, or his/her designee.

DISABILITY: A physical or mental impairment which substantially limits one (1) or more of a person's major life activities, or a record of having such impairment, or being regarded as having such impairment, not to include current, illegal use of or addiction to a controlled substance.

DISTILLERY: An establishment where spirituous liquors are manufactured.

DWELLING, MULTIPLE-FAMILY: Any building structurally divided into two (2) or more separate dwelling units including rooming/boarding houses and tourist homes. No such dwelling unit shall be occupied by more than one (1) unrelated individual over the age of twelve (12) years who is required to register as a sex offender under the provisions of Colorado Revised Statutes section 18-3-412.5, as amended. Provided however, that this section shall not require a resident to leave the home upon becoming twelve (12) years of age, nor shall this section apply to any child required to register as a sex offender under said statute who is placed pursuant to section 19-1-103(51.3), Colorado Revised Statutes in a foster care home certified or licensed pursuant to article 6 of title 26, Colorado Revised Statutes.

DWELLING, SINGLE-FAMILY: A detached principal structure, other than a mobile home, designed and used as a single residential dwelling unit exclusively by either one (1) family or by not more than three (3) unrelated people, unless otherwise provided for in State or Federal law, including rooming and boarding as an accessory use. No such dwelling unit shall be occupied by more than one (1) unrelated individual over the age of twelve (12) years who is required to register as a sex offender under the provisions of Colorado Revised Statutes section 18-3-412.5, as amended. Provided however, that this section shall not require a resident to leave the home upon becoming twelve (12) years of age, nor shall this section apply to any child required to register as a sex offender under said statute who is placed pursuant to section 19-1-103(51.3), Colorado Revised Statutes in a foster care home certified or licensed pursuant to article 6 of title 26, Colorado Revised Statutes.

DWELLING UNIT: One (1) or more rooms connected together but structurally divided from other structures or from all other rooms in the same structure and providing residence for a family living together as a single housekeeping unit. No such dwelling unit shall be occupied by more than one

(1) unrelated individual over the age of twelve (12) years who is required to register as a sex offender under the provisions of Colorado Revised Statutes section 18-3-412.5, as amended. Provided however, that this section shall not require a resident to leave the home upon becoming twelve (12) years of age.

ELDERLY: Those persons sixty (60) years of age or older.

ELIGIBLE FACILITIES REQUEST: Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station involving: a) collocation of new transmission equipment, b) removal of transmission equipment, or c) replacement of transmission equipment.

ELIGIBLE SUPPORT STRUCTURE: Any tower or base station as defined in this section, provided that it is existing at the time the relevant application is filed with the City under this section.

EXISTING TOWER OR BASE STATION: A constructed tower or base station that was reviewed, approved, and lawfully constructed in accordance with all requirements of applicable law as of the time it was built, for example, a tower that exists as a legal, non-conforming use and was lawfully constructed is existing for purposes of this definition.

FEMA: The United States government's Federal Emergency Management Agency.

FABRICATION: The cutting, shaping and forming of bulk processed materials into parts for assembly.

FAMILY: Any number of persons related by blood, marriage or adoption, living together and normally, but not always, consisting of two (2) parents and their children; or persons living together for the purpose of guardian, ward or foster family who may or may not be related by blood or marriage to the head of the household; or a group of not more than three (3) unrelated individuals living together in a dwelling unit. A family shall not include more than one (1) unrelated individual over the age of twelve (12) years who is required to register as a sex offender under the provisions of Colorado Revised Statutes section 18-3-412.5, as amended, nor shall this section apply to any child required to register as a sex offender under said statute who is placed pursuant to section 19-1-103(51.3), Colorado Revised Statutes in a foster care home certified or licensed pursuant to article 6 of title 26, Colorado Revised Statutes. Provided however, that this section shall not require a resident to leave the home upon becoming twelve (12) years of age.

FENCE: A structure designed or intended to constitute an enclosure or barrier, either physical or visual, including a wall or a planter not exceeding twenty four inches (24") in width, or other similar structure.

