

CHAPTER 11: DEFINITIONS

10.11.1 GENERAL RULES OF CONSTRUCTION

The following rules shall apply for construing or interpreting the terms and provisions of this UDC.

A. Meanings and Intent

All provisions, terms, phrases, and expressions contained in this UDC shall be construed according to the general purposes set forth in Section 1.3 and the specific purpose statements set forth throughout this UDC. When, in a specific Section of this UDC, a different meaning is given for a term defined for general purposes in this Chapter, the specific Section's meaning and application of the term shall control.

B. Headings, Illustrations, and Text

In the event of a conflict or inconsistency between the text of this UDC and any heading, caption, figure, illustration, table, or map, the text shall control.

C. Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms such as "for example," "including," and "such as," or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

D. Computation of Time

The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the Town, the deadline or required date of action shall be the next day that is not a Saturday, Sunday or holiday observed by the Town. References to days are calendar days unless otherwise stated.

E. References to Other Regulations/Publications

Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such regulation, resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.

F. Delegation of Authority

Any act authorized by this UDC to be carried out by a specific official of the Town may be carried out by a designee of such official.

G. Technical and Non-Technical Terms

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

H. Public Officials and Agencies

All public officials, bodies, and agencies to which references are made are those of the Town, unless otherwise indicated.

I. Mandatory and Discretionary Terms

The words "shall," "must," and "will" are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words "may" and "should" are permissive in nature.

J. Conjunctions

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

1. "And" indicates that all connected items, conditions, provisions or events apply;
2. "Or" indicates that 1 or more of the connected items, conditions, provisions or events apply.

K. Tenses, Plurals, and Gender

Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender, and vice versa.

10.11.2 INTERPRETATIONS

The ~~Community Development~~ Director has final authority to determine the interpretation or usage of terms used in this UDC. Any person may request an interpretation of any term by submitting a written request to the ~~Community Development~~ Director who shall respond in writing within 30 -days.

10.11.3 TERMS DEFINED

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

Abut or Abutting

~~Two or more properties sharing a property line. Touching. An abutting condition shall not be affected by the parcelization or division of land that results in an incidental, non-buildable, remnant lot, tract or parcel.~~

Accessory Structure

A structure detached from the principal building and customarily used with, and clearly incidental and subordinate to, the principal building or use, and ordinarily located on the same lot with the principal building. Accessory structures include a shed, garage, barn, playhouse, greenhouse, gazebo or similar structure.

Accessory Use

A ~~structure or~~ use that: (1) is subordinate in area, extent, and purpose to the principal use; ~~(2) contributes to the comfort, convenience, or necessity of the principal use;~~ and ~~(3)~~ is located on the same lot or on a contiguous lot in the same ownership and in the same zone district as the principal use.

Adequate Public Facilities ("APF")

Public facilities and services necessary to maintain the adopted level of service standards.

Adjacent

Nearby, but not necessarily touching. The determination of "nearby" shall be made on a case-by-case basis, taking into consideration the context in which the term is used and the variables (such as but not limited to size, mass, scale, bulk, visibility, nature of use, intensity of use) that may be relevant to deciding what is "nearby" in that particular context. Adjacency shall not be affected by the existence of a platted street or alley, a public or private right-of-way, or a public or private transportation right-of-way or area.

Administrative Review/Decision

Review or decision by the ~~Community Development~~ Director.

Adult Bookstore

An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals and goods and items held for sale which are distinguished or characterized by their emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas, or an establishment with a segment or sections devoted to the sale or display of such material.

Adult Cabaret, Restaurant or Place of Business

A cabaret, restaurant or place of business which features waitresses, waiters, dancers, go-go dancers, exotic dancers, strippers, male or female impersonators or similar entertainers attired in such manner as to display "specified anatomical areas."

Adult Hotel or Motel

Any hotel or motel in which the presentation of adult material is the primary or principal attraction.

Adult Material

Any material including, but not limited to, books, magazines, newspapers, movie films, slides or other photographic or written materials, video tapes, video disks, computer software and/or other items or devices which are distinguished or characterized by their emphasis on depicting, describing or relating to "specified anatomical areas" or "specified sexual activities."

Adult Mini-motion Picture Theater

Any theater or establishment with a capacity of less than 50 persons in which the presentation of adult material is the primary or principal attraction.

Adult Novelty Store or Adult Retail Store

Any establishment that has adult material as a significant or substantial portion of its stock-in-trade, or derives a significant or substantial portion of its revenues from such material, or devotes a significant or substantial portion of its interior business or interior advertising to such material, or maintains a substantial or significant portion of its gross floor area or display space for the sale or rental, for any form of consideration, of such material including, but not limited to, books, magazines, newspapers, movie films, slides or other photographic or written material, video tapes, video disks, computer software and/or other items or devices. For the purpose of this definition, "significant or substantial" shall mean more than 20 percent.

Adult-oriented

A use of property where the principal use, or a significant or substantial adjunct to another use of the property, is the sale, rental or display of adult material, or is an offering of live entertainment, dancing or material which is distinguished or characterized by its emphasis on depicting, exhibiting, describing or relating to "specified sexual activities" or "specified anatomical areas" as the primary attraction to the premises.

Adult Photo Studio

An establishment that, upon payment of a fee, provides on-premises photographic equipment, services and/or models for the purpose of photographing specified anatomical areas.

