

ARTICLE 10. RULES FOR MEASUREMENT & DEFINITIONS

10.1 RULES FOR MEASUREMENT

10.1.1 Density

- A. Net Density. Net density shall be calculated by dividing the net acreage of a parcel by the minimum lot area required for each dwelling unit.
- B. Gross Density. Gross density shall be calculated by dividing the gross acreage of a parcel by the minimum lot area required for each dwelling unit.
- C. Rounding. When applying a density standard to a parcel's land area, all resulting fractions shall be rounded down to the next lower whole number.
- D. Maximum Density Not Guaranteed. The number of dwelling units allowed on a site is based on the presumption that all other applicable standards shall be met. The maximum density established for a zoning district (see Article 6) is not a guarantee that such densities may be obtained, nor a valid justification for varying other dimensional or development standards.

10.1.2 Lot Area

Lot area is measured as the amount of gross land area contained within the property lines of a lot or parcel, but not including streets or rights-of-way.

10.1.3 Lot Frontage (Lot Width)

Lot frontage or width refers to the horizontal distance between the side lot lines as measured along a straight line parallel to the front lot line (the lot line abutting the street on which the property has its principal access) or the chord thereof. The minimum lot frontage or width shall be measured between the side lot lines along a line that is parallel to the front lot line and located the minimum front setback distance from the front lot line.

10.1.4 Lot Coverage

- A. General Rule. Lot coverage is measured as the percentage of the total lot area covered by buildings. It is calculated by dividing the square footage of building cover by the square footage of the lot.

$$\text{Lot Coverage} = \text{Building Area} / \text{Lot Area}$$

- B. Exemptions. The following features shall not be counted for the purpose of determining lot coverage:
1. Swimming pools and hot tubs.
 2. Uncovered decks less than 30 inches above grade.
 3. Mini-structures under 220 square feet in total area.

10.1.5 Street Frontage

Street Frontage is measured between side lot lines along the street lot line. Lots that do not have the frontage at the street right-of-way line show a building setback line by a dashed line at the point where the lot has the required width, but in no case less than the setback normally required.

10.1.6 Setbacks

- A. General Rule. Setbacks are measured between the lot line and the closest projection of a building or structure along a line at right angles to the lot line. Setbacks shall be unobstructed from the ground to the sky except as otherwise specifically allowed in §6.2.3 of this Code. Driveway length in the front setback must be a minimum of 18 feet from the back of sidewalk to the face of the garage measured along the centerline of the driveway apron. Parking in a rear setback shall meet the requirements set forth in §6.16.
- B. Setback Averaging. Regardless of the minimum front setback required by the underlying zoning district, front setbacks may be reduced to the average of the existing setbacks of the lots that are on both sides of the subject lot. The following rules apply in calculating the average setback:
1. Only the setbacks on the lots that abut each side of the subject lot and are on the same side of the street may be used. Setbacks across the street or along a different street may not be used.
 2. When one abutting lot is vacant or if the subject lot is a corner lot, then the average is of the setback of the non-vacant lot and the zoning district minimum setback.

10.1.7 Floor Area Ratio (FAR)

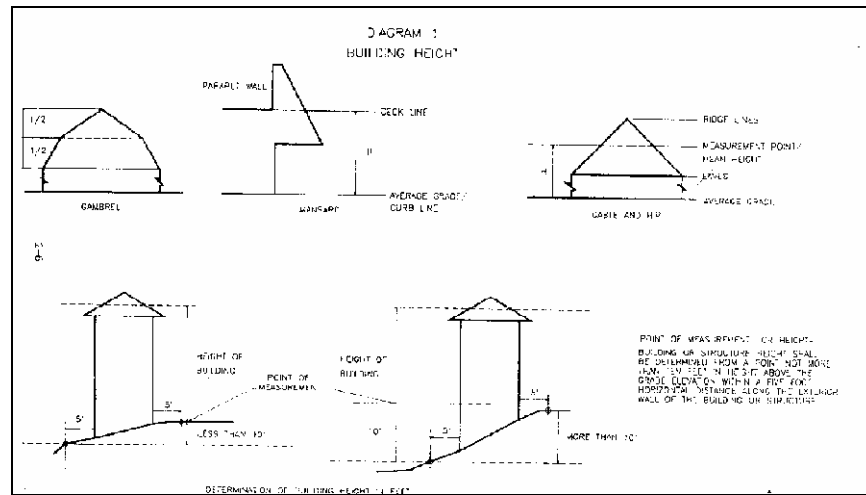
FAR is measured as the gross floor area of all buildings on a lot or parcel, divided by the lot area.

$$\text{Floor Area Ratio} = \text{Gross Floor Area} / \text{Lot Area}$$

10.1.8 Height

- A. Building Height. Building height is measured as the vertical distance between the point of measurement on the ground to the highest point of (1) coping of a flat roof, or (2) to the deck line of a mansard roof, or (3) to

the average height of the highest gable of a pitched or hip roof. The point of measurement may be taken from the highest adjoining sidewalk or ground surface within a five-foot horizontal distance along the exterior wall of the building, when such sidewalk or ground surface is not more than ten feet above grade.



- B. Height, Fence or Wall. The height of a fence or wall shall be measured as the vertical distance between finished grade on the highest side of the fence or wall to the top of the fence or wall.
- C. Height, Tower/Antenna/Other Structures (But Not Buildings). See §5.2.31, "Telecommunications Structures."
- D. Exceptions to Height Limitations in All Districts. See §6.3.4 of this Code.

10.1.9 Distance or Spacing

Whenever a regulation requires a proposed use or activity to be located a specified distance from an existing use, zoning district boundary, or activity, such distance or spacing requirement shall be measured as follows:

- A. For a proposed use that will be located in an individual structure or building, the required minimum distance shall be measured from the closest point of the structure or building housing the proposed use to the residential use property line. Except that as applied to measuring distance between automotive wash facilities, the required distance shall be measured along street frontage and not by a straight line distance between the two structures housing such uses, as specified in the Code.
- B. For a proposed use that will be located within a building also occupied by other uses, such as within a shopping center, the required minimum distance shall be measured from the closest point of that portion of the building housing the proposed use to the residential use property line.
- C. Drive-through lanes, drives for automobile service stations, and other similar areas accessory to a principal use subject to a distance or spacing requirement shall also be located outside the minimum distance required.

10.1.10 Variation of Residential Dwelling Elevations

Wherever it is required that the elevation of single family homes be varied every so many units, that requirement shall permit the first and last units within that specified number to be the same. For example, a requirement that home facades be varied "every fourth unit" shall require that the first, second, and third home elevations be different, but shall permit the first and fourth home elevations to be the same.

10.1.11 Measurement of Brick and Stone Cladding

The measurement shall be all of the area excluding windows, doors, garage doors from grade to the roof eave or top plate of the main portion of the structure.

10.2 DEFINITIONS OF WORDS, TERMS, AND PHRASES—GENERAL PROVISIONS

For words, terms, and phrases used in this Code that are not defined below, or elsewhere in this Code, the Community Development Director shall have the authority and power to interpret or define such words, terms, and phrases. (See §3.22, "Written Interpretations.") In making such interpretations or definitions, Staff may consult secondary sources related to the planning profession, such as A Survey of Zoning Definitions - Planning Advisory Service Report Number 421, edited by Tracy Burrows (American Planning Association, Chicago, Ill. 1989), Zoning and Development Definitions for the Next Century, Zoning News (American Planning Association, Chicago, Ill. August 1999), and The Illustrated Book of Development Definitions, by Harvey S. Moskowitz and Carl G. Lindbloom (Center for Urban Policy Research, Rutgers University. N.J. 3d ed. 1987), for technical words, terms and phrases, or Webster's Unabridged Dictionary (Random House Reference & Information Publishing, New York, 1997), as supplemented, for other words, terms and phrases.

10.3 DEFINITION OF WORDS, TERMS, AND PHRASES

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

ACCESS EASEMENT

Any platted or designated public way dedicated or granted for the purposes of vehicular or pedestrian access or travel, whether or not it has been used as such.

ACCESSORY BUILDING OR STRUCTURE

A. General Definition.

1. A building or structure detached from a principal building and customarily used with, and clearly incidental and subordinate to, the principal building or use, and located on the same lot with such principal building; or
2. A portion of the principal structure, but no more than 50% of the liveable floor area of a dwelling unit, that is used with, and clearly incidental and subordinate to, the principal building or use.

- B. Examples. Examples of permitted accessory structures or buildings include:
1. Storage buildings or sheds;
 2. Non-manned postal substations;
 3. Non-manned buildings or structures used by charitable organizations;
 4. Childrens Play houses;
 5. Public information kiosks;
 6. "Mini-structures", as defined below; in
 7. Private garages (attached or detached) to a single-family dwelling.

- C. Exclusions. Buildings or structures used to house a commercial or retail establishment, or a portion of a commercial or retail

Establishment shall be prohibited as accessory buildings or structures. Examples include:

1. Key or engraving shops;
2. Film processing and sales;
3. Non-mobile food or beverage sales
4. Newspaper or magazine stands
5. Non-mobile flower shops

ACCESSORY DWELLING UNIT, LIVE/WORK

A dwelling unit that is either within or added to a principal non-residential structure, or in a separate accessory structure on the same lot as the principal non-residential structure, for use only to house the owner, operator, caretaker, or an employee of the principal use, together with his or her immediate family, if applicable.

ACCESSORY DWELLING UNIT, RESIDENTIAL

A secondary dwelling unit either within or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use as a dwelling unit, as defined by the Land Development Code.

ACCESSORY USE

A use of land or of a building or portion thereof customarily used with, and clearly incidental and subordinate to, the principal use of the land or building and ordinarily located on the same lot with such principal use.

ACREAGE, GROSS

Means a measure of land area (43,560 square feet per acre) and shall include all land within a property's external boundaries.

ACREAGE, NET

For purposes of residential density calculations, net acreage means gross acreage of a property excluding the following land areas:

- A. Any commercial, professional, or industrial-designated land uses;
- B. Land dedicated for public parks, public open space/trails, drainage, or flood control; needed to meet the Land Dedication requirement;
- C. Any land not under the direct control of the property owner, such as canal right-of-way;
- D. Any land purchased by the City or any other governmental entity;
- E. Any church sites;
- F. Any recreational facility to be operated as a commercial enterprise by the developer or property owner.

ACTIVITY CENTER

An area characterized by a concentration of employment, civic, or entertainment/shopping activities, or a mix of such activities. Land uses that comprise an activity center, either singly or as part of an overall mix, are commercial, office, retail, entertainment, civic or public, or residential uses.

Any retail, commercial, or mixed-use development that contains one or more single-story retail buildings with over 50,000 square feet of gross floor area, or any multi-family development containing more than 100 units.

ADJACENT

To physically touch or border upon, or to share a common property line or border. "Adjacent" shall include properties or uses that are separated by a street or other publicly-dedicated right-of-way, canal, or railroad right-of-way.

ADMINISTRATIVE APPEAL

An appeal where it is alleged by the appellant that there is error in any order, requirement, decision, or refusal made by an administrative official or agency based on, or made in the application of, the standards or enforcement of this Code in a specific situation, with limited necessity for reference to general goals and policies of this Code or the Comprehensive Plan.

ADULT BUSINESS

An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, or sexual encounter center, as

those terms are defined below. The definition of an adult 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 commonly recognized sexual therapy.

- A. Adult Arcade. Any commercial establishment to which the public is permitted or invited where, for any form of consideration, one or more still or motion picture projectors, slide projectors, or similar machines, or other image producing machines, for viewing by five or fewer persons per machine at any one time, are used to regularly show films, motion pictures, video cassettes, slides, or other photographic reproductions depicting actual acts of masturbation, sexual intercourse, copulation, sodomy or displaying human genitals in a state of sexual stimulation, arousal, or tumescence, or depicting excretory functions as a part of or in connection with any of the activities set forth in this subsection.
- B. Adult Bookstore, Adult Novelty Store, or Adult Video Store. A commercial establishment which devotes a significant or substantial portion of its stock-in-trade, advertising, floor space, shelf space, or storage space to, or receives a significant or substantial portion of its revenues from, any one (1) or more of the following:
 - 1. The sale, rental or viewing (for any form of consideration) of books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations which are characterized by an emphasis upon the depiction, description, display, or exhibition of "specified sexual activities" or "specified anatomical areas;"
 - 2. The sale or rental of instruments, devices, or paraphernalia which are designed for use in connection with, or marketed primarily for engaging in, specified sexual activities, excluding condoms and other medically-recognized birth control devices and disease-prevention products.
- C. Adult Cabaret. A nightclub, bar, restaurant, concert hall, auditorium, or other commercial establishment which regularly features live adult entertainment.
- D. Adult Entertainment. Any exhibition, display, or dance which involves the exposure to view any portion of the female breast below the top of the areola, male genitals, female genitals, or the pubic hair, anus, or cleft of the buttocks of any person or male genitals in a discernibly turgid state even if completely and opaquely covered.
- E. Adult Motel. A motel, hotel, or similar commercial establishment which 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 advertises 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, and offers a sleeping room for rent for a period of time less than five (5) hours.