FINE ARTS: An art form developed primarily for aesthetics and/or concept rather than practical application. The fine arts commonly include the visual art and performing art forms, such as painting, sculpture, collage/assemblage, calligraphy, music, dance, theater, photography, and printmaking.

FLEA MARKET: See definition of Open Air Market.

FP-O: FLOODPLAIN OVERLAY DISTRICT: Land use district defined by the boundaries of the 1% chance floodplain, as defined in Chapter 6 of this Title (10-6-3). Special standards apply (as described in 10-6-8 through 10-6-21) which limit particular types and extents of improvements in the district, while retaining most of the permitted land uses and the overall density/intensity of the underlying districts.

FLOOR AREA, GROSS: For all commercial structures, including multiple-family residential, gross floor area shall mean the sum of the areas of the several floors of a building, measured from the interior faces of exterior walls, including, but not limited to, all basements, reception areas, hallways, elevator shafts, stairwells at each story, and mechanical rooms. For single-family residential, the gross floor area shall include all interior floor spaces except basements or attached garages.

FLOOR AREA RATIO: The density of development based on the ratio of gross floor area to lot area, generally applied to office, service, retail and industrial buildings.

FLOOR AREA RATIO, MAXIMUM: The maximum permitted ratio of gross floor area of all structures on the lot to the total area of the lot, as established by the governing zone district regulations.

FOSTER FAMILY CARE HOME: A private residence where care, protection and supervision is provided to not more than four (4) children unrelated to the adult provider at one time.

GARAGE, COMMERCIAL PARKING: A structure used for the parking of passenger vehicles, either with or without charge, and in which the following activities are not permitted: fueling; servicing; repair; dismantling; storage of vehicles; or freight handling.

GARAGE, PRIVATE: A building for the private use by the owner or occupant of a principal building situated on the same lot of the principal building for the storage of motor vehicles with no facilities for mechanical service or repair of a commercial or public nature.

GARAGE/YARD SALE: A sale of personal property conducted by the occupants in A-1, R-S, R-L, R-E, R-1, R-2, R-3, R-3X and single-family and duplex areas of R-4, T, CA and PD-R zone districts.

GRADE: The average finished ground level of the land immediately adjacent to and surrounding the building.

GROUP HOME FOR CHILDREN: A residential facility for children, which is licensed by the state department of social services for the purpose of providing foster family care.

GROUP HOME FOR PERSONS WITH DISABILITIES: A dwelling unit which is shared by four (4) or more persons with disabilities living together as a single housekeeping unit. Professional staff may provide twenty four (24) hour supervision or supportive services, and may reside in the dwelling unit.

GROUP HOME FOR THE ELDERLY: An owner occupied or nonprofit residential facility which houses not more than eight (8) elderly persons, including resident staff.

HEIGHT OF STRUCTURE: The height of structures is the vertical distance above reference datum measured to the highest point of the coping of a flat roof or the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The referenced datum shall be selected by either of the following, whichever yields a greater height of building:

- (A) The elevation of the highest adjoining sidewalk or ground surface within a five foot (5') horizontal distance of the exterior wall of the building when such sidewalk or ground is not more than ten feet (10') above the lowest grade; or

(B) An elevation ten feet (10') higher than the lowest grade when the sidewalk or ground surface is more than ten feet (10') above lowest grade.

The height of a stepped or terraced building is the maximum height of any segment of the building.

HOME CHILDCARE: Any childcare facility which is operated in a private residence which is staffed only by full time residents of the premises. Home childcare is limited to the full or part time care of not more than six (6) children, including those of the operator, and not more than two (2) additional children for before and after school care. Operation of home childcare facilities must be approved in accordance with this title.

HOME OCCUPATION: Any business or service of limited scope, conducted entirely within the dwelling and carried on solely by its residents and which is clearly incidental and secondary to the primary use for residential purposes and which does not alter the exterior of the property or affect the residential character of the neighborhood.

