

CHAPTER ~~ARTICLE~~ 9: DEFINITIONS

9.01 Measurements

9.01.1 Computation of Time.

- A. In computing a period of days, the first day is excluded and the last day ~~are~~is included. If the last day of any period is a Saturday, Sunday or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday or legal holiday.
- B. If the last day of any period is a Saturday, Sunday, or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday, or legal holiday.
- C. If a number of months is to be computed by counting the months from a particular day, the period ends on the same numerical day in the concluding month as the day of the month from which the computation is begun, unless there are not that many days in the concluding month, in which case the period ends on the last day of that month.

9.01.2 Terminology.

- A. As used in this Code, words used in the singular include the plural and words used in the plural include the singular.
- B. The words "must," "shall" and "will" are mandatory; "may," "can," "should" and "might" are permissive.
- C. The word "lot" shall include the words "building site", "site", "parcel", "plot" or "tract".
- D. A "building" or "structure" includes any part thereof.
- E. Words used in the present tense include the future tense.

9.02 Defined Terms

The words and phrases used in this Code shall have the meanings defined below unless otherwise specifically provided or unless clearly required by the context. Questions of definition or wording usage are interpreted by the Director based on the context of their usage and the intention of the section of this Code in which they occur.

A

Accessory Building A subordinate building or structure, the use of which is customarily incidental to that of the main building or to the main use of the land, which is located on the same lot (or on a contiguous lot in the same ownership) with the main building or use.

Accessory Dwelling Unit An additional dwelling unit integrated within a single-family dwelling, or located in a detached accessory building, such as carriage houses or agricultural-type outbuildings, located on the same lot as single-family dwellings

Accessory Use a subordinate use, clearly incidental and related to the main structure, building or use of land and located on the same lot (or on a contiguous lot in the same ownership) as that of the main structure, building or use.

Active repair is a term developed to differentiate between inoperable vehicles that are in the process of being made operable and those that are being stored without the benefit of ongoing repair or which are being stored for salvage purposes.

Adjacent means meeting or touching at some point or separated from a lot or parcel by one (1) of the following: a street, alley or other right-of-way, lake, stream or open space.

Adjacent property owner is an owner of record of any estate, right or interest in real property abutting and within three hundred (300) feet of the subject property.

Adult Entertainment Establishments Any adult video or bookstore, adult cabaret, adult booth, adult modeling or display establishment, adult motel, or adult theater.

- (a) Adult booth. A separate enclosure within a structure featuring adult entertainment or adult material. The term adult booth does not include a restroom or a foyer through which any person can enter or exit the establishment.
- (b) Adult cabaret. An establishment that features adult entertainment.
- (c) Adult entertainment. Any modeling, posing, exhibition, display, or exposure, of any type, whether through book, pictures, film displays, live performance, dance, or modeling, that has as its dominant theme, or is distinguished or characterized by an emphasis on any one or more of the following:
 - (i) Any actual or simulated specified sexual activities,
 - (ii) Specified anatomical areas,
 - (iii) The removal of articles of clothing, or
 - (iv) Appearing nude or semi-nude.
- (d) Adult material. One or more of the following material that have as their primary or dominant theme matter depicting, illustrating, describing or relating to adult entertainment, regardless of whether it is new or used:
 - (i) Books, magazines, periodicals or other printed matter;
 - (ii) Photographs, films, motion pictures, video cassettes, slides, or other visual representations;
 - (iii) Recordings or other audio matter;
 - (iv) Instruments, novelties, devices or paraphernalia that are designed for use in connection with adult entertainment.
- (e) Adult modeling or display establishment: Any establishment whose employees engage in adult entertainment or adult private modeling.
- (f) Adult motel: Any motel, hotel, boarding house, rooming house, or other place temporary lodging that includes the work "adult" or "erotic" in any name it uses, or otherwise provides and advertises adult entertainment or adult material.
- (g) Adult private modeling: Modeling, posing, exhibition, display, or exposure by an employee relating to adult entertainment before a non-employee while the non-employee is in an area not accessible to all other persons in the establishment, or while the non-employee is in an area (whether totally or partially screened or partitioned) during that display from the view of all persons outside the area. The term private performance is considered private modeling.

- (h) **Adult theater:** An establishment consisting of an enclosed structure, or a portion or part of an enclosed structure, or an open-air area where a person may view adult material or adult entertainment. Generally, the adult material or adult entertainment is pre-recorded material.
- (i) **Adult video or bookstore:** An establishment that sells or rents adult material. Any establishment meeting all the following criteria is not considered an adult video or bookstore:
 - (i) The adult material is accessible only by employees.
 - (ii) The individual items of adult material offered for sale and/or rental comprise less than 10 percent of the individual items publicly displayed at the establishment as stock in trade in the following categories: videos, books, magazines, periodicals, other printed matter, slides, other visual representations, recordings, and other audio matter.
 - (iii) The establishment does not use the following terms in advertisements or other promotional activities relating to the adult materials: “XXX,” “XX,” “X,” or any series of the letter “X” whether or not interspersed with other letters, figures, or characters; “erotic” or deviations of that work; “adult entertainment” or similar phrases; “sex” or “sexual acts” or similar phrases; “nude” or “nudies” or similar phrases; or any other letters, words, or phrases that promote the purchase or rental of adult material.

Agriculture The use of land for the production of plants and animals useful to humans, including, to a variable extent, the preparation of these products for human use and their disposal by marketing or otherwise, and includes horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bee, and any and all forms of farm products and farm production. This includes accessory uses for treating or storing farm products and equipment. [See Section 35-1-102, C.R.S.]

Airport Any area of land or water which is used or intended for the landing and taking off of aircraft, and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way. This includes all necessary runways, taxiways, aircraft storage and tiedown areas, hangars, public terminal buildings and parking, helicopter pads, support activities such as airport operations and air traffic control, and other necessary buildings and open spaces. Includes dusting services. For purposes of this definition, “aircraft ” means a device that is used or intended to be used for flight in the air, such as an airplane or helicopter.

Art Studio The workshop of an artist, writer, craftsperson, or photographer, but not a place where members of the public come to receive instruction on a more than incidental basis or to sit for photographic portraits.

Arterial street means a street which is anticipated to carry in excess of three thousand five hundred (3,500) vehicles per day in traffic volume, at desirable speeds ranging from thirty (30) to forty-five (45) miles per hour, and which is defined specifically as such on the Master Street Plan of the Town and is used for travel between areas within and outside the Town.

Auction means an enclosed facility for the temporary storage and offering by an auctioneer which is offered or sold to the highest bidder by means of a request or invitation for bids. This definition includes any animals, motor vehicles or business inventory to be liquidated following or in connection with the closing of a business.

B

Banner means a temporary, generally flexible, sign applied on lightweight material, such as plastic or fabric of any kind, hung either with or without a frame.

Bar / Tavern an establishment providing or dispensing fermented malt beverages and/or malt, special malt, vinous or spirituous liquors, and in which the sale of food products such as sandwiches or light snacks, is secondary (also known as a tavern).

Bed and Breakfast An establishment operated in a private residence or portion thereof, which provides temporary accommodations to overnight guests for a fee, and which is occupied by the operator of such establishment.