- F. Adult Motion Picture Theater. Any commercial establishment to which the public is permitted or invited, where for any form of consideration, films, motion pictures, video cassettes, slides or similar photograph reproduction are regularly shown depicting actual acts of masturbation, sexual intercourse, oral copulation, sodomy or displaying human genitals in a state of sexual stimulation, arousal, or tumescence, or depicting excretory functions as part of or in connection with any of the activities set forth in this subsection. Any establishment meeting the definition of an adult arcade is not an adult motion picture theater.
- G. Sexual Encounter Center. A business or commercial enterprise that regularly offers for any form of consideration, activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or seminude. This definition does not apply to any actions in compliance with Chapter 16 of the Arvada City Code or any treatment or examination of another person for a bona fide medical purpose when such treatment or examination is conducted in a manner substantially consistent with reasonable medical practices.

ADVERSE IMPACT

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

ALLEY

A street intended to provide secondary access to the rear or sides of lots or buildings and not intended for the purpose of through vehicular traffic. An alley may be used for public utility purposes.

ALTER OR ALTERATION

Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors, windows, means of ingress or egress, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.

ALTERNATIVE TOWER STRUCTURE

Any man-made trees, clock towers, bell steeples, light poles, water towers and similar alternative design mounting structures that camouflage or conceal the presence of antennas or towers so as to make them architecturally compatible with the surrounding area pursuant to Section 5.2.31.1.3.a, or which meets the standards of Section 5.2.31.1.3b.

AMUSEMENT DEVICE

Any device which, upon insertion of a coin, slug, token, plate or disc, or payment of a consideration, may be used by the public as a game, entertainment, amusement, a test of skill, either mental or physical, whether or not registering a score. "Amusement devices" shall include, but not be limited to: foosball tables and pinball machines. "Amusement devices" shall not include radios, devices

that provide music only, bowling lanes, pool or snooker tables, television carrying commercial broadcasts only, or fixed-stand coin-operated kiddie rides.

AMUSEMENT ENTERPRISE

Any indoor or outdoor place that is maintained or operated for the amusement, patronage, or recreation of the public to include any coin-controlled amusement device of any description, commonly known as baseball, football, pinball amusements, miniature golf course, or driving range.

ANIMAL, DOMESTIC

Dogs, cats, rodents, birds, reptiles, fish, pot-bellied pigs weighing less than 70 pounds, and any other species of animal that is sold or retained as a household pet, but does not include skunks, nonhuman primates, and other species of wild, exotic, or carnivorous animals that may be further restricted in the Arvada City Code.

ANIMAL, WILD

All species of animals that exist in their natural, unconfined state and are usually not domesticated.

ANTENNA

Any exterior apparatus designed for telephone, radio or television communications through the sending and/or receiving of wireless communications signals.

ANTENNA, DISH

Dish (parabolic or cylindrical) antennas uses for microwave and satellite transmission and reception for commercial purposes. This definition shall not apply to wireless cable satellite dish antennas or dish antennas less than one meter in diameter or measured diagonally.

ANTENNAS, PANEL

An array of antennas, rectangular in shape, used to transmit and receive telecommunication signals.

ANTENNA, WHIP

A single antenna that is cylindrical in shape and omni-directional.

APARTMENT

A type of multi-family dwelling unit, typically renter- rather than owner-occupied. See definition of "multi-family dwelling" below in "Dwelling, Multi-Family."

APARTMENT, EFFICIENCY

An apartment having only one room, excluding the kitchen and the bathroom.

APPEAL

A request for review by a higher authority of the final decision made by the Decision-Making Body on an application for development.

APPLICANT

Unless otherwise specified, an owner or other person with a legal property interest, including heirs, successors, and assigns, or an owner's authorized agent, who has filed an application for subdivision or development.

APPLICATION, COMPLETE

An application form and all accompanying fees, submittal documents, and exhibits required of an Applicant by an approving authority for review of site plans, conditional uses, subdivisions, planned unit developments, and other similar development or land use purposes. An application shall be considered "complete" only upon certification by the Community Development Department pursuant to §3.1.5 of this Code.

ARCHITECTURAL APPENDAGE

Appendages such as fireplaces, roof overhangs, balconies, cornice, or bay windows that are attached to principal or accessory structures.

ARCHITECTURAL SCULPTURE

A design or object of orderly arrangement by style and method of construction that is unique in nature and having more than two planes or faces in a three dimensional art form and contains no written information and is not used for advertising purposes.

AREA OF SPECIAL FLOOD HAZARD

As defined by the Federal Emergency Management Agency, the land in a floodplain subject to a one percent chance of flooding in a given year. See also "Flood Regulatory District," §10.3.149 below.

ASSEMBLY HALL

A facility, either commercial or non-profit, that is intended to accommodate large groups of persons for entertainment, conferences, conventions, exhibitions, weddings, and similar activities.

ASSISTED LIVING FACILITY

A state-licensed group living facility regulated as an assisted living residence, as defined in C.R.S. §25-27-101. Such facilities do not offer diagnosed medical or psychological treatment under professional medical supervision, but may offer (1) physical therapy, (2) occasional medical or nursing care to address non-chronic and non-recurring conditions such as colds, flu, or household injuries, and (c) assistance with routine living activities not aimed at recovery from a specific diagnosed condition.

AUCTION HOUSE OR YARD

A permitted auction house or yard shall not include livestock auction houses or yards.

AUTOMOBILE RENTALS

Rental of automobiles and light trucks only, including storage and incidental maintenance, but excluding maintenance requiring pneumatic lifts.

AUTOMOBILE WRECKING OR SALVAGE YARD

A building, structure, parcel of land, or portion thereof, where two or more motor vehicles not in running condition, or parts thereof, are stored in the open and are not being restored to operation, or any land, building, or structure used for wrecking or storing of such motor vehicles or farm machinery, or parts thereof, stored in the open and not being restored to operating condition.

AWNING

A shelter projecting from and supported by the exterior wall of a building constructed of non-rigid materials on a supporting framework. An awning is distinguished from a marquee in that a marquee is covered with rigid material. An awning is distinguished from a canopy in that an awning is cantilevered, whereas a canopy is supported by posts or other devices beyond the building wall.

AWNING SIGN

A sign painted or printed on and attached flat against the surface of an awning.

BANNER

A sign made of fabric or other non-rigid material with no enclosing framework.

BAR/TAVERN

An Eating/Drinking Establishment providing or dispensing by the drink for on-site consumption fermented malt beverages, and/or malt, special malt, vinous or spirituous liquors, and in which the sale of food products such as sandwiches and light snacks is secondary (also known as a tavern). A bar/tavern may include provision of live entertainment and/or dancing; however, a bar/tavern shall not include any adult business use.

BASE FLOOD

The flood having a one percent chance of being equaled or exceeded in any given year. See also "One Hundred Year Flood."

BED AND BREAKFAST ESTABLISHMENT

An owner-occupied single-family dwelling where up to a maximum of five rooms may be rented for overnight lodging. The five lodging rooms may be in addition to bedrooms used by the resident family.

BERM

In the context of landscaping or bufferyard requirements, a mound of earth typically used to shield, screen, and buffer undesirable views and to separate potentially incompatible land uses.

BILLBOARD

A sign that identifies or communicates a commercial or non-commercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.

BLASTING AGENT

Any material or mixture consisting of a fuel and oxidizer, intended for blasting, not otherwise classified as an explosive, in which none of the ingredients are classified as explosives, provided that the finished product, as mixed or packaged for use or shipment, cannot be detonated by means of a No. 8 test blasting cap when unconfined. Materials or mixtures classified as nitrocarbonitrates by the Department of Transportation regulations shall be included in this definition.

BLOCK

A tract of land bounded by platted streets, public parks, cemeteries, railroad rights-of-way, shorelines, or corporate boundaries of the City.

BOARD OF ADJUSTMENT

A body of seven Arvada residents appointed by the City Council of Arvada to hear Administrative Appeals and requests for Variances regarding this Code. The Board of Adjustment may also be referred to as the 'Board' in this Code.

BOARDING, LODGING, OR ROOMING HOUSE

A Group Living Facility where meals, lodging, or both, are provided for compensation for five or more persons, but not more than eight persons, not including members of the owner's or proprietor's immediate family who might be residing in the same building. The word "compensation" shall include compensation in money, services, or anything of value. A boarding, lodging, or rooming house shall not include more than one (1) person required to register as a sex offender pursuant to Section 18-3-412.5, Colorado Revised Statutes, as amended. See also "Group Living Facility."

BORROWING

The excavating of earth material from a property and transporting the excavated material for placement on another property. Borrowing shall not include the excavation and hauling of a commercial mineral deposit. Borrowing is not grading.

BOUNDARY/LOT LINE ADJUSTMENTS

A change in lot or parcel boundaries that does not create additional lots or parcels (can apply to platted or unplatted lands).

BUFFERING

Methods such as extra deep lots, increased setbacks, landscaping, fencing, or berming to separate properties or uses that may have potential adverse impacts upon one another.

BUILDING

Any permanent structure built for the shelter or enclosure of persons, animals, chattels, or property of any kind, which is governed by the following characteristics:

- A. Is permanently affixed to the land;
- B. Has one or more floors and a roof; and
- C. Is bounded by open space, yards, or the lot lines of a lot.

BUILDING, ACCESSORY

See "Accessory Building or Structure."

BUILDING, PRINCIPAL

Means the building or structure on a lot used to accommodate the principal permitted use, such use possibly occurring in more than one building or structure

BUILDING AREA

The total area in square feet, measured on a horizontal plane, of the main grade level of the principal building and all accessory buildings, but excluding the area occupied by uncovered porches less than 30 inches in height, mini structures, terraces, steps, parking areas, and other paved areas. "Building Area" shall also include the total area of architectural appendages that are cantilevered over the main grade level of the principal building or accessory building by greater than 2 feet.

BUILDING COVERAGE

See "Lot Coverage."

BUILDING ELEVATION

A projection of a building plane, including the roof, wall, and all architectural appendages.

BUILDING FACE

The lineal distance of a side of a building.

BUILDING FRONTAGE

The building face that fronts either a street or a parking area.

BUILDING SEPARATION

The horizontal distance from one building to another building located on the same or adjacent building site or lot, excluding architectural appendages.

BUILDING SETBACK

See "Setback."

BUNKER

A self-contained, four-sided, opaque divisional structure or concrete vault.

BUSINESS SERVICES

Retail or service establishments whose customers are primarily other businesses, including but not limited to: Duplicating services, electronic data processing, and employment service; mailing, addressing, stenographic services; and specialty business service such as travel bureau, news service, exporter, importer, interpreter, appraiser, film library.

CALIPER

The diameter of a tree trunk measured 6 inches from the ground for trees up to 4 inches in caliper/diameter and 12 inches from the ground for trees 4 inches or larger in caliper/diameter.

CANOPY

A roof-like shelter projecting from a building wall and supported by posts or other devices beyond the building wall, typically constructed of non-rigid materials on a supporting framework. A canopy is distinguished from an awning in that an awning is cantilevered and supported by the building wall, whereas a canopy is supported away from the building wall.

CEMETERY

Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes. A "Cemetery" may include a funeral home or mortuary or a columbarium, but shall not include a crematory.

CENTER

Solely for purposes of §6.17, "Signs", a "Center" shall mean a group of two or more professional, commercial, or industrial establishments, or a combination of such establishments, that are planned, platted, developed, owned, and/or managed as a unit. The term "Center" shall include the term "Activity Center."

CERTIFICATE OF OCCUPANCY

A certificate issued by the City after final inspection, when it is found that the building, structure, and/or development complies with all requirements and all provisions of the Uniform Building Code and approved plans.

CHAIN LINK FENCE

A fence composed of wire mesh, typically forming "woven squares" approximately two inches in width.

CHANNEL

A natural or artificial water course of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow thus is that which is flowing within the limits of the defined channel.

CHECK-CASHING BUSINESS

A person or establishment engaged in the business of cashing checks, drafts, or money orders for a fee; excepting, however, a "supervised financial organization," as that term is defined in Section 5-1-301, Colorado Revised Statutes (as amended), and check-cashing transactions incidental to the retail sale of goods or services and for which consideration for the check-cashing does not exceed the greater of three percent (3%) of the face amount of the check or three dollars (\$3).