Adult Theater

A theater used for the presentation of material distinguished or characterized by an emphasis on material depicting, describing or relating to specified sexual activities.

Agricultural Breeding

The breeding of cattle, sheep, horses, or other similar animals, limited to an operation of no more than 50 animals.

Agricultural Cultivation

The raising of agricultural products include without limitation vegetables, grains, fruits, plants, and other similar products, for consumption or commercial sale.

Agricultural Event Center

A facility on agricultural land consisting of structures or premises used to accommodate the assembly of persons for meetings, parties, weddings, wedding receptions, reunions, birthday celebrations, charitable fundraisers, and any other social engagement purposes, or similar such agritainment uses. Such use may include the provision of food, beverages, and entertainment.

Agricultural Grazing

The practice of keeping cattle, sheep, horses, or other similar animals on fields for the purpose of grazing and feeding.

Agritainment

A use accessory to an agricultural event center, open to the paying public, and typically including attractions such as amusement rides, corn mazes, haunted houses, petting zoos, and the like. Agritainment may also include live entertainment such as musical or comedy performances but excludes rodeos and racing events.

Airport and Related Uses

Any area that is used, or is intended to be used, primarily for the takeoff and landing of aircraft and any appurtenant areas that are used, or intended to be used, for airport buildings or facilities, including open spaces, taxiways, and tie down areas, hangars, and other accessory buildings.

Airport Hangar

A structure that protects aircraft from the weather and allows for repair. In non-residential zone districts an airport hangar may also be used for aircraft manufacturing, assembly, maintenance and/or storage.

Airport Influence Area

The area in which current or future airport-related noise, over flight, safety, or air space protection factors may significantly affect land uses or necessitate restrictions on those uses.

Alley

A public or private way permanently reserved as a ~~secondary~~ means of access to abutting property. An alley is not a street as defined in this Code.

Alteration

Any change, addition or modification in construction, occupancy or use.

Amusement Park

An outdoor enterprise whose main purpose is to provide the general public with entertaining activity, where tickets are sold or fees collected at the activity. Commercial amusements include miniature golf courses, outdoor arcades, ferris wheels, ~~children's~~ rides, roller coasters, ~~skateboard parks~~, go-cart tracks, water parks and similar uses.

Animal Boarding

~~The operation of an establishment in which domesticated animals other than household pets are housed, groomed, bred, boarded, trained or sold. This term shall not include the operation of a kennel.~~

Animal Day Care, Indoor

A facility providing ~~such indoor~~ services for domesticated pets for ~~all or~~ part of a day, obedience classes, training, grooming and/or behavior counseling.

Animal Day Care, Outdoor

A facility providing outdoor services for domesticated pets for part of a day, obedience classes, training, grooming and/or behavior counseling.

Animal Hospital, Large Animals

An animal hospital or rehabilitation center for large animals is a veterinary establishment whose purpose is to provide inpatient and outpatient services to animals such as cows, horses, buffalo, pigs, sheep, goats, donkeys, mules, and other animals of similar size. Such facilities may be indoor only, or may have both indoor and outdoor facilities, depending on the zoning district in which they are located; see Table 3-1.

Animal Hospital, Small Animals

An animal hospital for small animals is a veterinary establishment whose purpose is to provide inpatient and outpatient services to animals such as cats, dogs, fowl, reptiles and other small domestic animals. Such facilities may be indoor only, or may have both indoor and outdoor facilities, depending on the zoning district in which they are located; see Table 3-1.

Animal Sales and Care

Animal Sales and Care uses involve the selling, boarding, or care of animals on a commercial basis. Accessory uses may include confinement facilities for animals, parking, and storage areas. Specific use types include, but are not limited to: **Animal Hospital, Large Animals; Animal Hospital, Small Animals; ~~Horse Stables; or Kennel; or Animal Day Care, Indoor or Animal Day Care, Outdoor.~~**

Antenna Collocation on Existing Tower

~~Any structure or device used to collect, receive, transmit, or radiate electromagnetic waves, including both directional antennas (such as panels, microwave dishes, satellite earth station antennas over 2 meters in diameter) and omni-directional antennas (such as whips) that is placed upon an existing telecommunications tower or projection. This term does not include antennas 2 meters or less in diameter.~~

Apartment

A part of a building consisting of a room or rooms intended, designed, or used as a residence by an individual or a single-family. Accessory uses may include clubhouses, fitness centers and other amenities for use by residents of the apartment.

Appeal

A request for a review of the administrative official's interpretation of any provision of this ~~chapter Code or a request for a variance.~~

Applicant

The legal owners of a lot or of any land included in a proposed development; the holder of an option or contract to purchase, or any other person having enforceable proprietary interest in such land.

Approach Surface

A surface defined by FAR Part 77 "Objects Affecting Navigable Air Space," which is longitudinally centered on the runway centerline and extends outward and upward from each end of the primary surface. An approach surface is applied to each end of each runway based on the type of approach available or planned for that runway end.

Architectural Projection

~~Any projection that is not intended for occupancy and which extends beyond the face of an exterior wall of a building, including arcades, roof overhangs, mansards, unenclosed exterior balconies, marquees, canopies, pilasters, fasciae and the like, but not including signs.~~

Area of Shallow Flooding

A designated AO, AH, or VO zone on a community's flood insurance rate map (FIRM) with a 1 percent chance or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard

The land in the floodplain subject to a 1 percent or greater chance of flooding in any given year. The area may be designated as zone A on the flood hazard boundary map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, zone A usually is refined into zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V.