INTENSITY: The cumulative effect of developing a site, including impacts on adjacent properties resulting from the density, height, bulk, site area coverage, type and volume of traffic generated, amount and use of paved surfaces and visual impact of the development.

LAND AREA, GROSS: The total area of a tract of land as measured within the property lines.

LANDSCAPE DESIGN CRITERIA MANUAL: Administrative guidelines authorized by section [10-5-2](#) of this title and which shall include landscape design, installation and maintenance standards as well as plan review procedures. This landscape manual shall control landscape installation and landscape maintenance in the city.

LANDSCAPE MAINTENANCE: The necessary watering, weeding, pruning, pest control, fertilization, mowing and replacement of dead or diseased plant materials; and the proper maintenance of irrigation systems including adjustments, replacements, repairs and cleaning.

LANDSCAPE MANUAL: The city's "Landscape Design Criteria Manual".

LANDSCAPE PLAN: A scaled plan which illustrates the location and types of landscaping to be installed. A landscape plan is a component of an SDP or a final PD plan.

LANDSCAPING: A combination of living plants such as trees, shrubs, vines, ground cover, flowers or grass; natural features such as rock, stone or mulch; and structural features such as fountains, reflecting pools, artworks, screen walls, fences, benches, decorative paving, ornamental concrete or stonework areas. Weeds and artificial plants shall not be considered landscaping.

LANDSCAPING, TRADITIONAL: Landscaping characterized by the predominant use of bluegrass turf and other plant materials which are high in water consumption.

LIVESTOCK: Animals commonly associated with agricultural use such as, but not limited to, horses, cows, sheep, goats, pigs, chickens, ducks, geese, turkeys and other poultry.

LIVING FACILITY, ASSISTED: State licensed rental properties that provide the same services as an independent living facility, as defined in this section, but also provide, in a majority of the units, supportive care from trained employees to residents who are unable to live independently and require assistance with activities of daily living including, but not limited to, management of medications, bathing, dressing, toileting, ambulating and eating.

LIVING FACILITY, INDEPENDENT: Multi-family residential rental properties restricted to adults at least fifty five (55) years of age or older. This facility will have central dining facilities that provide residents as part of their monthly fee with access to meals and other services such as housekeeping, linen service, transportation, and social and recreational activities. Such properties do not provide, in a majority of the units, assistance with activities of daily living such as supervision of medication, bathing, dressing, toileting, etc. There are no licensed skilled nursing beds in the property.

LOADING SPACE, OFF STREET: Any off street area, either located inside or outside of a structure, used exclusively for loading and unloading of materials, and which has direct and unobstructed access to a street or alley.

LOT: A parcel of land, or contiguous parcels under one (1) ownership, occupied or designed to be occupied by a principal structure or use and the accessory structures or uses customarily incidental to such principal structure or use, including the open spaces as are arranged and designed to be used in connection with such structures. A lot is not divided by any public street or alley.

LOT COVERAGE: That portion of a lot covered or permitted to be covered by structures, including accessory structures, also known as building coverage.

LOT LINE, FRONT: That boundary line of a lot which parallels a street toward which the principal structure on the lot faces, or is proposed to face, and on which the principal structure is addressed.

LOT LINE, REAR: That boundary line of a lot which is opposite the front line; or, in the case of any irregular lot, that boundary line which is determined by the Planning Division from the orientation of existing structures in the vicinity to be the rear lot line.

LOT LINE, SIDE: Any boundary line of a lot which is neither a front nor a rear lot line.

LOT OF RECORD: A lot which is part of a recorded subdivision, which has been filed with the appropriate County Clerk and Recorder's Office. The term "legally platted lot" is synonymous with the term "lot of record".

MANUFACTURE: All operations required to produce the material named.

MANUFACTURED HOUSING: A factory built structure that is built in conformance with the "Federal Manufactured Home Construction Safety Standards", is transportable in one (1) or more sections, and is built on a permanent foundation. It is not constructed with a permanent hitch, nor does it have wheels or axles permanently attached to its body or frame.