CHIEF BUILDING OFFICIAL

The official designated by the City Manager as the official responsible for accepting, reviewing, approving, or rejecting plans and applications for building and occupancy permits, and for the interpretation and enforcement of codes and regulations related to such applications and permits.

CITY

City of Arvada, Colorado.

CITY COUNCIL

The Arvada City Council.

CLOCK TOWER

A Clock Tower is a freestanding structure displaying the time on one or more sides of the structure.

CLUB OR LODGE, PRIVATE

An organization of persons for special purposes or for the promulgation of sports, arts, literature, politics, or other common goals, interests, or activities. A private club or lodge is characterized by membership qualifications, dues, or regular meetings, excluding clubs operated for profit and places of worship.

CLUSTER SUBDIVISION

A subdivision design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, preservation of environmentally sensitive areas or agricultural uses.

COMBUSTIBLE FIBERS

Readily-ignitable and free-burning fibers, such as cotton, sisal, henequen, ixtle, jute, hemp, tow, cocoa fiber, oakum, baled waste, baled wastepaper, kapok, hay, straw, excelsior, spanish moss and other readily ignitable materials.

COMBUSTIBLE LIQUID

Any liquid having a flash point at or above 140°F., and below 200°F., and shall be known as Class III liquids.

COMMERCIAL USE OR DEVELOPMENT

An activity involving the sale of goods or services carried out for profit. Includes office, retail, service business, and other similar development.

COMMERCIAL RECREATION

Any use or development, either public or private, providing amusement, pleasure, or sport, which is operated or carried on primarily for financial gain.

COMMUNITY DEVELOPMENT DIRECTOR

The person appointed by the City Manager as the director of the Community Development Department.

COMPATIBLE OR COMPATIBILITY

The characteristics of different uses or activities or design which allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include height, scale, mass, and bulk of structures. Other characteristics include pedestrian or vehicular traffic, circulation, access and parking impacts. Other important characteristics that affect compatibility are landscaping, lighting, noise, odor, building materials, and building architecture. Compatibility does not mean "the same as." Rather, compatibility refers to the sensitivity of development proposals in maintaining the character of existing development.

COMPREHENSIVE PLAN

The City of Arvada Comprehensive Plan, adopted and amended from time to time.

COMPRESSED GAS

Any mixture or material having in the container either an absolute pressure exceeding 40 pounds per square inch at 70°F., or an absolute pressure

exceeding 104 pounds per square inch at 130°F., or any liquid flammable material having a vapor pressure as defined in Section 1.424 of the Uniform Fire Code exceeding 40 pounds per square inch at 100°F.

CONDITIONAL USE

A use permitted in a zoning district subject to discretionary review and approval by the City Council. Conditional uses are typically uses that may have unique or widely varying operating characteristics, may have potential operational or other impacts on adjacent properties, or may have unusual site development demands.

CONDOMINIUM OR CONDOMINIUM PROJECT

A building, or group of buildings, in which dwelling units, offices, or floor area are designated for separate ownership, and the remainder of the structure, land area, and facilities is commonly owned by all the unit owners on a proportional, undivided basis.

CONDOMINIUM UNIT

An individual air space unit in a condominium, together with the proportional, undivided interest in the common elements appurtenant to such unit.

CONSTRUCTION OFFICE

A mobile trailer or any temporary structure used by a construction contractor for office/headquarter purposes during construction of a subdivision or structure.

CONVENIENCE LENDING OPERATION

A person or establishment engaged in any operation constituting a check-cashing business, payday lender, pawnbroker, or title lender, as those terms are defined herein.

CONVENIENCE STORE

A general retail store that sells goods and services and that may include the sale of ready-to-eat food products (not intended for on-premises consumption), gasoline, groceries and sundries, and 3.2 beer.

COURIER SERVICES

An establishment primarily engaged in the delivery of individually addressed letters, parcels, and packages which are generally less than 100 pounds.

CORNER LOT

A lot abutting two or more streets at their intersection or upon two parts of the same street, and where in either case the interior angle formed by intersection of the street lines does not exceed 135°.

CROSSWALK

That portion of a roadway that is a logical extension of sidewalks at intersections, or any portion of a roadway distinctly indicated for pedestrian crossing by lines or other surface markings.

CULTURAL FACILITIES

Nonprofit institutions displaying or preserving objects of interest in one or more of the arts or sciences. This classification includes libraries, museums, and art galleries.

CURB CUT

A street curb depression intended to provide vehicular ingress and egress to a property.

CUSTOM INDUSTRIAL USES

Establishments primarily engaged in on-site production or repair of goods by hand, involving the use of hand tools and small-scale equipment, including small engine repair, furniture making and restoring, upholstering, custom care or motorcycle restoring, and other similar uses.

DAY CARE CENTER, ADULT

A facility, whether non-profit or for-profit, that provides care, protection, and supervision for eight (8) or more adults on a regular basis away from their primary residence for less than 24 hours per day.

DAY CARE CENTER, CHILD

An institutional facility, by whatever name known, which is maintained for the whole or part of a day for the care of six (6) or more children under the age of sixteen (16) years who are not related to the owner, operator or manager, whether such facility is operated with or without compensation for such care and with or without stated educational purposes. The term includes, but is not limited to, facilities commonly known as day-care centers, day nurseries, nursery schools, preschools, play groups, day camps, summer camps, centers for mentally retarded children and those facilities which give twenty-four-hour per day care for dependent and neglected children, but specifically excludes any Day-Care Home as defined below. Child-care centers are also those facilities for children under the age of six (6) years with stated educational purposes which are operated in conjunction with a public, private, or parochial college or a private or parochial school, except that the term shall not apply to a kindergarten maintained in connection with a public, private or parochial elementary school system of at least six (6) grades.

DAY CARE HOME

A facility for child care in the permanent residence of the provider for the purpose of providing day care and training for a child or children away from their primary residence for less than 24 hours per day. Children being cared for in a day care home are under the age of twelve (12) years and are not related to the care provider. A day care home shall provide care, protection, and supervision to

children in accordance with the license requirements of the State of Colorado "Regular Child Care Provider and Experienced Child Care Provider" provisions. In no case shall care be provided to more than nine (9) children including that of the provider's. Operation of a "day care home" is considered, for purposes of this Code, to be an accessory use to a principal residential use. See §5.3.3 of this Code.

DEAD-END STREET

A street having no exit or turn-around within a right of way.

DECISION-MAKING BODY

The entity (typically the City Council, Planning Commission, or Staff) that is authorized to finally approve or deny an application or permit required under this Code.

DENSITY, GROSS

The number of residential dwelling units per gross acre.

DENSITY, NET

The number of dwelling units per net acre.

DETENTION FACILITY

Includes (1) facilities for the judicially required detention or incarceration of people, where inmates and detainees are under 24 hour supervision by sworn officers, except when on an approved leave, or (2) group homes, halfway houses, or alternatives to incarceration for individuals previously convicted of sexual assaults, sexual abuse, or other sex-related criminal offences, or (3) group homes, halfway houses, or alternatives to incarceration containing any individual who will be subject to the issuance of an arrest or escape warrant if they leave the facility. Provided that the use otherwise complies with this definition, a Detention Facility may include, by way of illustration, a prison, jail, probation or detention center, or juvenile detention home. Detention Facilities, except for "Group Homes for Juvenile Offenders", do not qualify as either Household Living or Group Living, and are not allowed in any zoning district.

DEVELOPER

Any person, firm, partnership, joint venture, limited liability company, association, or corporation who participates as owner, promoter, or sales agent in the planning, platting, development, promotion, sale, or lease of a subdivision or development.

DEVELOPMENT

Any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, conversion, or enlargement of any structure; any change in use of a property, building, or structure; and any mining, dredging, filling, grading, paving excavation or drilling operation. The term "Development" shall include the act of subdivision.

DEVELOPMENT AGREEMENT

Contracts between a Developer and the City of Arvada in connection with any discretionary development approval, including without limitation annexation, rezoning, subdivision, and/or PUD approval. Development Agreements may include provisions clarifying the phasing of construction, the timing, location and financing of infrastructure, reimbursement for oversized infrastructure, vesting of property rights for periods beyond the 3-year statutory term, assurances that adequate public facilities (including roads, water, sewer, fire protection and emergency medical services) will be available as they are needed to serve the development, and mitigation of anticipated impacts of the development on the general public.

DEVELOPMENT PARCEL

One or more lots, tracts, or parcels that are contiguous to each other and are planned, developed, owned, and/or managed as a unit.

DEVELOPMENT PLAN, FINAL

A plan of a planned unit land development (PUD), together with written materials, showing the character and layout of the tract including the exact location, square footage, and dimension of lots, buildings or building envelopes, yards, courts, parking, fences, common open space and other features; the use of each building and area; the architectural elevations of buildings indicating height, materials, and color; detailed landscape plan; streets, curb cuts, and alleys; utilities, drainage, and other easements.

DEVELOPMENT PLAN, OUTLINE

A conceptual plan of a proposed planned unit land development (PUD), together with written materials, showing the general character and layout of the development parcel including the approximate location and density/intensity of uses, the approximate location of public and common open space, the location of existing and proposed streets and alleys, and the relationship of the development to adjacent areas that it may affect.

DEVELOPMENT PLAN, PRELIMINARY

A plan of proposed planned unit land development (PUD), together with written materials, showing the character and layout of the development parcel including the approximate location, square footage, and dimensions of lots, buildings, or building envelopes, yards, courts, parking, fences, landscaping, common open space, and other features; the use of each building and area; architectural elevations of buildings indicating height and general character of the exterior of each building; existing and proposed streets, curb cuts, and alleys; existing and proposed utilities, drainage easements and other easements; and the relationship of the development to adjacent areas that it may affect.

DIFFUSER

A device to redirect or scatter light from a source so as to reduce the visible brightness of the lamp.

DOWN CAST LIGHTING

On-site illumination that is constructed, located, and aligned in such a manner as to restrict a cone of illumination to ground surface areas within the boundaries of the site and to prevent such illumination sources from being directly visible from adjacent properties and public roadways.

DRIVE-UP FACILITY (ALSO KNOWN AS A "DRIVE-IN" OR "DRIVE-THROUGH" FACILITY)

An establishment that by design, physical facilities, service, or packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.

DRIVEWAY

A paved or unpaved area used for the ingress and/or egress of vehicles, and allowing access from a street to a building or other structure or facility.

DRIVEWAY, SHARED

A single driveway serving two or more adjoining lots or uses.

DWELLING

Any building or part thereof, occupied, in whole or in part, for residential occupancy. "Dwelling" does not include hotels, motels, tents, recreational vehicles, or other structures designed or used primarily for temporary or transient occupancy.

DWELLING, MULTI-FAMILY

A dwelling containing 3 or more dwelling units, and designed to be occupied by 3 or more families or households living independently of each other. "Multi-family dwelling" includes town home dwellings and condominium or apartment buildings in which the individual dwelling units are typically located one over the other.

DWELLING, SINGLE-FAMILY DETACHED

A dwelling that is detached (free-standing and surrounded on all sides by open areas or yards) and occupied by only one family.

DWELLING, TOWN HOME

A specific type of multi-family use in which individual dwelling units are attached by one or more party walls, with the habitable spaces of different dwelling units arranged on a side-by-side rather than a stacked configuration.

DWELLING, TWO-FAMILY

A dwelling containing 2 attached dwellings units, located side-by-side and totally separated from each other by an unpierced wall extending from foundation to roof.

DWELLING UNIT

One or more rooms connected together, but structurally divided from all other rooms in the same structure and constituting a separate, independent housekeeping unit for permanent residential occupancy by humans, with facilities for sleeping, cooking and eating, and with sanitary facilities.

EASEMENT

A right of use (as opposed to an incorporeal personal privilege) over the property of another.

EATING/DRINKING ESTABLISHMENT

A retail business serving prepared food or beverages for consumption on or off the premises. "Eating/Drinking Establishment" includes bars, taverns, restaurants, and fast-food restaurants.

EFFECTIVE DATE OF THIS CODE

The effective date of this Land Development Code is November 4, 2005.

ELDERLY

Persons aged 60 years and over.

ENCROACHMENT LINES

The limits of obstruction of flood flows. These lines are generally parallel to the stream. The lines are established by assuming that the area landward (outside) of the encroachment lines may be ultimately developed in such a way that will not be available to convey flood flows. The stream channel and adjoining floodplains between these lines will be maintained as open space and will be adequate to convey the 100-year flood without adversely increasing flood heights, such increase under any conditions not exceeding one foot.

EQUAL DEGREE OF ENCROACHMENT

This is established by considering the effect of encroachments on hydraulic efficiency of the floodplain along a significant reach of the stream on both sides.