Assembly

~~Assembly uses include facilities owned or operated by associations, corporations, or other persons for social, educational, or recreational purposes primarily for members and their guests. Accessory uses may include offices, meeting areas, food preparation areas, concessions, parking, and maintenance facilities. This use includes assembly of fraternal organizations (Elks, Lions Club, etc.).~~

Assembly Building or Place of Assembly

~~As related to oil and gas well facility regulations, assembly building shall mean any Any~~ building or portion of building or structure used for the regular gathering of 50 or more persons for such purposes as deliberation, education, instruction, worship, entertainment, amusement, drinking or dining or awaiting transport.

Assisted Living Facility

A residential facility that provides meals and assistance with daily activities, such as dressing, grooming, and bathing, for the elderly or adults who are unable to manage these activities themselves. Also known as a nursing home.

Athletic Fields and Courts

Land, often requiring equipment, designed for outdoor games and sports such as baseball, football, tennis and soccer.

Automated Teller Machine

A device that dispenses cash and conducts limited banking transactions for customers using a credit card, bank card, or other similar personal banking card. These devices, known as automatic teller machines (ATMs), may be part of a bank office, a drive-up banking center, or may be freestanding units in retail centers or within other buildings.

Auto Wrecking and Salvage Yard

Any ~~let-property~~ upon which 2 or more motor vehicles of any kind, which are incapable of being operated due to condition or lack of license or registration, have been placed for the purpose of obtaining parts for recycling or resale.

Aviation

Aviation uses include improved or unimproved facilities for the landing and takeoff of flying vehicles, including loading and unloading areas and passenger terminals for aircraft. Accessory uses include freight handling areas, concessions, offices, parking and maintenance, and fueling facilities. Specific use types include, but are not limited to: **Airport and Related Uses; Heliport; Helistop.**

Awning

A shelter supported entirely from the exterior wall of a building.

Balcony, Exterior

A projecting platform that is enclosed only by a parapet or railing, and is roofless, and which is suspended or cantilevered from, or supported solely by, the principal structure.

Bank

A financial institution that is open to the public and engaged in deposit banking, and that performs closely related functions, such as making loans, investments, and fiduciary activities. Banks may or may not have a drive-through facility, depending on the zoning district in which they are located; see Table 3-1.

Bar/Tavern

An area or structure primarily devoted to the serving of alcoholic beverages and in which the service of food is only incidental to the consumption of such beverages. A Bar/Tavern may also include a brewery, cidery, distillery or winery. Operations may or may not include outdoor seating areas or outdoor service, depending on the zoning district in which they are located; see Table 3-1.

Barn

A large structure typically used for the storage of farm products, feed, farm equipment and housing of farm animals.

Base Flood

A flood, having a 1 percent chance of being equaled or exceeded in any given year. This term is used interchangeably with a 100-year flood.

Base Flood Elevation

The water surface elevation of the base flood in relation to mean sea level.

Basement

That portion of a building that is partly or completely below grade.

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.

Bicycle Parking

An area that includes a bicycle rack and is free of obstructions to allow the convenient and accessible parking of a bicycle.

Blank Wall

An exterior building wall with no openings and a single material and uniform texture on a single plane.

Block

Land or a group of lots, surrounded by streets or other right-of-ways other than an alley, or land which is designated as a block on any recorded subdivision tract.

Board

The Board of Trustees of the Town of Erie, Colorado.

~~Boarding and Rooming House~~

~~A building other than a hotel, motel or bed and breakfast where, for compensation and by prearrangement for definite periods lasting 1 week or longer, meals or rooming units are provided for 3 or more persons, but not exceeding 20 persons, provided such persons are not members of the owner's or operators immediate family.~~

Botanical Garden

A public or private facility for the demonstration and observation of the cultivation of flowers, fruits, vegetables or ornamental plants.

Building

Any structure constructed in compliance with the Building Code, used or intended for supporting or sheltering any use or occupancy, and any walled or roofed structure, including a gas or liquid storage tank and manufactured homes that are principally aboveground.

Building Coverage

Any area of a portion of a lot which is covered by all buildings on that lot.

Building Frontage

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. In industrial districts a building side with an entrance open to industrial employees shall also qualify as a building frontage. Where more than 1 use occupies a building, each such use having a public entrance or main window display for its exclusive use shall be considered to have its own building frontage, which shall be the front width of the portion of the building occupied by that use.

Building Height

Building height shall be measured as the vertical distance above the average grade to the highest point of a flat roof deck or to the eaves of a pitched roof, ~~a reference datum to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following; whichever yields a greater height of building:~~

~~The elevation of the highest adjoining sidewalk or ground surface within a 5-foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above lowest grade.~~

~~An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described above is more than 10 feet above lowest grade.~~

Building Mass

The 3-dimensional bulk of a building: height, width and depth.

Building Materials and Lumber Sales

An establishment for the sale of materials, hardware and lumber customarily used in the construction of buildings and other structures, which includes facilities for storage.

Building Official

The Chief Building Official of the Town of Erie, Colorado.

Buffer

Open spaces, landscaped areas, fences, walls, berms, or any combination thereof, used to visually cushion and provide a physical separation between adjacent structures or uses.

Bus Lot/Maintenance Facility

Any lot, tract or land area used for the storage, layover or maintenance of passenger buses, motor coaches or school buses.