Billboard means a permanent sign or sign structure attached on which a person places copy on a poster or panel mounted on a pole or metal structure that exceeds the maximum sign face area and height provided by this Code. Typically, a billboard has one of the following configurations: (1) wood posts or pole supports with dimensional lumber as the secondary support (A-frame) with a wood or metal catwalk with display panels, (2) steel A-frame constructed with angle iron or steel supports with metal framing, catwalk, with display panels, (3) multi-mast structure constructed with steel poles, I-beam, or equivalent member as the primary support, with a catwalk, and display panels, or (4) monopole structure constructed with tubular steel support, tubular steel framing, metal catwalk and display panels with a concrete foundation.

Boarding and Rooming House A building or portion of which is used to accommodate, for compensation, four (4) or more boarders or roomers, not including members of the occupant's immediate family who might be occupying such building.

Brew Pub, Distillery Pub, or Limited Winery A "brew pub," "distillery pub," or "limited winery" as defined by Section 44-3-103, Colorado Revised Statutes, as amended.

Brewery, Distillery, or Winery A "brewery," "distillery," or "winery" as defined by Section 44-3-103, C.R.S., as amended. The facility is used primarily for the on-site manufacturing of malt liquors, which may include a tap room that is less than or equal to 30 percent of the facility's total floor area, including any outdoor seating or accessory sales areas. A "tap room" means a use associated with and on the same premises as a brewery, at which guests may consume and purchase, for on or off premise consumption, the manufacturer's products and other nonalcoholic beverages.

Building and Landscaping Materials Supply A business that sells and stores building materials or landscaping where the majority of sales are wholesale transactions to other firms. Outdoor storage and retail sales are incidental.

Building means 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 (1) or more floors and a roof.

Building frontage means the horizontal, linear dimension of that side of a building, which abuts a street, a parking area, a mall or other circulation area open to the public and has either a main window display or a public entrance to the building.

Building height means the vertical distance measured from the established curb level to the highest point of the roof. Chimneys, spires, towers, elevator penthouses, tanks and similar projections, other than signs, shall not be included in calculating the height.

C

Car Wash A facility where the primary or secondary function is washing automobiles, pick-up trucks, and small vans, but not trailers or commercial trucks. This includes both mechanical production line methods or self-service equipment. A car wash may also function as an accessory use to an automobile service station or other primary use.

Cemetery Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including mausoleums and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

Child Care Center A facility, by whatever name known, which is maintained for the whole or part of a day for the care of seven (7) 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, except that a child care center shall not include any of the following three (3) types of family care homes as defined by the State: family child care home, infant/toddler home or experienced family child care provider home. 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, large child care homes as defined by the State, centers for developmentally disabled children and those facilities which give twenty-four-hour-per-day care for dependent and neglected children. 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.

Civic Space Public or quasi-public uses in residential or business areas that are accessible to the public and primarily serve as gathering or meeting areas for the immediate community, or reserved as open space that provides a community amenity or promotes environmental or ecological functions. Civic spaces may be public buildings; defined space in residential, commercial, or mixed-use buildings; or outdoor space constructed to accommodate community gatherings. They can be the settings where celebrations are held, where social and economic exchanges take place, where friends run into each other, and where cultures mix. Civic spaces include active or passive recreational uses, nature and recreation trails, nature preserves (such as wildlife sanctuaries, conservation areas, and game preserves), cultural amenities (e.g. fountains, ice rinks, reflecting pools), open spaces, parks, squares, plazas, playgrounds, or memorial parks. This includes any of the following as defined below:

- (a) Active recreation: Recreational uses requiring constructed facilities for organized activities, such as playing fields, ball courts, and playgrounds.
- (b) Dog park: A park that provides a variety of recreational amenities for dogs and persons that may include benches, parking, restrooms, and water fountains. If dogs are to be unleashed, the area must be fenced.
- (c) Community space: Buildings or facilities that provide gathering places, such as community centers, property owner association meeting spaces, or clubhouses.
- (d) Open space: Areas of trees, shrubs, lawns, grass, pathways and other natural and man-made amenities not within individual building lots, set aside for the use and enjoyment of residents, visitors and other persons, unoccupied by buildings or facilities unless related to recreational activities. Generally, open space is intended to provide light and air and is designed for either scenic or recreational purposes. For the purpose of this Code, open space includes active recreation space, common open space, and dedicated open space.
- (e) Park or plaza: An open space which may be improved and landscaped; usually surrounded by streets and buildings.
- (f) Urban deck: A platform for landscaped greens or engineered to accommodate buildings, which spans over major roadways. The intent of an urban deck is to create and enable pedestrian movement across an otherwise, typically impenetrable barrier, and to provide space for activity that can link both sides of the roadway.
- (g) Wetlands mitigation bank: A natural resource management technique authorized by Part 404 of the Federal Clean Water Act, or other state or federal law, as applicable, using wetland preservation, restoration, creation and/or enhancement to offset or replace wetland functions that are lost due to development. Wetland mitigation banks are typically large areas of wetlands operated by private or public entities, which may sell credits to other entities to compensate for wetland loss or impact at development sites or enter into other similar arrangements.

Club / Lodge organizations of persons for special purposes or for the promulgation of sports, arts, literature, politics or other common goals, interests or activities, characterized by membership qualifications, dues or regular meetings, excluding clubs operated for profit and/or places of worship or assembly.

Code means the Municipal Code of the Town, including this Land Use Code.

Collector street means a street which is anticipated to carry from two thousand five hundred (2,500) to five thousand (5,000) vehicles per day in traffic volume at desirable speeds ranging from twenty-five (25) to thirty-five (35) miles per hour and which serves a collecting function by distributing traffic between local streets and arterial streets, thereby providing access to adjacent properties and linking neighborhoods with arterial streets.

College An institute of higher education that awards baccalaureate or higher degrees, which may include onsite student, faculty, and/or employee housing facilities.

Commercial Dry Cleaning Facility Establishments primarily engaged in supplying, on a rental or contract basis, laundered industrial work uniforms and related work clothing (such as protective (flame and heat resistant) and clean room apparel), dust control items (such as treated mops, rugs, mats, dust tool covers, and cloths), and shop or wiping towels. Also known as "industrial launderers."

Common open space shall have the same meaning as common open space in Section 24-67-103, C.R.S.

Communication Facility Uses and structures such as radio and television transmitting and receiving antennas, radar stations, and microwave towers.

Community Facility A place, structure, area, or other facility used to provide fraternal, cultural, social, educational, or recreational programs or activities. This includes swimming pools, tennis courts, and similar facilities of a homeowners association, open to the public or a designated part of the public, and which may be publicly or privately owned.

Comprehensive Master Plan or Comprehensive Plan means the Comprehensive Master Plan.

Contractor and Contractor Storage The offices and/or storage facilities for a specialized trade related to construction, electric, glass, painting and decorating, welding, water well drilling, sign making, or similar items. Includes storage yards (for equipment, materials [including sand, road-building aggregate or lumber], supplies and/or vehicles owned or rented by the establishment), roofing and sheet metal, fabrication of cabinetry and related millwork and carpentry, elevator maintenance and service, and venetian blind and metal awning fabrication and cleaning. Incidental sales of materials are included within this definition.

Convenience Store A retail store containing less than five thousand (5,000) square feet of gross floor area which sells everyday goods and services which may include, without limitation, ready-to-eat food products, groceries, over-the-counter drugs, and sundries.