MARTIAL ARTS: Various forms of self-defense, usually weaponless, based on techniques developed in ancient China, India, and Tibet. For purposes of this definition, martial arts shall include only the traditional forms, such as jujitsu, kung fu, karate, tae kwon do and judo.

MOBILE HOME: A detached single-family dwelling, which is designed to be transportable and which conforms to the provisions of [title 4, chapter 4](#) of this Code.

NURSING HOME/CONGREGATE HOUSING: A residential facility for more than eight (8) elderly and/or handicapped persons within which are provided living and sleeping facilities, shared food preparation service and major dining areas and common recreation, social and service facilities for the exclusive use of all residents. Such facilities may include full or part time domestic or medical assistance for the residents.

OTARD: An over-the-air receiving device.

OTARD ANTENNA: (A) An antenna that is designed to receive direct broadcast satellite service, including direct-to-home satellite services, that is one meter (1 m) or less in diameter; or

(B) An antenna that is designed to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instruction television fixed services, and local multipoint distribution services, and that is one meter (1 m) or less in diameter or diagonal measurement; or

(C) An antenna that is designed to receive television broadcast signals.

OTARD ANTENNA STRUCTURE: Any pole, tower, or other structure designed and intended to support an OTARD antenna.

OFFICIAL ZONING MAP: The official zoning map of the City shall contain the boundaries of the various zone districts in the City, together with graphic and written identification of streets, alleys, lots, block, corporate limits or other physical features of the City.

OPEN AIR MARKET: Any sale or distribution of commercial goods, ordinarily conducted by several persons who are temporary occupants of the premises on which such sale takes place, and which is held outside of a permanently enclosed structure; also, known as a "flea market".

OPEN SPACE: Any parcel of land, essentially unimproved, which is set aside, dedicated, designated or reserved for public use and enjoyment.

OPEN SPACE, COMMON: A parcel of land, an area of water or a combination of land and water within a development which is designed and intended primarily for the use and enjoyment of occupants and owners of the development. In agricultural zone districts, land areas used for pasturage, row crops, orchards and other similar uses shall be considered unobstructed open space.

OPEN SPACE, UNOBSTRUCTED: An area upon which no structure may be erected or surface area utilized for storage or for vehicular movement or parking.

OPERATING STANDARDS, DEPARTMENT OF COMMUNITY DEVELOPMENT: The standards established by the Department of Community Development detailing the requirements for processing applications for development review. The requirements may include type of application materials, number of copies of the materials, time frames for reviewing, the referral agencies, application deadlines, application fee schedule and public notice requirements. The document containing the operating standards shall be kept on file in the Department of Community Development.

OUTDOOR/OPEN STORAGE: The storage of supplies, materials and equipment in other than a fully enclosed structure.

PD: Planned development.

PDO: Planned development overlay.

PARAGRAPH: All references to paragraphs contained in this title, unless the context indicates otherwise, shall be references to paragraphs in this Code.

PARK: Any parcel of land dedicated, designated or reserved for public use and enjoyment, and

which contains improvements for active and/or passive recreation purposes including, but not limited to, arboretums, gardens, play fields, trails, recreation centers and supervised recreational activities.

PARKING LOT, COMMERCIAL: An open area for the parking of vehicles and on which is prohibited servicing, repair, dismantling or storage of automobiles which are for sale or which are to be repaired, in a manner accessory to a sales or repair garage.

PARKING SPACE, OFF STREET: An off street area or space, located either inside or outside of a structure, used exclusively for the temporary parking of motor vehicles and which has direct and unobstructed access to a street or alley.

PETS, HOUSEHOLD: Any domesticated animal commonly kept at a place of residence, not including livestock (except ducks as allowed under subsection [10-4-4\(B\)3](#) of this title), mink, chinchilla or other commercial furbearing animals. Household pets include dogs, domestic cats, ducks, canaries, parrots, hamsters, guinea pigs and similar rodents, fish, reptiles and other species normally sold at a local pet shop. The term "household pet" does not include any species capable of inflicting substantial physical harm to man.