Caliper

The American Association of Nurserymen standard for trunk measurement of nursery stock, as measured at 6 inches above the ground for trees up to and including 4-inch caliper size, and as measured at 12 inches above the ground for larger sizes.

Campground

An area or tract of land on which accommodations for temporary occupancy are located or may be placed, including tents and recreational vehicle equipment.

Car Wash

A facility for the cleaning of automobiles, providing either self-serve facilities or employees to perform washing operations.

Cemetery

Land used or dedicated to the interment of human or animal remains, including columbarium, mausoleums, mortuaries and associated maintenance facilities when operated in conjunction with, and within the boundaries of, such cemetery.

Change of Use

The act of changing the occupancy of a building or land from a use that is specifically listed as a "Permitted Use" including:

- a. The occupancy of a single-tenant building or of a parcel of land changes from the most recent previously existing use to a different use;
- b. The occupancy of a tenant space in a multi-tenant building changes to a use that is not currently existing in another tenant space of the building or that did not previously exist in any tenant space of the building within the last 12 months; or
- c. The most recent previously existing use of a building or land has been abandoned, by cessation of active and continuous operations during a period of 12 consecutive months, and either the same type of use is proposed to be reestablished or a different use that did not exist on the property is proposed to be established.

Channel

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

Check-cashing Facility

An establishment that for compensation engages in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. This classification includes payday loan establishments. This classification does not include a state or federally chartered bank, savings association, credit union, or industrial loan company. Further, this classification does not include establishments selling consumer goods, including consumables, where the cashing of checks or money orders is incidental to the main purpose of the business.

Child Care

Child Care uses include facilities that provide care for children on a regular basis away from their primary residence. This category does not include public or private schools or facilities operated in connection with an employment use, shopping center, or other principal use, where children are cared for while parents or guardians are occupied on the premises or in the immediate vicinity. Accessory uses include offices, recreation areas, and parking.

Child Care Center, Large

A facility that is maintained for the whole or part of the day for the care of 16 or more children who are 18 years of age or younger and 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, school-age child care centers, before and after school programs, nursery schools, kindergartens, preschools, day camps, summer camps, and centers for developmentally disabled children and those facilities that give 24 hour care for children and includes those facilities for children under the age of 6 years with stated educational purposes operated in conjunction with a public, private or parochial elementary school system of at least 6 grades or operated as a component of a school district's preschool program operated pursuant to Article 28 of Title 22, C.R.S. The term shall not include any facility licensed as a family care home (defined below in the accessory use definitions) or foster care home.

Child Care Center, Small

The same type of facility defined as Large Child Care Center above, except that the facility cares for more than 5, but less than 16 children.

College or University

A permanent facility for the purpose of undergraduate and graduate instruction. The institution may be privately or publicly funded and may also include on-campus dormitories for enrolled students.

Commercial Amusement

A commercial establishment designed and equipped for the conduct of sports, exercise, or leisure-time activities within a fully enclosed building. Typical uses include, but are not limited to: billiards, bingo, bowling, gymnasiums and health clubs, indoor sports, pools, skating rinks, motion picture theaters, and related amusements. Accessory uses may include the preparation and serving of food or sale of equipment related to the enclosed uses.

Commercial Development

Any land development activity except development activity intended solely for residential, industrial or light industrial use.

Commercial School

An establishment, other than public or parochial schools, private primary or secondary schools, or colleges and universities, offering training or instruction in a trade, art, or occupation, including, but not limited to, beauty schools, dance schools, and trade or vocational schools.

Commission

The Town of Erie Planning Commission.

Common Open Area

Areas held in private ownership and designated for shared use by common owners, their guests and invitees, or members of an owner's association.

Community Center (public)

A place, structure, area, or other facility used for and providing fraternal, social, or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community, including senior centers and teen centers.

Community Facility

Community Facility uses includes buildings, structures, or facilities owned, operated, or occupied by a non-profit or governmental agency to provide a service to the public. Specific use types include, but are not limited to: **Community Center (public); Correctional Facility; Governmental Office; Neighborhood Recreations Center (Indoor/Outdoor); Public Utility Services; Public Safety Station; or Transit Center.**

Community Garden

A public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by more than 1 person or family.

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 and architecture. Compatibility does not mean "the same as." Rather, compatibility refers to the sensitivity of development proposals in maintaining the character of existing development.

Comprehensive Plan

The Comprehensive ~~Master~~ Plan for the Town which has been officially adopted to provide long-range development policies for the Town and which includes, among other things, the plan for land use, land subdivision, circulation and public facilities.

~~Concealed Antennae and Towers~~

~~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.~~

Condominium

A single dwelling unit in a multiple dwelling unit structure, which is separately owned and which may be combined with an undivided interest in the common areas and facilities of the property.

Container (cargo container, shipping container, or truck trailer body)

A standardized, reusable vessel that is or appears to be: (1) originally, specifically or formerly designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities, or (2) designed for or capable of being mounted or moved on a rail car, or (3) designed for or capable of being mounted on a chassis or bogie for movement by truck trailer or loaded on a ship.

Contractor's Shop or Storage Yard

A building or part of a building or land area for the construction or storage of materials, equipment, tools, products, and vehicles.

~~Convenience Store~~

~~A retail establishment with a floor area of less than 5,000 square feet, which sells a limited line of groceries and household items, gasoline, or beer and wine generally intended for the convenience of the neighborhood, but not including an automobile service station.~~

Correctional Facility

A facility for the purpose of incarcerating and rehabilitating offenders.