Convenience Store, with fuel sales A retail store containing less than five thousand (5,000) square feet of gross floor area which sells everyday goods and services which may include, without limitation, ready-to-eat food products, groceries, over-the-counter drugs, and sundries. Fuel sales are allowed on site.

[Copy- see "sign copy."](#)

D

Deck means an exterior platform adjacent to the principal structure which may be covered by roof or uncovered, and has no walls other than an open hand rail in compliance with current building codes.

Dedicated land means land transferred to the Town by platting, title, deed, or other legal method approved by the Town Attorney.

Dedication means any grant by the owner of a right to use land for the public in general, involving a transfer of property rights and an acceptance of the dedicated property by the appropriate public agency.

Density means the overall average number of dwelling units located on the gross or net residential acreage (as applicable) contained within the development and calculated on a per-acre basis. Gross density is calculated by dividing the total number of units by the total acreage. Net density is calculated by dividing the [total number of units] by the [total acreage minus all publicly dedicated land].

Design standards includes the Town Standard Design Criteria and Standard Construction Standards, the Lot and Block Standards beginning at Section 16-3-110; Street Standards beginning at Section 16-3-130; Parking Standards beginning at Section 16-3-150; Sidewalk and Path Standards beginning at Section 16-3-240; Park Standards beginning at Section 16-3-270; Landscape Design beginning at Section 16-3-330.

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

Development means the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land or the dividing of land into two (2) or more parcels. When appropriate in context, development shall also mean the act of developing or to the result of development. Development shall also include:

- (a) Any construction, placement, reconstruction, alteration of the size or material change in the external appearance of a structure on land;
- (b) Any change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on a tract of land or a material increase in the intensity and impacts of the development;
- (c) Any change in the use of land or a structure;
- (d) Any alteration of a shore or bank of a river, stream, lake, pond, reservoir or wetland;
- (e) The commencement of drilling oil or gas wells, mining, stockpiling of fill materials, filling or excavation on a parcel of land;
- (f) The demolition of a structure;
- (g) The clearing of land as an adjunct of construction;
- (h) The deposit of refuse, solid or liquid waste or fill on a parcel of land;
- (i) The installation of landscaping within the public right-of-way, when installed in connection with the development of adjacent property; and
- (j) The construction of a roadway through or adjoining an area that qualifies for protection as a wildlife or natural area.

Development shall not include:

- (a) Work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way;
- (b) Work by any public utility for the purpose of inspecting, repairing, renewing or constructing, on established rights-of-way, any mains, pipes, cables, utility tunnels, power lines, towers, poles or the like; provided, however, that this exemption shall not include work by a public entity in constructing or enlarging mass transit or fixed guide way mass transit depots or terminals or any similar traffic-generating activity;
- (c) The maintenance, renewal, improvement or alteration of any structure, if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure;
- (d) The use of any land for an agricultural activity;
- (e) A change in the ownership or form of ownership of any parcel or structure; or
- (f) The creation or termination of rights of access, easements, covenants concerning development of land or other rights in land.

Drive-thru facility means an establishment which, by design, physical facilities, services or packaging procedures, encourages or permits customers to receive services, obtain goods or be entertained while remaining in their motor vehicles.

Driveway means a constructed vehicular access serving one (1) or more properties and abutting a public or private road.

Dwelling means a building used exclusively for residential occupancy, including single-family dwellings, two-family dwellings and multi-family dwellings.

Dwelling unit means one (1) or more rooms and a single kitchen and at least one (1) bathroom, designed, occupied or intended for occupancy as separate quarters for the exclusive use of a single family for living, cooking and sanitary purposes, located in a single-family, two-family or multi-family dwelling or mixed-use building.

Dwelling, two-family or duplex means a building occupied by two (2) families living independently of each other.

E

Easement means a right to land generally established in a real estate deed or on a recorded plat to permit the use of land by the public, a corporation or particular persons for specified uses.

Eave means the overhanging lower edge of a roof.

Electronic Reader Board means a sign capable of displaying copy that can be electronically or mechanically changed by remote or automatic means.

Entertainment Facility a building or part of a building devoted to showing motion pictures or dramatic, musical or live performances, but does not include a sexually oriented business as defined in Article 11.

Excess-weight vehicle means any vehicle, excepting any vehicle owned by or in the control of any governmental authority, which weighs in excess of any adopted weight limit, the weight limit within the Town shall be ten thousand (10,000) pounds. Semi vehicles shall be defined and regulated by Chapter 8, Article 4 of this Code and if a vehicle or trailer falls within the definition of a semi-truck or semi-trailer as defined by Section 8-4-10 the semi-vehicle shall not be regulated as an excess-weight vehicle.

F

Family means an individual living alone, or either of the following groups living together in a single dwelling unit and share common living, sleeping, cooking and eating facilities:

- (a) Any number of persons related by blood, marriage, adoption, guardianship or other duly authorized custodial relationship, unless such number is otherwise specifically limited in this Code; or
- (b) Any unrelated group of persons consisting of (i) not more than four (4) persons; or (ii) not more than two (2) unrelated adults and their related children, if any.
- (b)(c) And includes the definition of "family" as defined by C.R.S. 25.5-10-202(16), or similar state statute.
- (c)(d) And includes family foster care of up to four (4) children which is licensed according to the statutes of the state but does not include individuals living in a group home.

Financial Institution A business where the primary occupation is financial services such as banking, savings and loans, loan offices, and check cashing and currency exchange outlets. It does not include financial services that typically occur in an office or storefront, such as investment companies, loan companies, credit and mortgage, insurance services, or brokerage firms), which are classified under "Office," below.

Flag means a piece of durable fabric or other flexible material with distinctive colors and patterns mounted by attaching one side to a freestanding pole or a pole attached to a building.

Floodplain or flood hazard area. See Section 16-10-30 for definitions pertaining to floodplain regulations.

Floor area, also called **gross floor area**, means the total square footage of the building measured along the outside walls of the building and including each floor level, but not including open balconies, garages or other enclosed automobile parking areas and basement storage areas and not including one-half (½) of all storage and display areas for durable goods.

Food Catering an establishment in which the principal use is the preparation of food and/or meals on the premises, and where such food and/or meals are delivered to another location for consumption or distribution, and where such use occupies not more than five thousand (5,000) square feet in gross floor area.

Foot-candle means a unit of measurement referring to illumination incident to a single point. One (1) foot-candle is equal to one (1) lumen uniformly distributed over an area of one (1) square foot.

Functional open space means open space which is large enough to serve a practical purpose, such as recreation, wildlife habitat or preservation of areas of agricultural, archeological or historical significance and shall exclude areas used for off-street parking, off-street loading, service driveways and setbacks from oil and gas wells or their appurtenances or other hazards to the public.

Funeral Services An establishment used primarily for human funeral services, which may or may not include facilities on the premises for embalming and, performing of autopsies or other surgical procedures. Examples include funeral homes, mortuaries, crematoriums, or columbarias.