PLANNED DEVELOPMENT: A zone district granted for a parcel of land originally owned by a single owner or entity involving a unified site design for all elements of the development including, but not limited to: residential, commercial, industrial and mixed uses; public and private open spaces; and transportation patterns.

PLANNED DEVELOPMENT OVERLAY: Special standards which allow more flexible site design and development than is possible under traditional zone district regulations, while retaining the permitted land uses and the overall density/intensity of those districts.

PLANNED DEVELOPMENT PLAN: A plan containing the provisions for the development of any area zoned Planned Development, binding on the property owner, including, but not limited to, easements, covenants and restrictions relating to use, location and bulk of buildings and other structures; intensity of use or density of development; utilities, private and public streets, ways and roads, pedestrianways and area; parking facilities; common open space; drainage provisions and other public facilities. As used in this section, "provisions for development" means the written and graphic materials referred to in this title.

PLANNING COMMISSION: The City's Planning Commission.

PLANNING DIVISION: The Planning Division of the City's Department of Community Development.

PRELIMINARY PROJECT PLAN: A preliminary project plan represents a generalized land use/site plan for the area proposed to be included within a Planned Development (PD) District and/or any proposed rezoning of property. It is an optional step that allows early, informal, non-binding evaluation of a proposed PD and/or any rezoning within any zoning district request before detailed planning and engineering work has been undertaken and before substantial expenses have been incurred.

PREMISES: A general term meaning part or all of any lot, and part or all of any structure or group of structures located on the lot.

PROJECTED LINE: A line which is transferred from the outer periphery of a structure, including all attachments and appurtenances.

REDEVELOPMENT: Any manmade change to improved property including, but not limited to,

demolition, grading, filling, paving, installation of utilities or landscaping, and the construction of, or additions to, structures.

RETAINING WALL: A wall used or intended to be used to resist the lateral displacement of earth.

REZONE: Any change in a parcel's zone district designation which results in an amendment to the zone district boundaries as shown on the official zoning map.

ROOMING/BOARDING HOUSE: A residential structure containing a single dwelling unit and two (2) or more guestrooms where lodging is provided, with or without meals, for compensation. Includes rooming/boarding as a permitted use, as an accessory use, and as a tourist home as provided in section [10-3-2](#) of this title.

SDP: Site development plan.

SALES, RETAIL: Sales to the ultimate consumer for direct consumption and not for resale, including any sales made within the City, except wholesale sales.

SALES, WHOLESALE: Sales by wholesalers to retail merchants, jobbers, dealers or other wholesalers for resale, and does not include a retail sale by wholesalers to users or customers not for resale.

SATELLITE COMMUNICATIONS RECEIVING DISH: A device, commonly parabolic in shape, used for the purpose of capturing any communications signals, including television, transmitted via satellite.

SECTION: All references in this title to sections, unless the context indicates otherwise, shall be references to sections in this Code.

SETBACK: The distance in linear feet, measured on a horizontal plane, between the outer perimeter of a structure and each of its lot lines.

SETBACK LINE: The required minimum distance that any structure may be located from the front, side or rear property line, that defines the buildable area of a lot.

SHOOTING RANGE - INDOOR: A building open to the general public where the shooting of firearms or the use of archery for the purpose of target practice is conducted. Indoor shooting ranges maintained or operated by the Police Department, County Sheriff's Office or State Patrol and which are not available to the general public shall be treated as ancillary to the law enforcement facility and not part of this definition. Indoor shooting ranges containing an ancillary retail use, or vice-versa, shall have to meet all requirements of this Code as a conditional use.

SHOOTING RANGE - OUTDOOR: The use of land for archery and/or the discharging of firearms for purposes of target practice, skeet and trap shooting. Outdoor shooting ranges containing an ancillary retail use, or vice-versa, shall have to meet all requirements of this Code as a conditional use.