ESTABLISHMENT

A place of business, industry, or professional office with its furnishings and staff.

EVAPOTRANSPIRATION (ET)

A measure of water depletion from the soil due to evaporation from the soil surface and transpiration through plant foliage.

EVENTS CENTER

A publicly or privately owned building devoted to assembly of people for social, professional, or recreational activities such as meetings, weddings, or conferences.

EXISTING BUILDING OR IMPROVEMENT

A building or improvement that is existing or under construction at the time the underlying property is initially zoned or rezoned.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION

A manufactured home park 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) are completed before the effective date of §6.13, "Floodplain Regulations," of this Code.

EXPANSION TO EXISTING MANUFACTURED HOME PARK OR SUBDIVISION

The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

EXPLOSIVES

- A. Substances determined to be Class A and Class B explosives as classified by the U.S. Department of Transportation.
- B. Nitrocarbonitrate substances (blasting agent) as classified by the U.S. Department of Transportation.
- C. Any material designated as an explosive by the State Fire Marshall.
- D. Certain Class C explosives as designated by the U.S. Department of Transportation.

FAMILY

- A. One or more persons related by blood, marriage, or adoption, living together as a single household unit; or
- B. A group of not more than 5 persons not related by blood, marriage, or adoption, living together as a single household unit.
- C. A family foster home, licensed by the State of Colorado, or certified by the Jefferson County Department of Human Services or Adams County Department of Social Services, or a state-licensed child placement agency, and having no more than 4 foster children, shall also be considered a "family."
- D. A "family" shall not include more than one (1) person required to register as a sex offender pursuant to Section 18-3-412.5, Colorado Revised Statutes, as amended, unless related by blood, marriage, or adoption.

FAST FOOD RESTAURANT

An Eating/Drinking Establishment that may be either (1) a freestanding operation; or (2) a non-freestanding operation incorporated into a building within which one or more other compatible and complimentary uses exist, and whose principal business is the sale of pre-prepared or rapidly prepared food to the customer in a ready-to-consume state for consumption either within the restaurant building or for carry-out with consumption off the premises, and whose design or principal method of operation includes two or more of the following characteristics:

- A. The elimination, in whole or in part, of table service, thus requiring customers to place orders at the counter where the orders are filled;
- B. The food is usually served in edible containers or in paper, plastic or other disposable containers;
- C. The facilities for on premises consumption of food are insufficient for the volume of food sold by the establishment;
- D. The restaurant provides a drive-up facility for placing and receiving food orders.

FINANCIAL INSTITUTIONS

Establishments that provide retail banking services, mortgage lending, and similar financial services to individuals and businesses. This classification includes those institutions engaged in the on-site circulation of cash money and check-cashing facilities, but shall not include bail bond brokers. This classification also includes Automated Teller Machines (ATM) located within a fully enclosed space or building, or along an exterior building wall intended to serve walk-up customers only.

FLAG

Any fabric containing distinctive colors, patterns, or symbols used as symbol of a government, political subdivision, or other entity.

FLAMMABLE LIQUID

Any liquid having a flash point below 140°F., and having a vapor pressure not exceeding 40 pounds per square inch (absolute) at 100°F. Flammable liquids shall be divided into two classes of liquids as follows:

- A. Class I liquids shall include those having flash points below 100°F., and may be subdivided as follows:
 - 1. Class I A: Flash points below 73°F., and having a boiling point below 100°F.
 - 2. Class I B: Flash points below 73°F., and having a boiling point at or above 100°F.
 - 3. Class I C: Flash points at or above 73°F., and below 140°F.

- B. Class II: Flash points at or above 100°F. When artificially heated to temperatures equal to or higher than their flash points, Class II and Class III liquids shall be subject to the applicable requirements for Class I and Class II liquids. The provisions in this Code shall also be applied to high flash point liquids which otherwise would be outside of its scope when they are so heated.

FLAMMABLE MATERIAL

Any material that will readily ignite from common sources of heat or material that will ignite at a temperature of 600°F. or less.

FLAMMABLE SOLID

A solid substance other than one classified as an explosive, which is liable to cause fires through friction, through absorption of moisture, through spontaneous chemical changes or as a result of retained heat from the manufacturing or processing.

FLOOD

Water from a river, stream, water course, ocean, lake or other body of standing water that temporarily overflows or inundates adjacent lands and which may affect other land and activities through stage elevation, backwater or increased ground water level.

FLOOD INSURANCE RATE MAP (FIRM)

An official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated areas in the floodplain subject to inundation of the base flood and the risk premium zones based on the technical data in the Flood Insurance Study.

FLOOD INSURANCE STUDY

The official report provided by the Federal Emergency Management Agency (FEMA) that includes flood profiles, the flood boundary floodway map, and the water surface elevation of the base flood.

FLOODPLAIN

The relatively flat or lowland area adjoining a river, stream, water course, lake or other body of standing water which has been or may be covered temporarily by flood waters. The floodplain as defined by the Federal Emergency Management Agency means any land area susceptible to be inundated by water from any source.

FLOODPLAIN ADMINISTRATOR

The City of Arvada Engineer or his designated representative.

FLOOD PROFILE

A graph or a longitudinal profile showing the relationship of the water surface elevation of the flood event to location along a stream or river.

FLOOD PROOFING

A combination of structural provisions, changes or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures and contents of buildings in a floodplain area.

FLOOD PROTECTION ELEVATION

The elevation of one foot (2 foot for residential structures) above the base flood elevation for the Flood Regulatory District as shown on the flood profiles and tabulations in the Flood Insurance Study and on the Official Floodplain Maps in the office of the City Engineer.

FLOOD REGULATORY AREA

That portion of the floodplain subject to inundation by the base or 100-year flood. The 100-year floodplain limits are computed under existing channel and floodplain conditions. Its length or reach is determined by natural bounds such as a lake or by structures such as a dam or bridge or by political or legal bounds.

FLOOD REGULATORY DISTRICT

That area represented by the Flood Regulatory Area which has been approved by the Colorado Water Conservation Board and shown as Flood Zones A, AE, AH, AO and A99 on the Flood Insurance Rate Map and the Official Floodplain Maps in the office of the City Engineer.

FLOOD STAGE

For the purpose of this ordinance, the term is used to mean the height or elevation of a flood as referred to some datum. For other purposes, it is commonly used to refer to the elevation at which a stream will overtop its normal stage banks.

FLOOD ZONE A

That portion of the Flood Regulatory Area that is inundated by the 100-year flood as shown on the Official Floodplain Maps. No base flood elevations have been determined for this zone.

FLOOD ZONE AE

That portion of the Flood Regulatory Area that is inundated by the 100-year flood as shown on the Official Floodplain Maps. Base flood elevations have been determined for this zone.

FLOOD ZONE AH

That portion of the Flood Regulatory Area that is inundated by the 100-year flood as shown on the Official Floodplain Maps to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flood is

characterized by ponding or sheet flow. Base flood elevations have been determined for this zone.

FLOOD ZONE AO

That portion of the Flood Regulatory Area that is inundated by the 100-year flood as shown on the Official Floodplain Maps to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flood is characterized by ponding or sheet flow. Average depths have been determined for this zone.

FLOOD ZONE A99

That portion of the Flood Regulatory Area that is inundated by the 100-year flood as shown on the Official Floodplain Maps that is to be protected from the 100-year flood by Federal flood protection system under construction. No base flood elevations have been determined for this zone.

FLOOD ZONE AREA

That portion of the regulatory area that is inundated by the 100-year flood and may serve as a temporary storage area for these flood waters, and that lies landward of the floodway. This area shall include Zones A, AE, AH, AO, and A99 as shown on the Official Floodplain Maps and as defined in this Article.

FLOOD ZONE DISTRICT

That area represented by the Flood Zone Area which has been hydraulically defined and shown on the Official Floodplain Maps in the office of the City Engineer.

FLOODWAY DISTRICT

The portion of the Flood Regulatory Area defined as the channel of a gulch or other watercourse and the adjacent land that must be reserved in order to discharge the 100-year flood without cumulatively increasing the base flood water surface elevation more than one foot at any one point.

FOOD & BEVERAGE SALES

Retail sales of food and beverages for off-site preparation and consumption. Establishments at which 20 percent or more of the transactions are sales of prepared food for on-site consumption shall be classified as Eating/Drinking Establishments. "Food and beverage sales" includes convenience stores, grocery stores, take-out delicatessens, retail bakeries, and liquor stores.

FLOOR AREA RATIO (FAR)

The ratio of gross floor area divided by gross lot or land area measured in square feet.

FOOTCANDLE (FC)

The unit of illuminance equal to one lumen per square foot.

FLOODLIGHT

Any light fixture with an adjustable mounting system that allows for the aiming of the luminaire, typically used to light a specific object or surface.

FRONTAGE

All sides of a lot adjacent to a street shall be considered frontage.

FULL CUT-OFF

A light fixture that allows no direct light emission above a horizontal plane through the light fixture's lowest light-emitting part.

FULLY SHIELDED

A description of a light fixture with no light emitting surfaces in sight from normal viewing angles. All full cut-off fixtures are considered to be fully shielded.

GLARE

The sensation produced by luminances within the visual field that are sufficiently greater than the luminance to which the eyes are adapted to cause annoyance, discomfort or loss in visual performance or visibility. The magnitude of the sensation of glare depends on such factors as the size, position and luminance of a source; the number of sources; and the luminance to which the eyes are adapted.

GOLF COURSE (EXCLUDING MINIATURE GOLF)

A large unobstructed acreage, involving enough room over which to walk or ride, point-to-point, over a generally prescribed course and to strive to send a ball long distances with variable accuracy without unreasonably endangering other players or intruding upon them.

GRADE

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

GROUP HOME

A Group Living Facility in which six or more individuals can live together and receive supportive services and are supervised by persons who live in the residence. A Group Home shall have not more than twelve residents, including supervisory personnel, plus any children of a resident under the age of two (2) years old except as otherwise provided by this Code. Except for Group Homes for Juvenile Offenders, "group homes" shall not include Detention Facilities, which are not allowed in any zoning district. In addition, a "Group Home" shall not include more than one (1) person required to register as a sex offender pursuant to Section 18-3-412.5, Colorado Revised Statutes, as amended, except as otherwise provided in this Code. In the event a group living facility for

handicapped persons does not meet the definition of "Group Home" as contained herein, but requires reasonable accommodation (see §5.2.17.D) pursuant to the Fair Housing Amendments Act of 1988 (42 U.S.C. §3601 et seq.), such group living facility shall not include more than one (1) person required to register as a sex offender pursuant to Section 18-3-412.5, Colorado Revised Statutes, as amended, except as otherwise provided herein.

GROUP HOME FOR DEVELOPMENTALLY DISABLED PERSONS

A state-licensed group living facility serving not more than 8 persons exclusively for the care of persons with developmental disabilities, as defined and regulated by the Colorado Department of Human Services, Division for Developmental Disabilities Services, and the Colorado Department of Public Health and Environment. A Group Home for Developmentally Disabled Persons shall not include more than one (1) person required to register as a sex offender pursuant to Section 18-3-412.5, Colorado Revised Statutes, as amended.

GROUP HOME FOR ELDERLY PERSONS

A group living facility of up to eight persons 60 years of age or older who do not require medical attention associated with a residential health care facility. Group Homes for Elderly Persons shall be either: (1) licensed as an assisted living residence or alternative care facility by the Colorado Department of Public Health and Environment; or (2) certified as an adult foster care facility by the Jefferson County Department of Human Services or Adams County Department of Social Services. A Group Home for Elderly Persons shall not include more than one (1) person required to register as a sex offender pursuant to Section 18-3-412.5, Colorado Revised Statutes, as amended.

GROUP HOME FOR JUVENILE OFFENDERS

A group living facility licensed or certified by the State of Colorado, housing residents placed by the Jefferson County Department of Human Services or Adams County Department of Social Services or the Colorado Department of Human Services, Division of Youth Corrections, for purposes of rehabilitation, special care, supervision, or treatment for social, behavioral, or disciplinary problems. A Group Home for Juvenile Offenders shall not have more than 14 residents, plus additional required staff, and shall not include more than one (1) person required to register as a sex offender pursuant to Section 18-3-412.5, Colorado Revised Statutes, as amended.

GROUP HOME FOR MENTALLY ILL PERSONS

A state-licensed group living facility serving not more than 8 persons exclusively for the care of persons with mental illness, as defined and regulated by the Colorado Department of Public Health and Environment. A Group Home for Mentally Ill Persons shall not include more than one (1) person required to register as a sex offender pursuant to Section 18-3-412.5, Colorado Revised Statutes, as amended.