County Clerk and Recorder

Weld County Clerk and Recorder or Boulder County Clerk and Recorder.

Court Yards

Open, unoccupied spaces that are wholly or partially enclosed.

Crosswalk or Walkway

A right-of-way dedicated to public use and designed to facilitate pedestrian traffic.

Cultural Facility

A cultural facility displays or preserves objects of interest or provides facilities for 1 or more of the arts or sciences. Accessory uses may include parking, offices, storage areas, and gift shops. Specific use types include, but are not limited to: **Botanical Garden; Library; Museum; or Zoo.**

Deck

An uncovered platform constructed of wood or similar synthetic material.

Dedication

A grant of land or the right to use land, by the owner of that land, to the public, involving a transfer of property rights and an acceptance of the dedicated property by the Town.

Density,

Gross

The total number of dwelling units theoretically permitted on a particular parcel based upon its size and zoning designation while not taking into account the portions of unbuildable land. For the purposes of this definition, unbuildable land includes floodplains, wetland areas, dedicated open space, neighborhood and community parks, HOA tracts, utility easements over 30 feet in width, oil and gas setbacks, major ditch and stream corridor setbacks.

Dental or Medical Office, or Clinic, ~~or~~ Laboratory

A facility for a group of 1 or more dentists or physicians for the examination and treatment of human outpatients, provided that patients are not kept overnight except under emergency conditions.

~~Subdivider or Developer~~

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

Development

Any manmade change in improved and unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Diameter-at-Breast-Height (DBH)

A tree trunk diameter as measured in inches at a height of 4 1/2 feet above the ground or, in the case of a tree that is divided into multiple trunks below 4 and 1/2 feet, as measured at the most narrow point beneath the point of division.

Director

The Director of ~~Planning and Development Community Development of the Town of Erie,~~ ~~Colorado or designated representative designee."~~

Dormitory

A building or buildings occupied by and maintained exclusively for students affiliated with an academic or vocational institution, including, but not limited to, fraternities, sororities, and dormitories.

Drip Line

A vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.

Drive Aisles

The lanes in a parking lot devoted to the passage of vehicles, as opposed to the parking stalls. The term drive aisle does not include lanes used only or primarily for drive-in customer service.

Drive-In Use

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

Drive-Through or Up Service

Business designed to permit customers to remain in their motor vehicles while being accommodated by the business.

Driveway

A constructed access serving a property and abutting a public or private street.

Dwelling, Duplex

A building ~~having accommodations for and occupied exclusively by 2 families living independently of each other, consisting of two principal dwelling units, regardless of whether the building is on one or two~~ lots.

Dwelling, Live/Work

A building or space within a building combining a residential living space with an integrated workspace used regularly by 1 or more of the residents of the dwelling unit. Examples of a live-work dwelling unit include, without limitation, a limited business operating on the first floor of a primary residence, or a loft space within a building originally designed for commercial or industrial occupancy that has been remodeled to include a dwelling unit space integrated with work space.

Dwelling, Mobile Home

A transportable, factory-built home, designed to be used as a year-round residential dwelling unit and built prior to the enactment of the National Manufactured Housing Construction and Safety Standards Act of 1974.

Dwelling, Multi-Family

A building or portion thereof ~~containing used for occupancy by 3 or more families living independently of each other and containing~~ 3 or more principal dwelling units, including what is commonly known as an apartment building, but not including group, row, or townhouses. Dwelling units located in a mixed-use building shall be classified as a multi-family dwelling unit.

Dwelling, Single-Family Attached

~~A single-family dwelling unit attached to 1 or more dwelling units or buildings, with each dwelling unit located on its own separate lot.~~ Three or more attached dwelling units, without any dwelling units above or below, commonly known as townhomes or row homes.

Dwelling, Single-Family Detached

A residential building containing not more than 1 dwelling unit entirely surrounded by open space on the same lot. This shall include housing that is built to the National Manufactured Housing Construction and Safety Standards Act of 1974 known as manufactured housing.

Dwelling Unit

One room or rooms connected together constituting a separate, independent housekeeping establishment for owner occupancy or for rental or lease on a monthly or longer basis, physically separated from any other rooms or dwelling units which may be in the same structure. The term shall not include hotels, motels or other structures used primarily for temporary occupancy.

Dwelling Unit, Accessory

A separate housing arrangement associated with a single-family home that is a complete living unit with a full kitchen, bathroom and living area. Also known as an ADU.

Easement

A grant of 1 or more of the property rights by the owner to, or for the use by the public, a corporation, or persons, of any designated part of his property for specific purposes.

Education

Education uses are public, private, and parochial institutions at the primary, elementary, middle, high school, or post-secondary level, or trade or business schools, which provide educational instruction to students. Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums, and before or after school day care. Specific use types include, but are not limited to: **College or University; Commercial School; or School (public or private).**

Employees

The total number of persons reasonably anticipated to be employed in a building or on land during normal periods of use.

Equestrian Arena

An improved area, generally fenced, of at least 30 feet in width or length within which equestrian activities involving horse riding or driving occurs.

Existing Manufactured Home Park or Subdivision

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by the Town.

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).