SITE DEVELOPMENT PLAN - MAJOR: A detailed site plan that is required to be submitted prior to the issuance of a building permit for any new development on any parcel that consists of any one of the following:

- A. Industrial development in any zone providing for more than ten thousand (10,000) square feet of gross floor area for new building space;

- B. All multi-family development in any zone having more than four (4) dwelling units. However, two (2) or more multi-family projects on the same parcel or adjacent parcels which total more than four (4) units shall require a major site development plan;
- C. All commercial development in any zone providing for more than thirty thousand (30,000) square feet of gross floor area; or
- D. Any development on any undeveloped parcel in excess of ten (10) acres regardless of zoning district.

SITE DEVELOPMENT PLAN - MINOR: A detailed site plan that is required to be submitted prior to the issuance of a building permit for any new structures or additions to be located in any zone district, except single-family dwellings, those developments which are defined as a Major Site Development Plan, or those developments that are eligible for review as sketch plan under section [10-7-6](#) of this title.

SITE FOR TOWERS (Other Than Towers In The Right-Of-Way And Eligible Support Structures): The current boundaries of the leased or owned property surrounding the tower or eligible support structure and any access or utility easements currently related to the site. A site, for other alternative tower structures, base stations and small cell facilities in the right-of-way, is further restricted to that area comprising the base of the structure and to other related accessory equipment already deployed on the ground.

SKETCH PLAN: A plan depicting the site layout, existing structures and existing site improvements such as paved driveways and parking surfaces, access points and landscaped areas.

SKILLED NURSING FACILITY: State licensed daily rate or rental properties where the majority of individuals require twenty four (24) hour nursing and/or medical care. In most cases, these properties are licensed for medicaid and/or medicare reimbursement. These properties may include a minority of assisted living and/or Alzheimer's/dementia units.

SMALL CELL FACILITY: A WCF where each antenna is located inside an enclosure of no more than three (3) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three (3) cubic feet; and primary equipment enclosures are no larger than seventeen (17) cubic feet in volume. The following associated equipment may be located outside of the primary equipment enclosure and, if so located, is not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation box, ground-based enclosure, back-up power systems, grounding equipment, power transfer switch and cut-off switch.

SOLID WASTE RECOVERY, COMMERCIAL: Any use of real property for the storage, separation and other processing or recycling of waste materials in bulk. Waste materials include, but are not limited to, newspaper, glass, aluminum and appliances, but shall not include scrap motor vehicles or any part thereof. The term "commercial solid waste recovery" does not include, for any purpose, any sanitary landfill or other waste disposal operation.

STREET TREES: Defined in section [8-4-1](#) of this Code.

STRUCTURE: That which is built or constructed. Any piece of work artificially built up or composed of parts joined together in some definite manner including, for example, buildings, fences, retaining walls and accessory structures.

STRUCTURE, ACCESSORY: A detached subordinate structure which is customarily used in a

manner that is incidental to the principal structure or the principal use which is located on the same lot.

STRUCTURE, NONCONFORMING: Any structure which, at the time of construction, was lawfully erected or altered in conformance with all applicable City zoning regulations, but which does not now comply with all of the provisions of this title.

STRUCTURE, PRINCIPAL: A structure which contains or is intended to contain a principal use.

STRUCTURE, TEMPORARY: Any structure which meets all applicable requirements of this title and of [title 4](#), "Building Regulations", of this Code, but which is required to be removed in a specific period of time.

STRUCTURE, TEMPORARY ACCESSORY: A prefabricated structure, commonly comprised of a lightweight metal frame and a fabric roof, which is intended for temporary, seasonal use, and which does not comply with the City's zoning, building construction and/or fire safety regulations. Such structures are restricted to a maximum ground coverage of one hundred twenty (120) square feet and shall not exceed eight feet (8') in height, measured from the average grade to the highest point of the roof.

SUBSECTION: All references to subsections in this title, unless the context indicates otherwise, shall be references to subsections in this Code.