GROUP LIVING FACILITY

Residential occupancy of all or part of a structure by a group of people that does not meet the definition of Household Living, Hotel, Motel, or Detention Facility. In Group Living facilities, tenancy is arranged on a monthly or longer basis, there is

generally a common eating area, and the size of the group may be larger than a household. Group Living facilities, by way of illustration, may include Assisted Living Facilities, Group Homes, Group Homes for Juvenile Offenders, Group Homes for Developmentally Disabled Persons, Group Homes for Elderly Persons, Group Homes for Mentally Ill Persons, and Nursing Homes. "Group Living Facility" shall not include Detention Facilities for adult offenders (persons 18 years old and older) and "Group Living Facility" shall not include more than one (1) person required to register as a sex offender pursuant to Section 18-3-412.5, Colorado Revised Statutes, as amended, except as otherwise provided herein.

GROSS FLOOR AREA (GFA)

The total area in square feet of all floors of a building measured from exterior walls.

GUEST HOUSE

An accessory dwelling attached or unattached to a principal dwelling, used to house guests of the occupants of the principal dwelling, and which shall not be rented or leased, or held in ownership by other than the owner of the principal dwelling.

HEALTHY TREES

Trees that are considered at least 50% healthy as determined by a professional tree analysis prepared by a qualified forester or arborist.

HELIPORT

An area provided for the landing or taking off of a helicopter.

HEIGHT, BUILDING/STRUCTURE

The vertical distance from the point of measurement on the ground to the highest point of the subject building or structure, as more fully described in §10.1.8 (Measurement of Building/Structure Height) above.

HOME OCCUPATIONS

A business, profession, occupation, or trade that is conducted for gain as an accessory use within a dwelling unit by a resident of the dwelling unit.

HORIZONTAL MEASUREMENT

Measurements made with the meter oriented to measure illuminance onto a horizontal surface.

HOSPITAL

An institution providing health services, primarily for in patients and medical or surgical care of the sick or injured, including related facilities such as laboratories, out-patient facilities, training facilities, central service facilities, and staff offices.

HOUSE SIDE SHIELD

An element of a luminaire designed and installed to significantly reduce the light output from one side (seen from above) of the luminaire.

HOUSEHOLD

See "Family."

HOUSEHOLD LIVING

Residential occupancy of all or part of a structure by an individual or a group of people who meet the definition of a family and household, and where tenancy is arranged on a month-to-month or longer basis.

HUMAN SCALE

The proportional relationship of a particular building, structure, or streetscape element to the human form and function. "Human scale" often refers to the subjective objective that the relationship between a person and his or her natural or man-made environment should be comfortable, intimate, and contribute to the individual's sense of accessibility.

HYDROZONE

A portion of a landscape area having plants with similar water needs. Reference City Standards and Specifications for plant material listed by hydrozone water requirement.

IESNA

The Illuminating Engineering Society of North America.

ILLUMINANCE

A measure of how much light is falling onto a surface, typically measured in footcandles.

IMPERVIOUS SURFACES

Those portions of a lot or parcel that are covered by principal and accessory buildings or structures, and by surfaces that prevent the passage or absorption of stormwater such as paving and driveways.

INFILL OR REDEVELOPMENT

An area of platted or unplatted land that, together with all adjacent vacant land in private ownership, includes no more than 20 acres of land, and where the land along at least 75% of the boundaries of the proposed development (ignoring intervening streets) has been developed.

INFORMATIONAL SIGN

An on-premise sign which gives direction, instructions, or facility information and does not contain the name or logo of an establishment or contain any advertising copy, such as: parking, exit or entrance signs.

INITIAL CONDITIONS

The condition of the lighting system that is new, typically corresponding to the highest light levels that system can produce. For existing systems initial conditions can be considered the condition of the lighting system just after all fixtures have been cleaned and re-lamped.

JUNK (SALVAGE)

Scrap iron, scrap tin, scrap brass, scrap copper, scrap lead, or scrap zinc and all other scrap metals and their alloys, bones, rags, used cloth, used rubber, used rope, used tinfoil, used bottles, old cotton; used utensils, used boxes or crates, used pipe or pipe fittings, used, wrecked or inoperable vehicles, automobiles, or airplane parts, and other manufactured goods that are too worn, deteriorated or obsolete as to make them unusable in their existing condition; and all other products subject to being dismantled or recycled.

JUNKYARD (SALVAGE YARD)

Any lot, parcel or tract used for storage, keeping, sale or abandonment of automobiles, or other junk or parts thereof.

KENNEL

Any establishment or other place where one or more animals, such as dogs and cats, are boarded, trained, bred, kept, or fed for money or any other consideration, or for sale. A "Kennel" does not include the breeding or boarding of animals as an accessory to a principal permitted agricultural use.

LAMP

The replaceable portion of a light fixture that actually produces the light; a 'light bulb.'

LAND-USE ACTIVITY

The erection, alteration, addition to, renovation, restoration, relocation or demolition of the exterior of a structure.

LANDSCAPING

Any combination of living plants material, including existing trees, such as trees, shrubs, vines, ground covers, flowers, vegetables, turf or grass; natural features, such as land and water forms; and structural features, including but not limited to landscaped pedestrian plazas, fountains, reflecting pools, screening, walls, fences and benches.

- A. Low-Water-Demand Landscapes means landscapes that require approximately 15% of Reference Evapotranspiration or up to 3 gallons water per square foot during the irrigation season in an average year to maintain optimum appearance. Buffalo Grass is a typical turf type.
- B. Moderate-Water-Demand Landscapes means landscapes that require approximately 50% of Reference Evapotranspiration or approximately 10 gallons water per square foot during the irrigation season in an average year to maintain optimum appearance. Turf-type Tall Fescue is a typical turf type.
- C. High-Water-Demand Landscapes means landscapes that require approximately 100% of Reference Evapotranspiration or up to 20 gallons water per square foot during the irrigation season in an average year to maintain optimum appearance. Kentucky Bluegrass is the typical turf type.

LEVEL OF SERVICE (LOS)

- A. In general terms, an indicator of the extent or degree of service provided by, or proposed to be provided by, a facility based on and related to the operational characteristics of the facility. Generally, "level of service" indicates the capacity per unit of demand for a public facility.
- B. More specifically, in terms of transportation, "level of service (LOS)" shall mean a qualitative measure describing operational conditions within a traffic stream; generally described in terms of such factors as speed, freedom to maneuver, traffic interruptions, comfort, convenience, and safety. LOS is usually expressed in terms of six levels, designated A through F, with A (free flow of traffic with minimum intersection delay) being the best, and F (forced flow, jammed intersections, long delays) being the worst.

LIGHT EMITTING SURFACE

Any surface of a luminaire that changes the direction of the light emitted from a light source through reflection, refraction or diffusion.

LIGHT FIXTURE (LUMINAIRE)

The physical unit that holds a lamp and that may include parts to redirect the light produced by the lamp.

LIGHT POLLUTION

The visual consequence of using light outdoors, resulting from light going directly or being reflected into the sky and then redirected back to an observer (also called sky-glow).

LIGHT TRADE AND TECHNICAL USES

The fabrication, assembly, packaging, or repair, rental, or servicing of any commodity, the sale of which is permitted within the subject zoning district.

LIGHT TRESPASS

Light projected onto a property from a light source located on a different property typically in the form of either spill light or glare or both.

LIGHT UNIFORMITY

The ratio of two values of the same metric related to the same visual scene – typically maximum-to-minimum or average-to-minimum, reported as a number corresponding to one e.g. 6:1, used with illuminance or luminance measurements.

LIMITED EQUIPMENT RENTALS

The rental of equipment primarily intended for individual use and minor residential gardening and construction projects. The net site area for this category must not exceed 2 acres. All equipment in this category must be stored within an enclosed area or building. This use category does not include the rental, storage, or maintenance of large construction equipment. Such vehicles are restricted to the broader use category of vehicle/equipment sales and rentals. All maintenance of equipment must be conducted within an enclosed building.

LIMITS OF DISTURBANCE (LOD)

The area(s) of a site, as established pursuant to §6.14.4 of this Code, that may be disturbed by earth movement (grading), or cleared of vegetation, including disturbance or clearance to provide space for construction of principal and accessory uses and structures, driveways, parking areas, roads, drainage and stormwater management facilities, and/or utilities.

LIQUOR STORE

A state-licensed, retail establishment selling packaged alcoholic liquors (including beer, wine, and spirituous liquors) for consumption off-site. "Liquor Store" does not include restaurants, taverns, or bars.

LIVESTOCK

Animals commonly regarded as farm animals, including but not limited to, cattle, horses, goats, llamas, ostriches, and sheep, but excluding pet animals such as rabbits, poultry, and domestic fowl.

LOT

A tract, plot, or portion of land, whether or not platted, intended as a unit for the purpose of transfer of ownership or for building development.

LOT AREA

Lot area refers to the amount of horizontal land area contained inside the lot lines of a lot.

LOT COVERAGE

The portion of a lot covered by principal and accessory buildings and structures, except for mini-structures, as measured from the outside of the building or structure at ground level and expressed as a percentage of total lot area.

LOT DEPTH

The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line or to the most distant point on any other lot line where there is no rear lot line. On a flag lot, lot depth shall not include the length of the flagpole portion of the lot. See "Lot, Flag".

LOT, CORNER

"Corner Lot".

LOT, DOUBLE FRONTAGE

A lot abutting two non-intersecting streets, as distinguished from a corner lot.

LOT, FLAG

A lot not meeting minimum frontage requirements and where the access to the public or private road is by a narrow strip of land, also known as a "flagpole".

LOT FRONTAGE (WIDTH)

The distance between the side lot lines, measured at the required street setback line.

LOT, INTERIOR

A lot other than a corner lot.

LOT (OR PROPERTY) LINE

The property lines along the edge of a lot or site:

- A. Front Lot Line: The lot line separating a lot from a street right-of-way. On a corner lot, each lot line abutting a street right-of-way shall be considered a "front lot line."
- B. Side Lot Line. Any lot line other than a front or rear lot line.
- C. Rear Lot Line: A lot line that is opposite a front lot line, but which does not abut a street. A triangular lot has 2 side lot lines but no rear lot line. For other irregularly shaped lots, the rear lot line is all lot lines that are most nearly opposite the front lot line.
- D. Interior Side Lot Line: A side lot line that does not abut a street.
- E. Street Lot Line: Any lot line that abuts a street. Street lot line does not include lot lines that abut an alley. On a corner lot, there are two (or more) street lot lines. Street lot lines can include front lot lines and side lot lines.

- F. Street Side Lot Line: A lot line that is both a side lot line and a street lot line.

LOT LINE ADJUSTMENT

A change in lot or parcel boundaries that does not create additional lots or parcels. (Note: Can apply to platted or unplatted lands.)

LOT OF RECORD

A lot that is part of an approved plat, the map of which has been recorded in the office of the Jefferson County Clerk and Recorder or the Adams County Clerk and Recorder, as applicable.

LOWEST FLOOR

For purposes of Floodplain regulations only (§6.13), shall mean 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 §6.13.

LUMEN (LM)

The basic unit of measurement of light.

LUMINANCE

Brightness or the amount of light coming off a surface in a given direction, typically measured in candela per square meter (abbr. cd/m²).

MANUFACTURED HOME

A structure that is:

- A. Built on a permanent chassis;
- B. Designed to be used with or without a permanent foundation as a dwelling when connected to utilities;
- C. Transportable in one or more sections;
- D. Eight feet or more in body width or 40 feet or more in body length when transported, or, when erected on-site, contains 320 square feet or more; and
- E. Complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Sections 5401 et seq.).

MANUFACTURING

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

MANUFACTURING, PRIMARY

Establishments engaged in the initial processing or treatment of raw material or manufacturing of products which require additional processing, fabrication or assembly for ultimate use by the consumer.

MANUFACTURING, SECONDARY

Establishments engaged in the manufacture of products for final utilization or consumption. This usually involves the secondary processing, fabrication, or assembly of semi-finished products from a primary manufacturing industry.

MARQUEE

A shelter projecting from and supported by the exterior wall of a building constructed of rigid materials on a supporting framework. A marquee is distinguished from an awning in that an awning is covered with non-rigid material. A marquee is distinguished from a canopy in that a marquee is cantilevered, whereas a canopy is supported by posts or other devices beyond the building wall.

MESSAGE THERAPY FACILITY

A facility that is operated for the purpose of massage therapy performed solely by massage therapists who are licensed or qualified in accordance with City regulations and Colorado statutes. A "massage therapy facility" does not include a "massage parlor" as the latter term is defined and regulated by Article 16 of the Arvada City Code.