G

Garage sale means a sale of personal belongings or household effects held on the seller's premises, usually in the garage or yard, and is a permitted accessory use in all residential districts, provided that:

- (a) No property may be offered for sale which has not been owned and used by the occupant of the premises or the co-participants in "neighborhood" garage sales. Neighborhood garage sales are allowed only if occupant of the premises receives no profit or commission from sale of other participant's property.
- (b) No garage sale shall be conducted for longer than three (3) days duration.
- (c) No more than three (3) garage sales are allowed annually at any premises.
- (d) Garage sales may be conducted during the daylight hours only.
- (e) Goods may not be stored outside during non-sale hours.

Golf Course A tract of land laid out with a course having nine or more holes for playing golf, including any accessory clubhouse, driving range, offices, restaurant, concession stand, picnic tables, pro shop, maintenance facilities, or similar accessory uses or structures.

Grade means:

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

Grade, finished means the final elevation of the ground surface after development.

Grade, natural means the elevation of the ground surface in its natural state, before man-made alterations.

Greenhouse / Nursery Any land or structure used primarily to raise trees, shrubs, flowers or other plants for sale or for transplanting and may include the sale of nonliving landscape and decorating products.

Grocery Store a retail establishment primarily selling food, as well as other convenience and household goods, which occupies a space of not more than twenty-five thousand (25,000) square feet.

Group Home state-licensed facilities for developmentally disabled, handicapped, seniors or children as defined by and meeting the requirements of Section 31-23-303(2), C.R.S., or similar state statute.

Growth boundary means the growth boundaries established by the Comprehensive Master Plan.

H

Health and Membership Club an establishment that is open only to members and guests and that provides facilities for any of the following: aerobic exercises, running and jogging, exercise equipment, game courts and swimming facilities, and that also includes amenities such as spas, saunas, showers, and lockers.

Heavy Equipment Sales & Rental The sales and maintenance of heavy machinery. This includes establishments primarily engaged in sales, renting, or servicing machinery and equipment for use in business, agricultural, or industrial operations. These establishments typically cater to a business clientele and do not generally operate a retail-like or store-front facility. "Heavy machinery" includes office equipment, machinery tools, construction equipment, farm implements, excavation equipment, or transportation equipment.

Home Occupation an occupation or business activity which results in a product or service and is conducted in whole or in part in a dwelling unit and is subordinate to the residential use of the dwelling unit.

Hotel / Motel A building containing guest rooms in which lodging is provided, with or without meals, for compensation, and which is open to transient or permanent guests, or both. A hotel, motel, or resort only provides temporary lodging, and does not include multi-family or attached dwelling or any other form of permanent residence. Guests are prohibited from using a guest room or suite as a primary permanent residence.

I

Industrial and Manufacturing, Heavy Manufacturing of paper, chemicals, plastics, rubber, cosmetics, drugs, nonmetallic mineral products (such as concrete and concrete products, glass), primary metals, acetylene, cement, lime, gypsum or plaster-of-Paris, chlorine, corrosive acid or fertilizer, insecticides, disinfectants, poisons, explosives, paint, lacquer, varnish, petroleum products, coal products, plastic and synthetic resins, electrical equipment, appliances, batteries, and machinery. This group also includes asphalt mixing plants, concrete mixing plants, smelting, animal slaughtering, oil refining, and magazine contained explosives facilities.

Industrial and Manufacturing, Light Manufacturing of products, from extracted, raw, recycled or secondary materials, including bulk storage and handling of those products and materials, or crushing, treating, washing, and/or processing of materials. This includes similar establishments, and businesses of a similar and no more objectionable character. It also includes incidental finishing and storage. Goods or products manufactured or processed on-site may be sold at retail or wholesale on or off the premises. This does not include any activity listed under Industrial and Manufacturing, Heavy. Examples of general manufacturing include the manufacture or production of the following goods or products: apparel (including clothing, shoes, dressmaking); boats and transportation equipment; brooms; caskets; communication or computation equipment; dairy products; die-cut paperboard and cardboard; drugs, medicines, pharmaceutical; electrical equipment or machinery; farm machinery; fasteners and buttons; feed and grain; food/baking (including coffee roasting, creameries, ice cream, ice, frozen food, confectionery, and beverage); fruit and vegetable processing, canning and storage; gaskets; glass products made of purchased glass; household appliances; industrial controls; leather and allied products; lithographic and printing processes (including printing plants as defined below); mattresses; medical equipment and supplies; medicines; mill work and similar woodwork; mobile homes; musical instruments; novelties; office supplies; optical goods; photographic equipment; prefabricated and modular housing and components; printing and print supplies (including printing plants); 3-D printing, radio and TV receiving sets; sanitary paper products; scientific and precision instruments; service industry machines; signs; textiles (including dyeing, laundry bags, canvas products, dry goods, hosiery, millinery); tobacco products; toys, sporting and athletic goods; and watches and clocks. A "printing plant" means a facility devoted to printing or bookbinding, including related large-scale storage and transshipment.

Inflatable device means a temporary sign type where air inflates an object using a portable blower motor that provides a constant flow of air into the device. The device consists of flexible fabric, and rests on the ground or a structure equipped with the blower.

Infrastructure means those man-made structures which serve the common needs of the population, such as: potable water systems; wastewater disposal systems; solid waste disposal sites or retention areas; storm drainage systems; electric, gas or other utilities; bridges; roadways; bicycle paths or trails; pedestrian sidewalks, paths or trails; and transit stops.

J

Junk means scrap brass, iron, lead, tin, zinc; all other scrap metals and the alloys; bones; rags; used cloth, rope, rubber, tinfoil, bottles; old or used machinery of any type; used tools; used appliances; used lumber or crates; building materials; industrial equipment, fabrication of any material; used pipe or pipe fittings; used conduit or conduit fittings; used automobile parts; derelict vehicles, farm and heavy equipment construction vehicles; used tires and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition.

K

Kennel A facility licensed to house dogs, cats, or other household pets and/or where grooming, breeding, boarding or training or selling of animals is conducted as business.

L

Land Use Code means ~~Chapters 16 and 17 of this Code (Sections 16-1-10 et seq. and 17-1-10 et seq.)~~ Chapter 15 of the Town of Wellington Municipal Code.

Landowner means any owner of a legal or equitable interest in real property and includes the heirs, successors, and assignees of such ownership interests.

Landscaping means any combination of living plants, such as trees, shrubs, plants, vegetative ground cover or turf grasses, and may include structural features such as walkways, fences, benches, works of art, reflective pools, fountains or the like. Landscaping shall also include irrigation systems, mulches, topsoil use, soil preparation, re-vegetation or the preservation, protection and replacement of existing trees.

Livestock includes horses, cattle, sheep and llamas, but does not include swine, chickens, goats, roosters, fowl, peacocks, guinea hens or other animals not allowed to be maintained within the Town by this Code (except that swine, chickens, goats, roosters, fowl, peacocks or guinea hens may be permitted with the Board of Trustees' approval in isolated circumstances, including for 4-H-type projects that do not unreasonably impact neighbors).

Local street means a street which is anticipated to carry under two thousand five hundred (2,500) vehicle trips per day in traffic volume at desirable speeds of up to twenty-five (25) miles per hour, and which provides access to abutting property and primarily serves local traffic.