SUBSTANTIAL CHANGE FOR ELIGIBLE SUPPORT STRUCTURE: A modification that substantially changes the physical dimensions of an eligible support structure if after the modification, the structure meets any of the following criteria: a) for towers other than alternative tower structures or towers in the right-of-way, it increases the height of the tower by more than ten percent (10%) or by the height of one (1) additional antenna array with separation from the nearest existing antenna not to exceed twenty feet (20'), whichever is greater; for other eligible support structures, it increases the height of the structure by more than ten percent (10%) or more than ten feet (10'), whichever is greater; b) for towers other than towers in the right-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet (20'), or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet (6'); c) for any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four (4) cabinets; or for towers in the right-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten percent (10%) larger in height or overall volume than any other ground cabinets associated with the structure; d) for any eligible support structure, it entails any excavation or deployment outside the current site; e) for any eligible support structure, it would undermine the concealment elements of the eligible support structure; or f) for any eligible support structure, it does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that would not exceed the thresholds identified in items a, b, and c of this definition. For purposes of determining whether a substantial change exists, changes in height are measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height are measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to February 22, 2012.

TASTING/RETAIL SALES ROOM: A room where customers taste samples of malt, spirituous or vinous liquors manufactured by a single brewery, distillery or winery, and sales of items customarily related to the product occurs.

TOWER: Any structure that is designed and constructed primarily built for the sole or primary purpose of supporting one (1) or more of any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. The term includes self-supporting lattice towers, guy towers, monopole towers, radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures and the like.

TOWNHOUSE: A single-family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having a totally exposed front and rear wall to be used for access, light, and ventilation. The units are separated from one another by a common party wall having no doors, windows, or other provisions for human passage or visibility.

TRANSMISSION EQUIPMENT: Equipment that facilities transmission for any FCC licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

USE: The purpose for which land or structures are, or are intended, to be occupied, maintained, rented or leased.

USE, ACCESSORY: A use which is not permitted as a principal use, but is clearly incidental to and customarily found in connection with and located on the same lot as the principal use, not including those which are designated as home occupations.

USE, NONCONFORMING: Any legal use which, as the result of the adoption of this title or subsequent amendments hereto, does not conform to the permitted uses established for the district in which the use is located.

USE, PERMITTED: A use which is specifically authorized by this title in a particular zone district.

USE, PRIMARY: See definition of use, principal.

USE, PRINCIPAL: The main purpose for which a parcel of land or a structure is used, as distinguished from an accessory use of land or structures. The term "primary use" is synonymous with the term "principal use". The principal use shall be determined by one (1) or more of the following:

- (A) Any use which physically occupies a majority of a parcel of land and/or a structure.
- (B) Any use which constitutes a majority of the activity conducted on a premises in relative terms of, for example, sales or rental volume of materials or services offered; prominence of on site display or advertisement of materials or services offered; type of materials or services offered; amount of stock or inventory; hours of operation devoted to a particular sales or service activity; occupation of inhabitants or employees; and/or the purpose or attraction of the occupation.

USE, TEMPORARY RETAIL SALES OR SERVICE/TEMPORARY USE: Any permitted retail and service use which is operated for not more than six (6) months in any twelve (12) month period.

VEHICLE, COMMERCIAL: Any vehicle designed, maintained or used for commercial purposes, primarily for the transportation of persons, products or material.

WETLANDS: Those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support and that, under normal circumstances, do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and other similar areas.

WINERY: An establishment where vinous liquors are manufactured.

WIRELESS COMMUNICATIONS FACILITY OR WCF: A facility used to provide personal wireless services as defined at 47 USC section 332(c)(7)(C); or wireless information services provided to the public or to such classes of users as to be effectively available directly to the public via licensed or unlicensed frequencies; or wireless utility monitoring and control services. A WCF does not include a facility entirely enclosed within a permitted building where the installation does not require a modification of the exterior of the building; nor does it include a device attached to a building, used for serving that building only and that is otherwise permitted under other provisions of this Code. A WCF includes an antenna or antennas, including without limitation, direction, omni-directional and parabolic antennas, base stations, support equipment, alternative tower structures, and towers. It does not include the support structure to which the WCF or its components are attached if the use of such structures for WCFs is not the primary use. The term does not include mobile transmitting devices used by wireless service subscribers, such as vehicle or hand held radios/telephones and their associated transmitting antennas, nor does it include other facilities specifically excluded from the coverage of this section.