Extended-Stay Lodgings

~~A hotel or motel typically rented or hired out for periods of 1 week or more that also provides kitchen facilities with refrigerators, stoves, and ovens for food preparation in individual rooms.~~

Extent Reasonably Feasible or Practicable

That, under the circumstances, reasonable efforts have been undertaken to comply with the regulation, that the costs of compliance clearly outweigh the potential benefits to the public or would unreasonably burden the proposed project, and reasonable steps have been undertaken to minimize any potential harm or adverse impacts resulting from noncompliance with the regulation.

Facade, Primary

Those portions of a building which are habitable residential space that faces and are most closely parallel to the front lot line. The entire area of a building face that extends from the roof to the ground and from 1 corner of the building to another. The front facade shall not include:

- a. Non-habitable spaces such as garages;
- b. Protrusions such as bay windows, chimney chases; and
- c. Porches, architectural entry features and entry stairs.

Family

One or more persons occupying a dwelling unit and living as a single, nonprofit housekeeping unit; provided that a group of 4 or more persons who are not within the second degree of kinship shall not be deemed to constitute a family. **(See Group Home)**

Notwithstanding the definition in the preceding paragraph, not more than 8 developmentally disabled persons and appropriate staff occupying a dwelling unit and living as a single, nonprofit housekeeping unit shall be deemed to constitute a family.

Family Child Care Home

A facility for child care in a place of residence of a family or person for the purpose of providing family care and training for a child under the age of 16 years who is not related to the head of such home. The term includes any family foster home receiving a child for regular 24 hour care and any home receiving a child from any state operated institution for child care or from any child placement agency, or any family child care home receiving a child for less than 24 hour care.

Farm Market

~~An area that is used by 1 or more operators of bona fide farms for the direct sale to consumers of agricultural products that are not grown or raised on the same premises as the market.~~

Farm Stand

A structure or area devoted to the small-scale retail or wholesale sales of agricultural goods or products which have been grown on the same site or property as the stand.

Financial Institution

Establishments that provide retail banking services, mortgage lending, and similar financial services to individuals and businesses. This classification includes those institutions engaged in the on-site circulation of cash money and check-cashing facilities, but shall not include bail bond brokers. Accessory uses may include automatic teller machines, offices, and parking. Specific use types include, but are not limited to: **Automated Teller Machine; Bank; or Check-cashing Facility.**

Fitness and Recreational Sports Center

A facility primarily featuring equipment for exercise and other active physical fitness conditioning or recreational sports activities, such as swimming, skating, racquet sports, aerobic dance, gymnasium facilities, yoga, and other kinds of sports and fitness facilities.

Fleet Vehicle

A group of vehicles with a single owner, typically a company or corporation, rather than an individual or family. Examples are vehicles owned by a car rental company, construction company, or security company.

Flood or Flooding

A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. The overflow of inland or tidal waters; or
- b. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM)

The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the Town.

Flood Insurance Study (FIS)

The official report provided by the Federal Emergency Management Agency. The report contains the Flood Insurance Rate Map as well as flood profiles for studies flooding sources that can be used to determine Base Flood Elevations for some areas.

Floodplain

The relatively flat or lowland area adjoining a river, stream, watercourse, ocean, lake, or other body of standing water which has been or may be covered temporarily by floodwater. For the purpose of this chapter, the "floodplain" is defined as the area that would be inundated by the base flood.

Floodplain Management

The operation of an overall program of corrective and preventive measures for reducing flood damage, including, but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.

Floodproofing

Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Flood Protection System

Those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Floodway Fringe

That area of the floodplain, outside of the floodway, that would be inundated by the base flood.

Floodway (Regulatory Floodway)

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 0.5 foot in height.

Floor Area

The total square feet of floor space within the outside dimensions of a building, including each floor level, but excluding carports, garages, breezeways, porches, verandas, and balconies.

Food and Beverage Service

Food and Beverage Service businesses serve prepared food or beverages for consumption on or off the premises. Accessory uses may include food preparation areas, offices, and parking. Specific use types include: **Bar/Tavern; Nightclub; Restaurant; Restaurant, with Drive- Through or Up Service; or Restaurant with Outdoor Seating.**

Foot-candle

A unit of measurement referring to illumination incident to a single point. 1 foot-candle is equal to 1 lumen uniformly distributed over an area of 1 square foot.

Freight or Truck Yard

An area or building where cargo is stored and where trucks, including tractors and trailer units, load and unload cargo on a regular basis. The use may include facilities for the temporary storage of loads prior to shipment. The use shall also include truck stops or fueling stations where diesel fuel is primarily sold.

Frontage

That portion of a lot, parcel, tract or block abutting upon a street or other right-of-way.

Fugitive Dust

Solid airborne particulate matter emitted from any source other than an opening which channels the flow of air contaminants and then exhausts the contaminants directly into the atmosphere. Fugitive dust also includes solid particles released into the atmosphere by natural forces or by mechanical processes, such as crushing, grinding, milling, drilling, demolishing, pulverizing, shoveling, conveying, covering, bagging or sweeping.

Fully Shielded

Shielded or constructed so that no light rays are emitted by the installed outdoor light fixtures at angles above the horizontal plane, as certified by a photometric test report.

Funeral Parlor or Mortuary

A place for the storage of deceased human bodies prior to burial or cremation, or a building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

Garage, ~~Private~~

~~A building for the private use of the owner or occupant of a principal building situated on the same lot of the principal building for the storage of motor vehicles with no facilities for mechanical service or repair of a commercial or public nature. A structure where the primary use in residential zone district is the parking and storage of motor vehicles and may include repair of motor vehicles in some non-residential zone districts.~~

Garage, Tandem

A parking space within a group of 2 or more parking spaces arranged 1 behind the other.