Long-term care facility means any of the following:

- (a) Convalescent center means a health institution that is planned, organized, operated and maintained to offer facilities and services to in-patients requiring restorative care and treatment and that is either an integral patient care unit of a general hospital or a facility physically separated from, but maintaining an affiliation with, all services in a general hospital.
- (b) Nursing care facility means a health institution planned, organized, operated and maintained to provide facilities and health services with related social care to in-patients who require regular medical care and twenty-four-hour-per-day nursing services for illness, injury or

disability. Each patient shall be under the care of a physician licensed to practice medicine in the State. The nursing services shall be organized and maintained to provide twenty-four-hour-per-day nursing services under the direction of a registered professional nurse employed full time.

- (c) Intermediate health care facility means a health-related institution planned, organized, operated and maintained to provide facilities and services which are supportive, restorative or preventive in nature, with related social care, to individuals who because of a physical or mental condition, or both, require care in an institutional environment but who do not have an illness, injury or disability for which regular medical care and twenty-four-hour-per-day nursing services are required.

Lot means a designated parcel, tract or area of land established by plat or subdivision ~~of at least a sufficient size to meet minimum requirements for use, street frontage coverage and area and to provide required yards and other open spaces in the zoning district in which the lot is located, and which has direct access onto a public or private street.~~

Lot depth means the average distance between the front lot line and the rear lot line.

Lot, double frontage means a lot which fronts on one (1) public street and backs on another.

Lot, flag means a lot so shaped and designed that the main building site area is set back from the street on which it fronts and includes an access strip connecting the main building site with the frontage street.

Lot line, front means the property line dividing a lot from a street. On a corner lot, only one (1) street line shall be considered as a front line, and the shorter street frontage shall be considered the front line.

Lot line, rear means the line opposite the front lot line.

Lot line, side means any lot lines other than the front lot line or rear lot line.

Lot, reverse corner means a corner lot having its side street line substantially a continuation of the front lot line of the first lot to its rear.

Lot size means the total horizontal area within the lot lines of a lot; synonymous with area of lot.

Lot width means the distance parallel to the front lot line, measured at the front building setback line. Lot width on a curving front lot line means the distance parallel to the tangent of the front lot line at the building setback line. The lot width and the lot frontage may have different lengths on an irregularly shaped lot as they are measured at different points on the lot.

Luminaire means the complete lighting unit, including the lamp, the fixture, and other parts.

M

Manufactured Home A single-family dwelling which is partially or entirely manufactured in a factory; which is not less than twenty-four (24) feet in width and thirty-six (36) feet in length; which is installed on an engineered permanent foundation; which has brick, wood or cosmetically equivalent siding extending to the ground level; which has a pitched roof; which has the delivery system including wheels, tires, axles and tongue hitch removed; and which is certified pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5401 et seq., as amended.

Manufacturing means a business which makes products by hand or by machinery.

Medical Care Facility An establishment, whether or not licensed or required to be licensed by the State Board of Health or the State Hospital Board, by or in which facilities are maintained, furnished, conducted, operated, or offered to prevent, diagnose, or treat human disease, pain, injury, deformity, or physical condition, whether medical or surgical, of two or more non-related mentally or physically sick or injured persons; or for the care of two or more non-related persons requiring or receiving medical, surgical, or nursing attention or service as acute, chronic,

convalescent, aged, or physically disabled. This use includes an intermediate care facility, mental retardation facility, outpatient surgery center, birthing facility, diagnostic imaging facility, radiation therapy facility, dialysis facility, medical/physical rehabilitation and trauma unit, or related institution or facility that offers treatment on an outpatient basis. This use may be operated for profit or nonprofit, privately owned, or operated by a local government unit. This use includes any hospital, defined as any licensed and State of Colorado accredited health care institution with an organized medical and professional staff and with inpatient beds available around-the-clock, whose primary function is to provide inpatient medical, nursing, and other health-related services to patients for both surgical and nonsurgical conditions and that usually provides some outpatient services (such as emergency care).

Medical Office A facility operated by one (1) or more duly licensed members of the human health care professions, including but not limited to physicians, dentists, chiropractors, psychiatrists and osteopaths, where patients are not lodged overnight but are admitted for examination and/or treatment.

Mini-Storage Facility A facility containing separate, individual, private storage spaces, which may be of various sizes and which are rented pursuant to individual leases for varying periods of time.

Mixed use means the development of a lot, tract or parcel of land, building or structure with two (2) or more different uses, including but not limited to residential, office, retail, public uses, personal service or entertainment uses, designed, planned and constructed as a unit.

Mixed-Use Dwelling Multi-Family Dwelling units contained within a mixed-use building attached above the building's nonresidential uses (the mixed-use building may contain office or commercial uses below the residential use).

Motor Vehicle Dealership A facility for the sale or rental of automobiles, motorcycles, ATVs, boats, or recreational vehicles. This includes incidental vehicular services and repairs.

Motor Vehicle Repair, Heavy An establishment that offers mechanical and body work on motor vehicles including straightening of body parts, body repairs, battery rebuilding, painting, welding, short term storage of automobiles not in operating condition, outdoor similar work on motor vehicles that may involve noise, glare, fumes, smoke, or similar impacts.

Motor Vehicle Repair, Light An establishment that offers only general maintenance activities including engine tune-ups, lubrication, carburetor cleaning, brake repair, car washing, detailing, polishing, replacement of filters, fluids, light bulbs, belts, fuses, oil, and tires, emissions testing, and similar activities.

Motor Vehicle Storage

Multi-Family Dwelling A dwelling contained in a structure also containing other dwellings in which each unit is attached to another at one or more party walls and at either the floor or the ceiling. This includes apartments and manor style apartments. This does not include townhomes or duplexes, which are considered single-family attached dwellings.

Multitenant building or development means a building or series of buildings on a parcel or several parcels under common ownership, management, and control and whose occupants are distinct users that each occupy a portion of the multitenant building or development.

N

Nightclub A bar or similar nonalcoholic establishment containing more than one hundred (100) square feet of dance floor area.

NIT means a unit of illuminative brightness equal to one candle per square meter, measured perpendicular to the rays of the source.

Nonconforming building means a building or structure, or portion thereof, that does not conform to the regulations of this Land Use Code, but that was lawfully constructed under the regulations in force at the time of construction.

Nonconforming use means a use that does not conform to the use regulations of this Land Use Code, but that was lawfully established under the regulations in force at the time the use was established and has been in regular use since that time.

O

Off-street parking area means all off-street areas and spaces designed, used, required or intended to be used for the parking, storage, maintenance, service, repair, display or operation of motor vehicles, including driveways or access ways in and to such areas and circulation aisles throughout such areas, but not including approved outdoor storage areas as defined herein or public streets and rights-of-way.

Off-Street Parking Facility An enclosed structure (other than a private garage) or open, hard surfaced area (other than a public street or private road), designed, arranged, and made available for parking vehicles, where such use is operated as a business enterprise with a service charge or fee being paid by the vehicle operator. An off-street parking facility shall include, but not be limited to, a commercial parking lot and public garage.

Open space means any land or water area with its surface open to the sky, which serves specific uses of providing park and recreation opportunities, conserving natural areas and environmental resources, structuring urban development form and protecting areas of agricultural, archeological or historical significance. Open space shall not be considered synonymous with vacant or unused land but serves important urban functions. Usable open space shall exclude areas used for off-street parking, off-street loading, service driveways and setbacks from oil and gas wells and their appurtenances or other hazards to the public.