MAXIMUM EXTENT FEASIBLE

Means that no feasible and prudent alternative exists, and that all possible efforts to comply with the regulation or minimize potential harm or adverse impacts have been undertaken. Economic considerations may be taken into account but shall not be the overriding factor in determining "maximum extent feasible."

MEDIAN

That portion of a divided street or highway separating the traveled ways for traffic in opposite directions.

MINING

The development or extraction of a mineral from its natural occurrences on affected land. The term includes, but is not limited to; open mining and surface

operation and the disposal of refuse from underground and in-situ mining. The term includes the following operations on affected lands: transportation concentrating; milling; evaporation; and other processing. The term does not include: the exploration and extraction of natural petroleum in a liquid or gaseous state by means of wells or pipe or the extraction of geothermal resources.

MINI-STORAGE AND WAREHOUSE

Provision of storage space for household or commercial goods within an enclosed building with direct public access to individual storage spaces. This use may include quarters for one or more persons employed by and residing at the mini-storage facility for the purpose of on-site management and security.

MINI-STRUCTURE

One or more portable or movable accessory structures that are detached from the associated principal structure or building. Mini-structures shall not exceed 12 feet in height, not exceed two-hundred twenty (220) square feet in gross floor area and shall not be permitted in a required front setback area. Examples of "mini-structures" include storage sheds, prefabricated greenhouses, membrane structures, and elevated or non-elevated play enclosures. A "mini-structure" does not include a structure to garage vehicles. As set forth in Article 6, such "mini-structures" are typically exempt from side and rear setback requirements and are not included in the calculation lot coverage; however, they may not be placed in a manner that interferes with any easement or right of way.

MIXED-USE DEVELOPMENT

A single building containing more than one principal permitted land use or a single development of more than one building containing more than one principal permitted land use. In a mixed-used development, the different types of land uses are in close proximity, planned as a unified complementary whole, and functionally integrated to the use of vehicular and pedestrian access and parking areas.

MOBILE HOME

Any detached single-family dwelling with all the following characteristics:

- A. Designed for long-term occupancy and containing sleeping accommodations, a flush toilet, tub or shower bath and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems; and
- B. Designed to be transported on its own wheels.

MODEL HOME

A dwelling representative of other dwellings offered for sale or lease or to be built in an area of residential development within the City. A model home is used for the sole purpose of selling similar units within the same development and used for this purpose only until all units within the development are sold. A model home may also include a temporary real estate sales office.

MOTEL/HOTEL

A building or group of buildings that contain living or sleeping accommodations in guest rooms for transient occupancy and may or may not have individual entrances from outside.

- A. Motel/Hotel, Extended Stay. A motel or hotel with guest rooms that contain kitchen facilities for food preparation by guests, including but not limited to facilities such as refrigerators, stoves, and ovens.

MULCH

A landscaping material used as a ground cover and including organic materials such as wood chips and shredded bark, and inert organic materials such as decomposed granite, cobble, and gravel.

MUSEUM

A non-profit, non-commercial establishment operated as a repository for a collection of nature, scientific, or literary curiosities or objects of interest or works of art, not including the regular sale or distribution of the objects collected.

NFPA

National Fire Protection Association.

NEW CONSTRUCTION

For purposes of Floodplain Regulations only (§6.13), structures for which the "start of construction" commenced on or after the effective date of the original ordinance dated 11-20-72, and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION

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 on or after the effective date of the Floodplain Regulations (11-20-72).

NON-COMBUSTIBLE

A building construction material which, in the form in which it is used, is either one of the following:

- A. Material of which no part will ignite and burn when subjected to fire. Any material conforming to Uniform Building Code Standard No. 4-1, shall be considered non-combustible.
- B. Material having a structural base of non-combustible material as defined in Paragraph A above, with a surfacing material not over one-eighth inch thick, which has a flame-spread rating of 50 or less.

- C. 'Non-combustible' does not apply to surface finish materials. Material required to be non-combustible for reduced clearances to flues, heating appliances or other sources of high temperature shall refer to material conforming to Paragraph A above. No material shall be classed as non-combustible which is subject to increase in combustibility or flame-spread rating beyond the limits herein established, through the effects of age, moisture or other atmospheric conditions.

NONCONFORMING BUILDING OR STRUCTURE

A building or structure, not including signs, that was legally established prior to the effective date of this Code or subsequent amendment thereof, but that does not comply with the dimensional or other standards that apply within the zoning district in which the building or structure is located.

Fences constructed 5 years or more before the adoption of this Code shall also be deemed non-conforming.

NONCONFORMING LOT

A lot that was legally established prior to the effective date of this Code or subsequent amendment thereof, but that does not comply with the dimensional standards that apply within the zoning district in which the lot is located.

NONCONFORMING SIGN

Any sign that was legally established prior to the effective date of this Code or subsequent amendment thereof, but that fails by reason of such adoption, revision, or amendment, to conform to all the present requirements of this Code.

NONCONFORMING USES

- A. General Definition. A use that was legally established prior to the effective date of this Code or subsequent amendment thereof, but that no longer complies with the use regulations that apply within the zoning district in which the use is located.
- B. Major Nonconforming Use. A nonconforming use where such use involves individual structures (not including signs) with a replacement value of five thousand dollars (\$5,000) or more.
- C. Minor Nonconforming Use. A nonconforming use where such use involves individual structures (not including signs) with a replacement cost of less than five thousand dollars (\$5,000).

NONCONFORMITIES

A nonconforming use, sign, structure, building, or lot.

NON-MOTORIZED VEHICLE

Vehicles which are powered by means other than internal combustion engines or electric motors.

NORMAL VIEWING ANGLES

The view of the surroundings obtained by eyes located at 5 feet (1.5 m) above grade looking horizontally in any direction.

NUDITY OR A STATE OF NUDITY

The appearance of a human bare buttock, anus, male genitals, female genitals, or female breast.

NURSERY, RETAIL

A retail establishment selling plants and garden supplies in which all merchandise other than plants is kept within an enclosed building or a fully screened enclosure, and fertilizer of any type is stored and sold in package form only. Stock in trade shall be comprised primarily of live plant material, with hardscape materials such as railroad ties, boulders, landscape gravel and crushed rock limited to a relatively small percentage of sales.

NURSING HOME

A state-licensed group living facility regulated as a skilled nursing facility, as defined in C.R.S. §26-4-103(11).

OBSCENE

A performance that:

- A. The average person, applying contemporary community standards, would find that taken as a whole appeals to the prurient interest in sex; and
- B. Depicts or describes:
 - 1. Patently offensive representations of ultimate sex acts, normal or perverted, actual or simulated, including sexual intercourse, sodomy, and sexual bestiality; or
 - 2. Patently offensive representations of masturbation, excretory functions, sadism, masochism, lewd exhibition of the genitals, the male or female genitals in a state of sexual stimulation or arousal, or covered male genitals in a discernibly turgid state; and
- C. Taken as a whole, lacks serious literary, artistic, political, or scientific value.

ODP (OUTLINE DEVELOPMENT PLAN)

Outline development plan as defined in Development Plan, Outline.

OFF-STREET LOADING

A site or portion of a site devoted to the loading or unloading of motor vehicles or trailers, including loading berths, aisles, access drives, and landscaped areas.

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.

OFFICE

Establishments providing executive, management, administrative, or professional services, including medical or dental services, but not involving the sale of merchandise, except as incidental to a permitted use. Typical uses include real estate, insurance, property management, investment, employment, travel, advertising, law, doctor, dentist, out-patient medical laboratories, architecture, design, engineering, accounting, and similar offices.

ONE HUNDRED YEAR FLOOD

The flood that has a statistical frequency of occurrence of once every 100 years determined for an analysis of floods on a particular water course and other water courses in the same general region. It has about a one percent chance of occurring in any given year.

OPEN SPACE

Any parcel or area of land or water essentially unimproved with any residential, commercial, or industrial uses and set aside, dedicated, or reserved for public or private use and enjoyment including recreational, scenic, or environmental purposes. Open space may include agricultural uses and natural features located on a site, including but not limited to meadows, forested areas, steep slopes, floodplains, hazard areas, unique geologic features, ridgelines, unique vegetation and critical plant communities, stream corridors, wetlands and riparian areas, wildlife habitat and migration corridors, areas containing threatened or endangered species and archeological, historical, and cultural resources.

OPEN SPACE, COMMON

Open space within or related to a development, not individually owned or dedicated for public use but generally owned and maintained by a homeowners association, that is designed and intended for the common use or enjoyment of the residents of the development and their guests, and may include such complementary structures and improvements as are necessary and appropriate. Common open space may include trail areas, gardens, small parks, scenic areas, buffer areas, or similar common areas. Common open space may also include active recreational facilities such as pools, tennis courts, playgrounds, and clubhouses. Common open space shall not include driveways, sidewalks, and parking areas.

OPEN STORAGE

See "Outdoor Storage."

ORDINARY HIGH-WATER MARK

The highest point on the bank of a normal stage channel at which the level has been for a sufficient period of time to leave a definite mark.

ORDINARY MAINTENANCE OR REPAIR

Any land-use activity for which a building permit, sign permit, or miscellaneous structure permit is not required.

OUTDOOR RETAIL DISPLAY

The temporary outdoor display of goods, materials, or other things for sale or rent during a retail establishment's regular business hours.

OUTDOOR STORAGE

Storage of materials, merchandise, stock, supplies, machines, operable vehicles, equipment, manufacturing materials, or chattels of any nature that are not kept in a structure having at least four walls and a roof, regardless of how long such materials are kept on the premises. This definition shall not apply to items for sale to the general public such as new and used cars, recreational vehicles, boats, landscape and building materials, where such items are permitted for sale in the zoning district in which they are located. "Outdoor storage" shall not apply to the storage of wrecked or inoperable vehicles. (See definition of "Junkyard" above.) In addition, "outdoor storage" does not include outdoor parking of motor vehicles regularly used in connection with the operation of an establishment or parked for less than 48 hours for maintenance service.

PARKING AREA

An area, other than a street or alley, designed or used primarily for the temporary parking of vehicles.

PARKING, SHARED

Joint use of a parking lot or area for more than one principal use.

PARKING STALL

A surfaced area, enclosed in the main building or in an accessory building or unenclosed, that is designated and used for off-street parking.

PAWNBROKER

A person or establishment engaged in any operation constituting a "pawnbroker," as that term is defined in Section 12-56-101, Colorado Revised Statutes (as amended).

PAYDAY LENDER

A person or establishment, other than a "supervised financial organization," as that term is defined in Section 5-1-301, Colorado Revised Statutes (as amended), engaged in the business of making small, short-maturity loans on the security of a check, assignment of income (other than a tax refund) payable to an individual or individuals, or assignment of an interest in the account of an individual or individuals at a depository institution.

PDP (PRELIMINARY DEVELOPMENT PLAN)

Preliminary development plan as defined in "Development Plan, Preliminary."

PENNANTS

Any lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series and designed to move in the wind.

PERMITTED USE

A use of land or a structure that is in conformance with the standards in this Code.

PERSON

A person as defined in Section 1-2 of the City Code.

PERSONAL SERVICES

Establishments engaged in the provision of informational, instructional, personal improvement, personal care, and similar services, such as portrait shops, photography studios, art and music schools, licensed massage therapists, driving schools, riding academies, health and fitness studios, handicraft or hobby instruction, laundry and dry-cleaning retail outlets, beauty and barber shops, shoe repair, and tailor/alterations shops.

PLANNING COMMISSION

The City of Arvada Planning Commission, duly appointed by the City Council, with those powers and duties to provide for development as prescribed by State Law, the Home Rule Charter and City ordinances. For the purposes of this Code, the Planning Commission is also the Zoning Commission.

PLANNED UNIT DEVELOPMENT (PUD)

Development of a property as a single entity for residential, commercial, industrial, or mixed use purposes, when the land development regulations that would normally apply are superseded by controls that allow a more sensitive and more economical arrangement of buildings and streets on the site, and when, often, development is spaced over a period of years in a predetermined program.

PLAT, FINAL

A map of a land subdivision prepared in a form suitable for filing of record with necessary affidavits, dedications, and acceptances, and in conformance with the requirements of this Code.

PLAT, PRELIMINARY

A map of a proposed land subdivision showing the character and proposed layout of land in conformance with the requirements of this Code.

PRIMARY OR PRINCIPAL ENTRANCE

The place of ingress and egress used most frequently by the public.

PRINCIPAL BUILDING

The primary structure located on a lot and designed for a use or occupancy by a permitted principal use in the applicable zoning district.

PRINCIPAL (OR PRIMARY) USE

The primary or predominant use of any lot or parcel, such use possibly occurring in more than one building or structure. Generally, the establishment of any one use listed as permitted by-right or conditionally in Article 5 of this Code (§5.1.2) would constitute the establishment of a principal use on a given lot or parcel.