XERISCAPE: Landscaping which is specifically intended to achieve water conservation.

YARD: A required open space located on the same lot with a structure, between a lot line and the nearest setback line, unoccupied and unobstructed from the ground up, except for accessory structures or such projections as are expressly permitted in this title.

YARD, FRONT: A yard extending across the full width of the lot between the front lot line and the front setback line.

YARD, REAR: A yard extending across the full width of the lot between the rear lot line and the rear setback line.

YARD, SIDE: A yard lying between the side lot line and the side setback line, and extending from the front yard to the rear yard.

ZONE DISTRICT, AGRICULTURAL: Any A-1, R-S or R-L District.

ZONE DISTRICT, BUSINESS: Any B-P, T, B-1, B-2, B-3 or CA District, or any portion of a PD plan approved for commercial development.

ZONE DISTRICT CLASSIFICATIONS, HIGHER - LOWER: For descriptive purposes only, the various zone district classifications shall rank, from highest to lowest, as follows: OS, A-1, R-S, R-L, R-E, R-1, R-2, R-3, R-3X, R-4, MH, R-5, B-P, T, B-1, B-2, B-3, CA, STP, I-P, I-1 and I-2. Planned Development (PD) Districts are not ranked because of their varying densities and uses.

ZONE DISTRICT, INDUSTRIAL: Any STP, I-P, I-1, I-2 or any portion of a PD plan approved for industrial development.

ZONE DISTRICT, MIXED USE: Any zone district which permits a combination of usually separated land uses, especially residential and commercial, e.g., Transitional T, Central Area CA, and Planned Development PD Districts. For purposes of this title, it is intended that the mixture of uses may occur either within the same lot or within the same structure.

ZONE DISTRICT, PARK/OPEN SPACE: The OS Zone District is applied to certain lands, the use of which shall be restricted to park and open space activities including, but not limited to, playgrounds, play fields, display gardens, land conservation, wildlife habitat preservation or other resource protection.

ZONE DISTRICT, RESIDENTIAL: Any A-1, R-S, R-L, R-E, R-1, R-2, R-3, R-3X, R-4, MH, R-5, T or CA District, or any portion of a PD plan approved for residential development.

ZONE LOT: A parcel of land entirely contained within a single zone district. Such land area may be composed of a single lot or series of lots which are owned by one individual or legal entity.

ZONING OFFICIAL: The City's zoning official, or his/her designee. (Revised 6-12-1992; amd. Ord. 33, Series of 1992; Ord. 3, Series of 1993; Ord. 10, Series of 1993; Ord. 27, Series of 1993; Ord. 3, Series of 1994; Ord. 31, Series of 1995; Ord. 18, Series of 1997; Ord. 19, Series of 1997; Ord. 30, Series of 1997; Ord. 3, Series of 1998; Ord. 44, Series of 1999; Ord. 5, Series of 2000; Ord. 7, Series of 2000; Ord. 8, Series of 2000; Ord. 13, Series of 2000; Ord. 11, Series of 2003; Ord. 22, Series of 2003; Ord. 22, Series of 2004; Ord. 14, Series of 2005; Ord. 17, Series of 2008; Ord. 9, Series of 2009; Ord. 34, Series of 2009; Ord. 4, Series of 2010; Ord. 6, Series of 2010; Ord. 24, Series of 2011; Ord. 17, Series of 2012; Ord. 19, Series of 2012; Ord. 20, Series of 2012; Ord. 36, Series of 2013; Ord. 26, Series of 2015; Ord. 15, Series of 2016; Ord. 27, Series of 2016; Ord. 09, Series of 2017; Ord. 34, Series of 2017; Ord. 04, Series of 2019; Ord. 13, Series of 2019; Ord. 16, Series of 2019)