Open-Air Farmers' Markets An occasional or periodic market held in an open area or in a structure where groups of individual sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and crafts items and food and beverages (but not to include second-hand goods) dispensed from booths located on-site.

Outlot means a measured piece of land contained within subdivided land that is not a building lot. An outlot may be conveyed to the public for open space or other public purposes, be retained by the developer for later subdivision or be conveyed to an owner's association.

P

Parcel means a contiguous area of land, except for intervening easements and rights-of-way with a continuous boundary defined any method specified below, when the description of the parcel is recorded in the office of the county clerk and recorder or by reference to a recorded subdivision plat.

Park means an area open to the general public and reserved for recreational, educational or scenic purposes.

Parking garage means an off-street parking area within a building.

Parking lot means any off-street parking area as defined herein.

Patio cover means a cover of any material over an exterior surface that has no walls.

Pawn Shop Any business that loans money on deposit of personal property or deals in the purchase or possession of personal property on condition of selling that property back to the pledger or depositor, or loans or advances money on personal property by taking chattel mortgage security on it, and takes or receives that personal property and issues a lien upon the personal property.

Personal Services shops primarily engaged in providing services generally involving the care of the person or such person's apparel, or rendering services to business establishments such as laundry or dry-cleaning retail outlets, portrait/photographic studios, beauty or barber shops, employment service, or mailing or copy shops.

Plat means a map of certain described land prepared in accordance with the requirements of this Code and Section 38-51-106, C.R.S., as an instrument for recording of real estate interests with the County Clerk and Recorder.

Principal use means the main use of land or of a structure as distinguished from a subordinate or accessory use.

Print Shop an establishment in which the principal business consists of duplicating and printing services using photocopy, blueprint or offset printing equipment and may include the collating of booklets and reports.

Private property rights means the rights of a property owner within the Town to use his or her property within the legal parameters set forth in this Code and subject to applicable state, federal and constitutional law. Nothing herein guarantees any private property rights to develop in a particular manner except pursuant to a valid vested right.

Professional Office An office for professionals, such as physicians, dentists, lawyers, architects, financiers, engineers, artists, musicians, designers, teachers, accountants and others who, through training, are qualified to perform services of a professional nature and where no storage or sale of merchandise exists, except as accessory to the professional services.

Proof of ownership means ownership as specified in a current title insurance commitment or policy, or certification of title, issued by a title insurance company licensed by the State.

Property line means the boundary of any lot, parcel or tract as the same is described in the conveyance of such property to the owner; and does not include the streets or alleys upon which said lot, parcel or tract abuts.

Property means all real property subject to land use regulation by the Town.

Public areas means streets, parks, open spaces and other property designated or described as for public use on a map or plat of the Town and fee title is vested in the Town, other public body or a special district as defined in Section 32-1-103, C.R.S.

Public Facilities Those constructed facilities, including but not limited to transportation systems or facilities, water systems or facilities, wastewater systems or facilities, storm drainage systems or facilities, fire, police and emergency systems or facilities, electric, gas, telecommunication utilities or facilities and publicly owned buildings or facilities.

Public hearing means a meeting called by a public body for which public notice has been given and which is held in a place at which the general public may attend to hear issues and to express their opinions.

Public improvement means any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, landscaped open space, off-street parking area, lot improvement or other facility which benefits the public.

Public open space means an open space area conveyed or otherwise dedicated to the Town, State or County or other public body for recreational or conservation uses. Public open spaces are to be unencumbered by oil and gas wells, their appurtenances or other hazards to the public.

Public use means uses which are owned by and operated for the public by the Town, county, state or federal governments or by school districts.

Public utility means a common carrier supplying electricity, wire telephone service, natural gas, water, wastewater or stormwater service or similar public services, but shall not include railroads or other forms of rail mass transit or depots or terminals supporting the same, or wireless telecommunication facilities.

Q

Quasi-public means having the nature or characteristics of being public but owned by a private or not-for-profit entity.

R

Raw water means water rights acceptable to the Town for domestic purposes, or water rights acceptable to the Town that may be used for irrigation of public facilities.

Reader board, electronic, means a sign or part of a sign capable of displaying content or visual displays that a sign user can electronically or mechanically change by remote or automatic means.

Reader board, manual, means a sign that serves as a display for characters, letters, or illustrations that a sign user can manually change or rearrange without altering the face or surface of the sign.

Recreational Entertainment, Indoor A place where recreation activities occur completely within an enclosed structure, including but not limited to bowling alleys, skating rinks, pool halls, video and pinball parlors.

Recreational Entertainment, Outdoor A place with outdoor activities, including but not limited to miniature golf, batting cages, water slides, skateboard parks, driving ranges and go-cart tracks.

Recreational vehicle (RV). Definitions pertaining to recreational vehicles and recreational vehicle parks are contained in Section 16-9-10 of this Code.

Recycling Facility A facility used for the collection and/or processing of recyclable material. Processing means the preparation of material for efficient shipment by such means as baling, compacting, flattening, grinding, crushing, mechanical sorting or cleaning. Such a facility, if entirely enclosed within a building or buildings, shall be considered a warehouse.

Religious Land Use A structure or group of structures intended for regular gatherings of people to attend, participate in or conduct religious services and other related activities and associated accessory uses. Associated accessory uses may include religious instruction classrooms, church offices, counseling programs, private school, youth programs, parking, child and adult day care facilities, summer camps, recreational facilities, caretaker's quarters, food bank, thrift shop, sale of religious items, and cemeteries.

Research and Development A facility (such as a laboratory) for general research, scientific research, development and/or training where assembly, integration, and testing of products in a completely enclosed building is incidental to the principal use of scientific research, development, and training.

Resource Extraction Any facility, land, or portion thereof, removal or recovery by any means whatsoever of sand, gravel, soil, rock, minerals, mineral substances or organic substances, other than vegetation, from water or land on or beneath the surface thereof, exposed or submerged.

Restaurant, fast food with drive-thru means any Restaurant, fast food establishment in which the principal business is the sale of foods and beverages to the customer in a ready-to-consume state and in which the design or principal method of operation of all or any portion of the business is to allow food or beverages to be served directly to the customer in a motor vehicle without the need for the customer to exit the motor vehicle.

Restaurant, fast food means any establishment in which the principal business is the sale of food and beverages to the customer in a ready-to-consume state, and in which the design or principal method of operation includes the following characteristics:

- (a) Food and beverages are usually served in paper, plastic or other disposable containers; and
- (b) The consumption of food and beverages is encouraged or permitted within the restaurant building, within a motor vehicle parked upon the premises or at other facilities on the premises outside the restaurant building or for carryout.

Restaurant, sit-down means any establishment in which the principal business is the sale of food and beverages to customers in a ready-to-consume state; where fermented malt beverages and/or malt, special malt or vinous and spirituous liquors may be produced on the premises as an accessory use; and where the design or principal method of operation includes one (1) or both of the following characteristics:

- (a) Customers are served their food and/or beverages by a restaurant employee at the same table or counter at which the items are consumed; or
- (b) Customers are served their food and/or beverages by means of a cafeteria-type operation where the food or beverages are consumed within the restaurant building.

Retail Store A shop or store that, as its primary business, sells new merchandise to the public. Examples include drugstores and discount department stores, and stores that sell apparel, home improvement/furnishings, toys, electronics or sporting goods.