PROPERTY LINE

The legally described boundary line that indicates the limits of a parcel, tract, lot, or block for the purpose of delineating ownership and setback requirements.

PROPERTY OWNERS ASSOCIATION

A private, non-profit corporation of property owners for the purpose of owning, operating, and maintaining various common properties and facilities (except that as this definition relates to a condominium project, the property owners association does not own the common property/facilities, it operates and maintains them on behalf of the condominium owners).

PUBLIC BUILDING

Any building held, used, or controlled exclusively for public purposes by any department or branch of government: state, county, municipality or special district, without reference to the ownership of the building or of the realty upon which it is situated.

PUBLIC ENTRY

See "Primary or Principal Entrance."

PUBLIC IMPROVEMENTS

Rights-of-way, easements, access rights, and physical improvements that are accepted by the City in writing and that become the responsibility of the City for ownership, maintenance, and repair. Unless otherwise provided by this Code, public improvements include but are not limited to the following: Curb and gutter, asphalt pavement, concrete pavement, streets of all types, alleys, survey monuments, pavement stripping, sidewalks, pedestrian/bike paths and trails, landscaping, traffic signals, street lights, highways, greenways, rights-of-way, easements, access rights, construction plans, medians, bridges, acceleration and deceleration lanes, culverts, storm drainage facilities including necessary structures, channels, water lines, sanitary sewer lines, and all other improvements, which upon acceptance by the City, are intended to be for the use of and enjoyment of the public.

RAIN SENSOR OR RAIN SHUTOFF DEVICE

A device connected to an irrigation controller that overrides scheduled irrigation when significant precipitation has been detected.

REACH

A hydraulic engineering term to describe longitudinal segments of a stream or river. A reach will generally include the segment of the floodplain where flood heights are primarily controlled by man-made or natural floodplain obstructions or restrictions. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most likely be a reach.

RECREATION OR AMUSEMENT FACILITIES, PRIVATE OR PUBLIC

Any indoor or outdoor establishment that is maintained or operated for the amusement, patronage, or recreation of the general public, including facilities with more than 10 coin-controlled amusement device of any description (e.g., baseball, foosball, football, pinball amusements), bowling alleys, miniature golf courses, driving ranges, swimming pools, and ice-skating rinks.

RECREATIONAL VEHICLE

- **Boat Trailer**
- **Motor Home** -vehicle designed to provide temporary living quarters and which is built into, as an integral part of, or as a permanent attachment to, a motor vehicle chassis or van, and shall not include trailers of any kind.
- **Travel Trailer** – mounted on wheels; and designed to be towed by a motorized vehicle; and contains windows, and sleeping, cooking and heating equipment that were built-in as an integral part of the original design and construction of the vehicle.

RECYCLING CENTER

The collection of material for reuse such as aluminum cans, glass, paper, etc.

REFERENCE EVAPOTRANSPIRATION (ET)

The Evapotranspiration of a broad expanse of well-watered, 4-to-6-inch tall cool-season grass, which averages 18-20 gallons per square foot in an average year.

REFLECTOR

A device used to redirect the light from the source by the process of reflection.

REFLECTOR LAMP (PAR, R, BR, MR LAMPS)

Lamps specifically designed with a reflector integral to the lamp to direct light in a specific beam pattern.

REFRACTOR

A non-image-preserving device, used to redirect the light from a source.

REGIONAL SHOPPING CENTER

A retail shopping area in excess of 30 acres (divided by no interior public streets), containing at least one major retail store of over 100,000 square feet of gross leasable area, and additional retail area.

REGISTERED NEIGHBORHOOD ASSOCIATION

Any organization representing or purporting to represent a defined geographic portion of the City of Arvada, and that has registered with the Community Development Director on forms available at the Community Development Department.

RENTAL SERVICES

A retail establishment that rents to the general public merchandise, such as furniture, appliances, and similar goods, that are housed inside a building.

REPAIR AND NORMAL MAINTENANCE

With regard to a nonconforming structure or portion of a structure containing a nonconforming use, work done during any one (1) year period on ordinary repairs, or on repair and replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding ten (10) percent of the current replacement cost of the nonconforming structure, or portion of structure, and provided that the cubic content existing when it became nonconforming is not increased.

RESEARCH, DEVELOPMENT, TESTING LABORATORIES

Includes research, development, and testing laboratories that do not involve the mass manufacture, fabrication, processing or sale of products. Such uses shall not violate any odor, dust, smoke, gas, noise, radiation, vibration or similar pollution standard as specified herein.

RESERVOIRS, RAW WATER

Any water retention structure which requires a permit by the Colorado State Engineer's office.

RESTAURANT

An Eating/Drinking Establishment where the principal business is the sale of food and beverages in a ready-to-consume state where fermented malt beverages, malt, special malt and vinous and spirituous liquors may be produced on the premises as an accessory use. See also "Fast-Food Restaurant."

RETAIL ESTABLISHMENT

Establishments that sell, lease, or rent consumer, home, and business goods, but excluding merchandise/retail uses classified or defined more specifically in this Article (e.g., food/beverage sales, convenience stores, restaurants). Typical

uses include department stores, furniture stores, clothing stores, and establishments providing the following products or services: antiques, art, art supplies, bicycles, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, hardware, home improvements, household products, jewelry, pet food, pharmaceuticals, printed material, sporting goods, stationary, and videos; and new automotive parts and accessories (excluding service and installation).

RETAIL ESTABLISHMENTS, LARGE

Retail establishments that contain 25,000 square feet or more of gross floor area.

RETAINING WALL

A structure designed to resist the lateral displacement of soil or other materials in order to protect property and/or prevent erosion.

REVOCABLE PERMIT

A permit that allows the temporary encroachment by an object, structure, or activity onto a right-of-way or street in which the City has an ownership interest. Such permit is revocable at will by the City, subject to the requirements in §3.26 of this Code.

RIDGE

An elongated crest or series of crests of a hill.

RIDGELINE

A ground line located at the highest elevation of and running parallel to the long axis of the ridge.

RIGHT-OF-WAY

A strip of land for public purpose such as: utilities, roads, streets, pedestrian walkways, bicycle paths and alleys.

ROAD

See "Street."

ROADWAY

That portion of a street or highway improved, designed, or ordinarily used for vehicular travel, excluding the berm or shoulder.

RURAL RESIDENTIAL AREA

A platted and developed area consisting of two or more single family dwellings with a density for the platted and developed area equal to or greater than one unit per five acres but not exceeding a density of two units per acre. See Section 3.8.2H & 3.15.2, 3.15.6.

SERVICE STATION

Any building, land area, or other premises used for the retail dispensing or sales of vehicular fuels; minor towing, servicing, and repair of automobiles and light trucks; and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar vehicle accessories. Body and fender work, transmission work, engine overhaul work, or repair of heavy trucks or vehicles are excluded from this use. If a use that fits this definition also includes the sale of ready-to-eat food products (not intended for on-premises consumption), groceries and sundries, or 3.2 beer, such use shall be classified as a "convenience store" as provided in §10.3.88 above.

SETBACK

The required minimum distance between the lot line and the closest projection of a building or structure along a line at right angles to the lot line. Setbacks shall be unobstructed from the ground to the sky except as otherwise specifically allowed in §6.2.3 of this Code.

- A. Front Setback. A setback that extends across the full width of a lot or site, the depth of which is the distance between the front lot or property line and the closest projection of a building or structure along a line at right angles to the front lot line, excluding allowable projections set forth in §6.2.3 of this Code.
- B. Rear Setback. A setback that extends across the full width of a lot or site, the depth of which is the distance between the rear lot line and the closest projection of a building or structure along a line at right angles to the rear lot line, excluding allowable projections set forth in §6.2.3 of this Code.
- C. Side Setback. A setback on that portion of a lot that is not adjacent to a private or public street. It extends from the rear line of the required front setback, or the front property line of the site where no front setback is required, to the front line of the required rear setback, or the rear property line of the site where no rear setback is required, the width of which is the distance between the side lot or property line and a line parallel thereto on the site.

SETBACK LINE

The line that is the required minimum distance from any lot line and that establishes the area within which the principal structure must be erected or placed.

SHIELDED

A description of a light fixture in which the lamp is not in sight from normal viewing angles. All fully shielded and full cut-off fixtures are considered to be shielded.

SIGN

Any advertisement, identification, announcement, direction or communication produced in whole or in part by the construction, erection, affixing or placing of a

structure on any land or on any other structure or produced by painting on or posting or placing any printed, lettered, pictured, figured or colored material on any building, structure or surface.

SIGN BUILDINGS

Buildings painted in readily identified, "signature" color schemes so that they look like an advertisement for the building's tenant.

SIGN, CHANGEABLE COPY

Any sign capable of conveying messages to the public by means of changing the individual letters or numbers.

SIGN, FREESTANDING

Any sign supported by structures or supports that are placed on or anchored in the ground and are not attached to any building or structure.

SIGN, INFORMATIONAL

An on-premise sign which gives direction, instructions, or facility information and does not contain the name or logo of an establishment or contain any advertising copy, such as: parking, exit or entrance signs.

SIGN, LOW PROFILE

A freestanding sign not exceeding 6 feet in height and not exceeding 32 square feet in area.

SIGN, OFF-PREMISE

A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere other than the same premises or property displaying such sign. Erection of an off-premises sign shall be considered a principal use of the subject property.

SIGN, PROJECTING

A sign which is attached perpendicular to the wall of a building or structure.

SIGN, ROOF

A sign erected or constructed wholly on or over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

SIGN, WALL

Any sign attached parallel to, but within 18 inches of a wall of a building. This definition includes individual letters, cabinet signs, signs attached to a mansard roof, or signs painted on the surface of a wall.

SIGN, WINDOW

Any sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service that is placed inside a window or upon the windowpanes or glass and is visible from the exterior of the window.

SIGN REVIEW COMMITTEE

The Sign Review Committee shall consist of the Community Development Director or a designee and two other Planning Department Staff members.

SIGNIFICANT BIOLOGICAL ACTIVITY

Areas that are essential to the propagation or survival of a species including areas required for nesting, calving, breeding, raising of young or significant food or water sources for animals.

SITE PLAN

Site plan shall mean the proposed layout of a lot showing all elements of the site development as well as utility and drainage lines, and existing buildings, structures, trees, and vegetation to remain.

SITE SPECIFIC DEVELOPMENT PLAN

Final approval or final conditional approval of a (1) final subdivision plat (including a minor subdivision plat); (2) final PUD development plan; or (3) site plan, which results in a vested right as provided in C.R.S. §24-68-101 et. seq., as amended.

SKETCH PLAN

A conceptual plan of a proposed PUD development or subdivision for purposes of informal review that carries no vested rights or obligations.

SMALL LOT

A lot that is less than 6,000 square feet in size and is equal to or larger than: (A) 4,000 square feet, or (B) the average size of all platted single family lots located within a 1/4 mile radius of the subject property, whichever is less.

SOIL AMENDMENT

Organic and inorganic materials added to soil to improve texture, nutrients, moisture holding capacity, and infiltration rates.

SPECIAL EVENT

- A. Any organized event, specifically including, but not limited to, a circus, carnival, fair, party, or celebration which reasonably may be expected to attract more than 100 persons at any one time, or which otherwise may reasonably be expected to increase the risk of:
 - 1. Damage to public or private property, beyond normal wear and tear;

2. Injury to persons;
3. Public or private disturbances or nuisances;
4. Unsafe impediments or distractions to, or congestion of, vehicular or pedestrian travel;
5. Significant additional police, fire, trash removal, maintenance, or other public services demands; or
6. Other significant adverse effects upon the public health, safety, or welfare.

B. Exclusions. The term "special event" shall not include any event sponsored in whole or in part by the City or another political subdivision of the State of Colorado, any event held upon the grounds of the Arvada Center for the Arts and Humanities and regulated pursuant to the policies and procedures of the Arvada Center, or any organized activities conducted at sites or facilities typically intended and used for such activities. Examples of such exempt activities include, but are not necessarily limited to, sporting events such as golf, soccer, softball, and baseball tournaments conducted on courses or fields intended and used for such activities; wedding services conducted at reception halls or similar facilities; funeral services conducted at funeral homes or cemeteries; religious services, wedding services, and funeral services conducted at places of worship; or activities occurring within, or upon the grounds of, a private residence or upon the common areas of a multifamily residential development.

SPILL LIGHT

A form of light trespass; luminance projected onto a property from a light source located on a different property.

STABLE (PRIVATE)

A building for housing domestic animals or livestock when not conducted as a business.