Garden Court

Common landscape and pedestrian way areas within tracts in residential subdivisions, facing dwelling units, which are a minimum of 30 feet in width, except that a minimum width of 20 feet is permitted adjacent to a Neighborhood or Community Park, or public open space.

Gas Station

~~See Service Station.~~ A retail establishment with a floor area of less than 5,000 square feet which sells pumped gasoline, a limited line of groceries and household items, and is generally intended for the convenience of the neighborhood. Accessory activities may include a single bay automatic car wash.

Gazebo

~~An accessory structure no larger than 150 square feet which may be covered by a roof and enclosed with screening intended to be used for outdoor living activities. A freestanding, roofed, open sided structure that provides a shady resting place.~~

General Assembly

General assembly uses include facilities owned or operated by associations, corporations, or other persons for social, educational, or recreational purposes primarily for members and their guests. Accessory uses may include offices, meeting areas, food preparation areas, concessions, parking, and maintenance facilities. This use includes assembly of fraternal organizations (Elks, Lions Club, etc.).

Residential Assembly - HOA

General assembly uses include facilities owned or operated by homeowner associations intended for use by the specific neighborhood or development for which it serves. Typical examples are clubhouses, indoor and outdoor gathering spaces, and common area rooms.

General Outdoor Recreation, Commercial

~~Intensely developed recreational uses such as amusement parks, miniature golf courses, batting cages, skateboard or skate parks or courses, bicycle motocross courses, water parks or slides, drive-in movie theaters, courses for paramilitary games, and archery facilities.~~

General Retail

A commercial enterprise that provides goods, products, or materials directly to the consumer. This includes uses such as art galleries, appliance stores, bakeries, bookstores, clothing stores, food stores, grocers, caterers, pharmacies, florists, furniture stores, hardware stores, liquor stores, pet stores, toy stores, and variety stores. This use type shall not include restaurants, personal service establishments, ~~convenience stores~~gas stations, or amusement establishments.

Geologic Hazards

Unstable or potentially unstable slopes, faulting, landslides, rock falls, flood, wildfire or similar naturally occurring dangerous features or soil conditions or natural features unfavorable to development.

Golf Course

A tract of land laid out with a course having 9 or more holes for playing the game of golf, including any accessory clubhouse, driving range, office, restaurant, concession stand, picnic tables, pro shop, maintenance building, restroom facility, or similar accessory use or structure. This term shall not include miniature golf courses as a principal or accessory use, nor shall it include driving ranges that are not accessory to a golf course.

~~Golf Driving Range~~or Putting Course

A sports facility equipped with tee areas, distance markers, and related features for practicing golf and which may include a pro shop, snack bar, but excludes miniature golf courses.

Governmental Office

A building occupied by a governmental agency that provides direct services to the public such as employment, public assistance, motor vehicle licensing and registration, and similar activities.

Grade

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 or, when the property line is more than 5 feet from the building, between the building and a line 5 feet from the building.

Greenhouse

A building or structure used for the growing of plants.

Group Home, Large

A group home (including halfway houses) for 9 or more persons.

Group Home, Residential

A group home that qualifies as 1 of 3 types of group homes declared to be residential uses and regulated by C.R.S. §30-28-115. Residential Group Homes include: **Community Residential Homes; Group Homes for the Aged; or Group Homes for the Mentally III.**

Group Home, Small

A group home (including halfway houses) for 8 or less persons that does not meet the definition of "Residential Group Home." Retirement Home, Nursing Home, or Assisted Living Facility.

Group Homes for the Aged

These homes accommodate not more than 8 persons over the age of 60 who do not need nursing facilities.

Group Homes for the Mentally III

These group homes are state licensed. They must accommodate not more than 8 persons and are for the exclusive use of persons with a mental illness as that term is defined in C.R.S. §27-10-102. Group Homes for the Mentally III do not include persons determined to be "not guilty" by reason of insanity to a violent offence nor persons convicted of a felony involving a violent offense.

Group Living

This category is characterized by residential occupancy of a structure by a group of people who do not meet the definition of "Household Living." Tenancy is arranged on a monthly or longer basis, and the size of the group may be larger than a family. Generally, Group Living structures have a common eating area for residents. The residents may receive care, training, or treatment, and caregivers may or may not also reside at the site. Accessory uses commonly include recreational facilities and vehicle parking for occupants and staff. Specific use types include, but are not limited to: **Dormitory; Group Home, Residential; Group Home, Large; or Group Home, Small.**

Hazardous Materials

Those chemicals or substances which are physical or health hazards as defined and classified in the Fire and Building Codes. Hazardous materials categories include explosives and blasting agents, compressed gases, flammable and combustible liquids, flammable solids, organic peroxides, oxidizers, pyrophoric materials, unstable (reactive) materials, water-reactive solids and liquids, cryogenic fluids, highly toxic and toxic materials, radioactive materials, corrosives, carcinogens, irritants, sensitizers and other health hazards. Each category is defined separately in the Fire and Building Codes in accordance with the Code of Federal Regulations Title 29 and other nationally recognized standards.

Hazardous Materials Handling and Transfer Facility

A facility for the treatment, storage, transfer or disposal of hazardous materials.