Retention basin means a pond, pool or basin used for permanent storage of water runoff.

Right-of-way means a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main or for another special use. The usage of the term right-of-way for land platting purposes means that every right-of-way established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains or any other use involving maintenance by a public agency shall be dedicated to public use on the plat on which such right-of-way is established.

S

Salvage Yard A facility used to store used appliances, scrapped glass, rags, paper, metals, automotive parts, or equipment, regardless of whether used for remanufacture, resale or recycling.

Sandwich Board means a portable sign that is ordinarily in the shape of an "A" with back-to-back sign faces, an easel, or a similar configuration.

School A public or private educational facility offering instruction at the elementary, junior, and/or senior high school levels in the branches of learning and study required to be taught in the schools of Colorado.

Service Station Any building, land area, premises or portion thereof, where gasoline or other petroleum products or fuels are sold and light maintenance activities, such as engine tune-ups, lubrication, minor repairs and carburetor cleaning, may be conducted. A service station shall not include premises where heavy automobile maintenance activities, such as engine overhaul, automobile painting and body fender work, are conducted.

Setback means the required open space unoccupied and unobstructed between the nearest projection of a structure and the property line of the lot on which the structure is located, with the exception of eaves which may project a maximum of eighteen (18) inches into the setback.

Setback, front yard means the setback distance a building or structure must be placed from the front lot line.

Setback, rear yard means the setback distance a building or structure must be placed from the rear lot line.

Setback, side yard means the setback distance a building or structure must be placed from the side lot line.

Shielding means when the light emitted from the fixture is projected below a horizontal plane running through the lowest point of the fixture where light is emitted.

Sight distance triangle means the area at the four (4) corners of an intersection that is to be kept free of shrubs, ground cover, berms, fences, structures or other materials or items greater than thirty (30) inches in height. Trees shall not be planted in the triangular area. The size of the sight distance triangles is determined as follows: at the intersection of any two (2) streets or where a street intersects with an alley, a triangle measuring thirty (30) feet along each curb or edge of roadway from their point of intersection, the third side being a diagonal line connecting the first two (2).

Sign copy means words, numbers, symbols, images, icons, letters, numerals, figures, characters other symbolic representations displayed on or by a sign.

Sign means a visual display of an object or device that includes elements such as colors, lights, motion, symbols, images, icons, letters, numerals, figures, characters, or combines any of those elements, that a person intends to communicate, advertise, identify, announce, direct, inform, or attract attention, and that a viewer can see and comprehend from a public right-of-way. The term "sign" includes a structure used to support or display a sign.

Sign user means a person who constructs, installs, operates, displays, or uses a sign. Sign user includes the owner of the lot serving as the sign's location, the owner of the sign or support structure, a person who installs or constructs a sign, and a person whose message a sign displays.

Sign, A-frame, means a temporary, portable, freestanding sign in the shape of the letter "A" with back-to-back sign faces, an easel, or a similar configuration.

Sign, attached means a sign that is fastened to or affixed on an exterior wall of a building or other structure so that the wall becomes the supporting structure for, or forms the background surface of, the sign.

~~**Sign, attached (wall sign)** means a permanent, attached sign, fastened to or affixed on an exterior wall of a building or other structure so that the wall becomes the supporting structure for, or forms the background surface of, the sign.~~

Sign, feather means a temporary banner in the shape of a feather, quill, sail, blade, or teardrop mounted on a solid or flexible pole or cord. Sometimes referred to as "quill signs" or "sail banners."

Sign, flashing means an internally or externally illuminated sign with an intermittent, blinking, alternating, or flashing light source.

Sign, freestanding means a structure, device, or object that is structurally independent of a building, anchored firmly to or below the ground surface, and that is a sign itself or is the support structure for a sign.

Sign, illuminated means any sign whose design or installation incorporates artificial light, including direct illumination, halo illumination, indirect illumination, or internal illumination.

Sign, moving means a sign or part of a sign that changes physical position by any movement or rotation. "Movement" includes any visible moving, revolving, or rotating parts or visible mechanical movement, or any apparent visible movement achieved by electrical, electronic, or mechanical means.

Sign, painted wall means a hand-produced work in which paint is applied directly on an exterior wall of a building or structure. A painted wall sign does not include: (1) mechanically produced or computer-generated prints or images, including digitally printed vinyl sheets and wraps; (2) works containing electrical or mechanical components; or (3) works that involve changing or moving images or components.

~~**Sign, painted wall** means a hand-produced work in which paint is applied directly on an exterior wall of a building or structure.~~

Sign, permanent means a sign constructed from durable materials affixed to a building, a structure, or the ground so that the sign resists environmental loads, such as wind, and that precludes ready removal or movement of the sign.

Sign, Portable means any sign not permanently affixed to the ground, a structure, or a building.

Sign, primary means a permanent freestanding or attached sign that serves as the principal sign for the lot.

Sign, secondary means a small permanent sign that is freestanding or attached to a building that is in addition to the primary sign types for the property and that has a height and scale that is subordinate to the primary sign types allowed for the property. Examples of typical secondary signs include house numbers, occupant directories, directional signs, and parking signs. The list of examples is provided to clarify the regulations and does not limit the content of secondary signs.

~~**Sign, primary** means a permanent freestanding or attached sign that serves as the principal sign for the lot.~~

~~**Sign, secondary** means a small permanent sign that is freestanding or attached to a building that is in addition to the primary sign types for the property and that has a height and scale that is subordinate to the primary sign types allowed for the property.~~

Sign, stake means a temporary, rigid sign constructed of plastic, vinyl, metal, or wood implanted in the ground by a stake or stakes.

Sign, temporary means a sign constructed of cloth, canvas, light fabric, cardboard, wood, wallboard, metal, or other light materials, with or without frames, which is intended for use for a limited period of time only. Temporary signs include banners, feather signs, inflatable devices, stake signs, and A- and T-frame signs. Examples of common temporary signs include political signs, public demonstrations, grand opening signs, contractor signs, real estate signs, and signs that announce an event such as a carnival, circus, or similar event. The list of examples is provided to clarify the regulations and does not limit the content of temporary signs.

~~**Sign, temporary** means a sign (1) constructed of cloth, canvas, light fabric, cardboard, wood, wallboard, metal, or other light materials, with or without frames, or (2) mounted on that portion of a fence that faces the public right-of-way, and which is intended for is used for a limited period of time only (see time periods established in section 5.08).~~

Sign, subdivision entrance means a type of permanent freestanding sign located at the entrance to a subdivision in a residential district or a distinct phase of a subdivision in a residential district.

Sign, wall – see sign, attached.

Sign, window means a temporary or permanent sign posted, painted, placed, or affixed to a window or glass door.

Single-Family Attached Dwelling A dwelling contained in a structure that shares party walls with another dwelling. This includes duplexes and townhomes.

Single-Family Detached Dwelling A single-family dwelling (a building designed exclusively for occupancy by one (1) family) which is not attached to any other dwelling or building by any means, excluding mobile homes and manufactured housing situated on a permanent foundation.

Site plan means a scale drawing of a lot, showing the actual measurements, the size and location of any existing or proposed buildings, the location of the lot in relation to abutting streets and other details such as parking areas, access points, landscaped areas, building areas, setbacks from lot lines, building heights, floor areas, densities, utility locations and easements.