STABLE (PUBLIC)

A building housing domestic use animals or livestock that are kept for compensation, remuneration, hire, or sale.

STAFF

The Director of the Community Development and his or her designees.

STANDARD ZONING DISTRICTS

The following zoning districts shall be collectively referred to as "Standard Zoning Districts":

A.	A-1	I.	R-MD
B.	C-1	J.	R-M
C.	R-E	K.	P-1
D.	R-L	L.	B-1
E.	R-SL	M.	B-2
F.	R-NT	N.	B-3
G.	R-I	O.	B-4
H.	R-CE	P.	1-1
		Q.	1-2

START OF CONSTRUCTION

For purposes of Floodplain Regulations only (§6.13), shall include substantial improvement, and mean the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of 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 on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing 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.

STORAGE CAPACITY OF A FLOODPLAIN

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

STREET

A public or private thoroughfare, avenue, road, boulevard, parkway, way, drive, lane, circle, or easement having as one of its primary purposes the provision of access and egress from property abutting its length.

STREET, ARTERIAL

A street designated on the Comprehensive Plan as an expressway or parkway.

- A. A "principal arterial parkway" is a regionally significant street that serves the major activity centers in the City and carries the majority of trips entering and leaving the city, as well as the majority of through movements desiring to bypass city neighborhoods.
- B. An "arterial parkway" is a street that interconnects with and augments the regional major arterial system, which distributes travel to geographic areas smaller than those identified with the major arterial system, and which provides intra-community continuity. A minor collector should not, ideally, penetrate identifiable neighborhoods.

- C. A "minor arterial" is a street that interconnects with the arterial parkway but distributes traffic to geographic areas smaller than those identified with the arterial parkway. It provides intra-community continuity.

STREET, COLLECTOR

A primary street designed to collect traffic from neighborhoods and transport the traffic to arterial streets. A collector street provides both land access service and local traffic movements within residential neighborhoods, commercial areas, and industrial areas.

- A. A "major collector" is a primary street designed to collect traffic from neighborhoods and transport the traffic to the minor arterial or the arterial parkway. A collector street provides both land access service and local traffic movements within residential neighborhoods, commercial areas, and industrial areas.
- B. A "residential collector" is a street that collects traffic within residential neighborhoods, from local and cul-de-sac streets, and transports them to either the perimeter collectors or the minor arterial street system.

STREET, CUL-DE-SAC

A permanent street having one end open to vehicular traffic and having one closed end terminated by a turnaround.

STREET, FRONTAGE OR SERVICE

A minor street auxiliary to and located on the side of a major street for service to abutting properties and adjacent areas and for control of access.

STREET, LOCAL

A street that provides direct access to abutting land and access to the arterial and collector street network. Service to through traffic usually is discouraged.

STRUCTURE

- A. Anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground.
- B. For purposes of the Floodplain Regulations only (§6.13), "structure" shall mean a walled and roofed building or manufactured home that is principally above ground.

SUB-DISTRICT

A zoning district within the New Communities (NC) zoning district or the Clear Creek (CC) zoning district. All references to the NC or CC zoning district shall include all their respective sub-districts.

SUBDIVIDER

See "Developer."

SUBDIVISION

The division of land, lot, tract, or parcel into two or more lots, parcels, plats, sites, or other divisions of land for the purpose of sale, lease, offer, or development, whether immediate or future. The term shall also include the division of residential, office, commercial, industrial, agricultural, or other land, whether by deed, metes and bounds description, lease, map, plat, or other instrument.

SUBDIVISION, MINOR (MINOR PLAT)

For the purposes of these regulations, a minor subdivision shall be defined as any of the following:

- A. A subdivision of five lots or less.
- B. Boundary/Lot Line Adjustments.
- C. Subdivisions that create individual town home lots in a multi-family development that has already been approved by the City (e.g., a town home structure was approved as part of a final PUD development plan, but the plan did not include the platting of lots for each individual town home unit within the structure).

SUBSTANTIAL DAMAGE

For purposes of Floodplain Regulations only (§6.13), damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT--FLOODPLAIN REGULATIONS (§6.13)

For purposes of Floodplain Regulations only (§6.13), any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent 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 continue designation as a "historic structure."

TELECOMMUNICATION FACILITY

A facility that transmits and/or receives electromagnetic signals. It includes antennas, microwave dishes, horns, and other types of equipment for the transmission or receipt of such signals, telecommunication towers or similar structures supporting said equipment, equipment buildings, parking area, and

other accessory development. A telecommunication facility operates at less than 1,000 watts of effective radiated power. A telecommunication facility does not include residential television antennas, wireless cable satellite dish antennas, amateur radio antennas, or dish antennas less than one meter in diameter or measured diagonally.

TELECOMMUNICATION FACILITY, ACCESSORY EQUIPMENT

Equipment, including buildings and cabinets, used to protect and enable operation of radio switching equipment, back-up power and other devices, but not including antennas, that are necessary for the operation of a telecommunication facility.

TELECOMMUNICATION FACILITY, BUILDING ROOF-MOUNTED

A telecommunication facility that is supported and/or projects above the roof of a legally existing building or structure.

TELECOMMUNICATION FACILITY, BUILDING WALL OR FACADE-MOUNTED

A telecommunication facility that is supported and/or mounted on the wall of a legally existing building or transmission structure and does not project above the roof line. Facilities mounted on the side of a penthouse, mechanical screening, or other appurtenance, provided it would not project above the side of the appurtenance, and facilities mounted on towers for high voltage electrical transmission shall also be considered a wall mounted telecommunication facility.

TELECOMMUNICATION FACILITY, FREESTANDING

A telecommunication facility that consists of a stand-alone support structure or tower, antennas, and accessory equipment.

TEMPORARY OUTDOOR SALE

Any sale made by a person, firm or corporation engaging in the temporary business of selling goods, wares, or merchandise from a tent, truck, vending cart or other area outside of a permanent structure on property owned or leased by the person, firm or corporation. The temporary outdoor sales, except those conducted by charitable organizations as defined in Section 31-45(9)(f) of the Arvada City Code, must be secondary to or incidental to the principal permitted use or structure existing on the property, and not incompatible with the intent of the zoning district.

- A. The outdoor sale of Christmas trees is exempt from this definition.
- B. Temporary outdoor sales shall not include the sale of fireworks.

TENT

Any structure, enclosure, or shelter constructed of canvas or pliable material supported by any manner except by air or the contents it protects.

THROAT OF CURB

That portion of the curb cut measured across the narrowest section of the curb cut.

TITLE LENDER

A person or establishment engaged in the business of making loans, other than purchase money loans, that are secured by the title to a motor vehicle, recreational vehicle, boat, or mobile home, typically made for a period of sixty (60) days or less, and typically with a single payment payback, regardless of whether such transactions are characterized or marketed by the lender as "sales and leasebacks" or another term; excepting, however, a "supervised financial organization," as that term is defined in Section 5-1-301, Colorado Revised Statutes (as amended).

TOWN HOME

See "Dwelling, Town Home."

TOWER

Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures, and the like.

TRANSIENT MERCHANT

Any person or entity, whether as owner, lessee, employee, or otherwise, who engages in "vending" as that term is defined in §5.4.2 G of this Code, including those associating temporarily with any local dealer, trader, merchant or auctioneer, or who conduct such vending in connection with, as a part of, or in the name of any local dealer, trader, merchant or auctioneer.

TRASH TRANSFER STATION

A facility or site at which the exchange or deposit of trash is made for ultimate transfer to a landfill.

TREE LAWN

A landscaped strip of land located between the curb line (or lateral line of the roadway) and the front edge of a sidewalk.

USE

Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained or occupied; or any activity, occupation, business, or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

USE, BY RIGHT

A use that is permitted in a standard zoning district or sub-district by this Code. By-right uses are not subject to discretionary review by the Planning Commission or City Council, but may be developed subject only to any relevant conditions shown in the use table (§5.1.2 in Article 5) and subject to site plan review, as applicable.

USE VARIANCE

A variance authorizing the property to be used for a purpose prohibited by this Code, as distinguished from a variance in lot area, yard size, building height or other dimensional bulk requirements. This Code prohibits use variances.

UTILITY, MAJOR

Includes generating plants, electrical substations, switching buildings, refuse collection facilities, and water or wastewater treatment plants. "Major utility" also includes overhead electrical transmission lines and distribution feeder lines that collect and transmit over 110 KV of power. "Major utility" does not include uses more specifically defined in this Code, including "telecommunication facility."

UTILITY, MINOR

Above- and below-ground electrical transmission lines (except as included in the definition of "major utility" above); above- and below-ground natural gas lines; flood control or drainage facilities; transportation or communications utilities, and similar facilities of public agencies or public utilities; utilities that are necessary to support legally established uses and involves only minor structures such as electrical distribution lines, poles, or cables; switch boxes; transformer boxes; cap banks; and underground water and sewer lines. Such "minor utility" facilities generally do not have employees on site, and the services may be publicly or privately provided. "Minor utility" does not include uses more specifically defined in this Code, including "telecommunication facility."

VARIANCE

A deviation from the specific terms of this Code that will not be contrary to public interest and is justified because, owing to special conditions, a literal enforcement of this Code's provisions will result in practical difficulties and/or hardship.

VEHICLE/EQUIPMENT REPAIR, MAJOR

Repair of automobiles, trucks, motorcycles, mobile homes, recreational vehicles, or boats, including the sale, installation, and servicing of related equipment and parts. This use includes auto repair shops, body and fender shops, and transmission and engine overhaul shops. This use excludes junk yards, vehicle dismantling or salvage, and tire retreading or recapping.

VEHICLE/EQUIPMENT SALES AND RENTALS

Sale or rental of automobiles, motorcycles, trucks, tractors, trailers, construction or agricultural equipment, mobile homes, boats, and similar equipment, including incidental storage and incidental maintenance.

VEHICLE REPAIR, MINOR

Limited repair of automobiles, motorcycles, and light trucks that may include tune-ups, brakes, mufflers, automobile glass replacement, and other minor repair customarily done in service stations, but in no case shall minor vehicle repair include auto/truck body and fender work or repair of heavy equipment or trucks or repair shops where vehicles are stored in an inoperable condition for more than 24 hours.

VEHICLE STORAGE

Storage of parking tow-aways, impound yards, and storage lots for automobiles, trucks, buses and recreational vehicles. "Vehicle storage" includes only the storage of operable vehicles.

VENDING CART

Vending cart shall mean any box or container with wheels that is not propelled or moved by an engine. Trailers of any type are not vending carts.

VERTICAL LIGHT MEASUREMENT

Measurements taken with the meter oriented perpendicular to horizontal.

VETERINARIAN CLINIC OR OFFICE

An establishment that provides medical treatment and care to animals, and which may include temporary or overnight boarding of animals that are recuperating from treatment. A veterinarian clinic or office shall not include a "kennel," as that term is defined in §10.3.184 above.

VESTED RIGHT

The right to undertake and complete development and use of real property under the terms and conditions of an approved site specific development plan, as provided in the provisions of Article 68 of Title 24, C.R.S., as amended.

VISIBLE LIGHT REFLECTIVITY

The percentage of light in the visible spectrum from 380 to 780 nanometers that is reflected out from the surface of glass. (International Standard Illuminant "D65" & CIE 2-degree observer.)

WALKOUT STRUCTURE

A residential dwelling in which the lowest occupied level of the building (which may or may not be a basement) has direct, at-grade pedestrian access to the building's rear yard, a patio, or a deck. When viewed from the rear, a walkout

structure typically appears to be one story taller than when the structure is viewed from the front.

WATER-WISE LANDSCAPING

Landscaping that focus on efficient use of water and includes: planning and design, soil amendment, efficient irrigation, appropriate plant selection, practical turf areas, use of mulches, and proper maintenance.

WATERCOURSE

A channel, natural depression, slough, artificial channel, gulch, arroyo, stream, creek, pond, reservoir or lake in which storm runoff and flood water flows either regularly or infrequently. This includes major drainage ways for carrying urban storm runoff.

WHOLESALE ESTABLISHMENTS

A use engaged in enclosed wholesale of manufactured products, supplies, and equipment, including accessory offices and showrooms. Products may be picked up on-site or delivered to the customer. Other accessory uses may include product repair, parking, minor fabrication services, and repackaging of goods.

YARD

See "Setback."

ZONING COMMISSION

For the purposes of this ordinance, the Planning Commission is the Zoning Commission, duly appointed by the City Council.

ZONING DISTRICT

An area or area within the limits of the City for which the regulations and requirements governing use, lot and bulk of building and premises are uniform.

ZONING ENFORCEMENT OFFICER

An appointed Administrative Official of the City who implements and interprets this adopted Zoning Ordinance.