Site specific development plan means the final plat of a subdivision or final development plan of a PUD (Planned Unit Development) when approved by the Board of Trustees pursuant to this Code.

Solid Waste Facility A facility where non-hazardous wastes are taken from collection vehicles, temporarily stored, and ultimately relocated to a permanent disposal site. This includes any facility, incinerator, landfill, materials recovery facility, municipal solid waste landfill, private or public solid waste management facility, recovered materials processing facility, sanitary landfill, or solid waste management facility.

Stable A facility that keeps or boards horses owned for the private use of the owners and/or residents of the property. This also includes horses owned by non-owners or non-residents of the property for private use. Accessory uses are permitted and include but are not limited to offices, storage areas, caretaker's quarters, educating and training in equitation, and caring for, breeding, or training horses associated with the Stable use.

Street means a public way (whether publicly or privately owned) used or intended to be used for carrying vehicular, bicycle and pedestrian traffic, and shall include the entire area within the public right-of-way and/or public access easement.

Streetscape means the distinguishing character of a particular street, within the public right-of-way, including paved materials and the adjacent space extending along both sides of a street, including landscaping, sidewalks, medians, lighting, street furniture and signage.

Structure means a combination of materials to form a construction for use, occupancy or ornamentation, whether installed on, above or below the surface of land or water.

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

Subdivision means the platting of a lot or the division of a lot, tract or parcel of land into two (2) or more lots, plots or sites.

T

Technical School A nonacademic establishment such as a trade school, where instruction is offered in secretarial, computer and data processing, drafting, electronic repair including radio/TV repair, commercial art, allied health care, real estate, banking, restaurant operation, or similar trades, or vocational training such as automobile body and engine repair, construction equipment operation, building trades, truck driving, and mechanical and electrical equipment/appliance repair.

Tenant means a distinct user that occupies a portion of a multi-tenant building, lot, or development, regardless of the legal arrangement allowing occupancy between the owner of the building, lot, or development and the user.

Title commitment means formal documentation from a title company listing the name of the owner of the property under consideration, the legal description of the property and any legal holdings on the property, such as easements, rights-of-way or liens.

Tourist Facilities An establishment set up to primarily provide local tourist information to visitors.

Town Comprehensive Plan means the plan, which was adopted by the Planning Commission and Board of Trustees in accordance with Section 31-23-206, C.R.S., to guide the future growth, protection and development of the Town, affording adequate facilities for housing, transportation, comfort, convenience, public health, safety and general welfare of its population.

Town means the Town of Wellington, a municipal corporation of the State, in its present incorporated form or in any later reorganized, consolidated, enlarged or reincorporated form.

Traffic control device means a sign, signal, marking, or other device used to regulate, warn, or guide traffic, placed on, over, or adjacent to a street, highway, private road open to public travel, pedestrian facility, or shared-use path by authority of a public agency or official having jurisdiction, or, in the case of a private road open to public travel, by authority of the private owner or private official having jurisdiction as controlled by the Federal Highway Administration's Manual on Uniform Traffic Control Devices.

Transit Facilities Includes transit or bus shelters, bus terminals, stations, and associated right-of-way. A "transit shelter" means a roofed structure on or adjacent to the right-of-way of a street, which is designed and used primarily for the protection and convenience of bus passengers. Includes accessory vehicle and bicycle parking.

U

Uplighting means lighting that is directed in such a manner as to shine light rays above the horizontal plane.

V

Vested property rights means the right to undertake and complete the development and use of the property under the terms and conditions of a site-specific development plan.

Veterinary Facilities, Large animals Any facility which is maintained by or for the use of a licensed veterinarian in the diagnosis, treatment, or prevention of animal diseases.

Veterinary Facilities, Small animals Any facility maintained by or for the use of a licensed veterinarian in the diagnosis, treatment or prevention of animal diseases wherein the animals are limited to dogs, cats or other comparable household pets and wherein the overnight care of said animals is prohibited except when necessary in the medical treatment of the animal.

W

Warehouse, distribution and wholesale The storage of goods, and the sale of goods to other firms for resale, including activities involving significant storage and movement of products or equipment. This use does not involve manufacturing or production. Examples include:

- (a) Carting,
- (b) cold storage,
- (c) distribution facilities (as defined below),
- (d) dry goods wholesale,
- (e) express crating,
- (f) hauling,
- (g) feed locker plants,
- (h) fulfillment centers that combine storage with call centers,
- (i) hardware storage,
- (j) merchant wholesalers (such as restaurant supply sales),
- (k) warehouse or produce/fruit/food storage and wholesale structures,
- (l) wholesale sale of paper supplies, shoes, sporting goods, professional and commercial equipment and supplies, and otherwise preparing goods for transportation.

A "distribution facility" means the intake of goods and merchandise, individually or in bulk, the short-term holding or storage of such goods or merchandise, and/or the breaking up into lots or parcels and subsequent shipment off-site of such goods and merchandise. Distribution may be provided to an entity with an identity of interest with the distribution facility or to businesses and individuals unrelated to the distributor. The term "Distribution Facility" also includes a transshipment facility for the temporary holding, storage and shipment of goods or vehicles.

Warehousing means a business which stores or stocks merchandise or commodities.

Window means an opening constructed in an exterior which admits light or air to a building or structure, is framed and spanned with glass, and which may be mounted to permit opening and closing.

Wireless telecommunication equipment means any equipment used to provide wireless telecommunication service, but which is not affixed to or contained within a wireless telecommunication service facility, but is instead affixed to or mounted on an existing building or structure that is used for some other purpose.

Wireless telecommunication services means services providing for the transmission of wireless communications utilizing frequencies authorized by the Federal Communications Commission for paging systems, enhanced specialized wireless telecommunication, personal communication services or cellular telephone.

Wireless Telecommunications Facility Any freestanding facility, building, pole, tower or structure used to provide only wireless telecommunication services, and which consists of, without limitation, antennae, equipment and storage and other accessory structures used to provide wireless telecommunication services.

Workshop A facility where goods are produced or repaired on a small scale by hand, using hand tools or small-scale equipment, including small engine repair, furniture making and restoring, upholstering, custom car or motorcycle restoring or other similar uses.

X, Y, Z

Yard means that portion of the open area on a lot extending open and unobstructed from the ground upward from a lot line for a depth or width specified by the regulations for the zone district in which the lot is located.

Yard, front means a yard extending across the full width of the lot between the front lot line and the nearest line or point of the building.

Yard, front setback means the distance a building or structure must be placed from the back of the front property line.

Yard, rear means a yard extending across the full width of the lot between the rear lot line and the nearest line or point of the building.

Yard, rear setback means the distance a building or structure must be placed from the back of the rear property line.

Yard, side means a yard extending from the front yard to the rear yard between the side lot line and the nearest line or point of the building.

Yard, side setback means the distance a building or structure must be placed from the back of the side property line.

Zone district means a zone district of the Town as established in Article 5 of this Code, unless the term is used in a context that clearly indicates that the term is meant to include both the zone districts of the Town and the zone districts of an adjoining governmental jurisdiction. Also referred to as zoning district.

Zoning map means the official zoning map adopted by the Board of Trustees by ordinance, as amended.