Heavy Equipment Sales, Service, and Rental

A facility that is engaged in the sales, repair or rental of heavy equipment including, but not limited to, tractors, semi-trucks or trailers, harvesters, loaders and all tracked vehicles.

Heavy Manufacturing, General

The assembly, fabrication, or processing of goods and materials using processes that ordinarily have greater than average impacts on the environment; or that ordinarily have significant impacts on the use and enjoyment of other properties in terms of noise, smoke, fumes, odors, glare, or health or safety hazards; or that otherwise do not constitute "light manufacturing," or any use where the area occupied by outdoor storage of goods and materials used in the assembly, fabrication, or processing exceeds 25 percent of the floor area of all buildings on the lot. Examples include, but are not limited to: battery manufacture, bottling works, production of dairy products, foundry casting, concrete batching, and plastic products manufacturing.

Hedge

A fence or boundary formed by a dense row of shrubs or low trees.

Height

See Building Height.

Heliport

Any landing area used by helicopters which, in addition, includes all necessary passenger and cargo facilities, maintenance and overhaul, fueling, service, storage, tie down areas, hangars, and other necessary buildings and open spaces.

Helistop

Any landing area used for the landing and taking off of helicopters for the purpose of picking up or discharging of passengers or cargo without fueling, refueling, or service facilities.

Historic Structure

Any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the department of interior) or preliminarily determined by the secretary of the interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the secretary of the interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the secretary of interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - i. By an approved state program as determined by the secretary of the interior; or
 - ii. Directly by the secretary of the interior in states without approved programs.

Home Occupation

An occupation or activity which is clearly incidental and secondary to use of the premises as a dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood.

Homeowners' Association (HOA)

An incorporated, nonprofit organization operating under recorded land agreements through which:

- a. Each lot or homeowner in a planned unit development or other described land area is automatically a member;
- b. Each lot is automatically subject to charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property; and
- c. Such charge, if unpaid, becomes a lien against the property.

Horse Stables

~~Any area wherein a horse, mule, llama or donkey is maintained for either public commercial hire or private non-commercial recreation.~~

Hospital

An institution providing health services primarily for human inpatient medical or surgical care including trauma centers for the sick or injured and including related facilities such as emergency landing pads, laboratories, outpatient departments, training and central services facilities and staff offices.

Hotel or Motel

A building or a group of buildings primarily containing guest rooms for sleeping purposes, but also including accessory dining areas, meeting rooms, and recreational facilities. A motel is typically arranged so that individual guest rooms are directly accessible from an automobile parking area. A hotel or motel that provides kitchen facilities with refrigerators, stoves, and ovens for food preparation in individual rooms may also be rented or hired out for periods of 1 week or more.

Household Living

This use category is characterized by residential occupancy of a dwelling unit by a household. Tenancy is arranged on a month-to-month or longer basis (lodging where tenancy may be arranged for a period of less than 30 days is classified under the "Public Accommodation" category). Common accessory uses include recreational activities, raising of pets, gardens, personal storage buildings, hobbies, and parking of the occupants' vehicles. Home Occupations and Accessory Dwelling Units are accessory uses that are subject to additional regulations (see Section 23.3, Accessory Uses and Structures). Specific use types include, but are not limited to: **Dwelling, Duplex; Dwelling, Live/Work; Dwelling, Mobile Home; Dwelling, Multi-Family; Dwelling, Single-Family Attached; Dwelling, Single-Family Detached; Mobile Home Park; or Model Home.**

Human Health Services

Human Health Services uses are characterized by activities focusing on medical services, particularly licensed public or private institutions that provide primary health services and medical or surgical care to persons suffering from illness, disease, injury, deformity, or other physical or mental conditions. Accessory uses may include laboratories, outpatient, or training facilities, and parking, or other amenities primarily for the use of employees in the firm or building. Specific use types include, but are not limited to: **Dental or Medical Office, Clinic, or Laboratory; Hospital/Substance Abuse Treatment Facility, Outpatient; or Urgent Care Facility.**

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 natural or man-made environment should be comfortable, intimate, and contribute to the individual's sense of accessibility.

Improvement

Any man-made, immovable item which becomes part of, is placed upon or is affixed to real estate.

Industrial, Heavy

A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

Industrial, Light

A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

Industrial Service

Industrial Service firms are engaged in the repair or servicing of agricultural, industrial, business, or consumer machinery, equipment, products, or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and similar uses perform services off-site. Few customers come to the site. Accessory activities may include sales, offices, parking, and storage. Specific use types include, but are not limited to: **Building Materials and Lumber Sales; Contractor's Shop or Storage Yard; Heavy Equipment Sales, Service, and Rental; Industrial, Heavy; Industrial, Light; Light Equipment Sales, Service; or Research and Development Facility.**

Infill Development

The development of vacant or partially developed parcels which are surrounded by or in close proximity to areas that are substantially or fully developed.

Infrastructure

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.

Inhabitant

A person who dwells and is domiciled in a place, as distinguished from a transient lodger or visitor.

Irrigation Ditch or Lateral

A channel designed to transport irrigation water.

Junk or Salvage

Used machinery, scrap, iron, steel, other ferrous and nonferrous metals, tools, implements or portions thereof, glass, plastic, cordage, building materials, or other waste that has been abandoned from its original use and may be used again in its present or in a new form.

Junkyard

Used machinery, scrap, iron, steel, other ferrous and nonferrous metals, tools, implements or portions thereof, glass, plastic, cordage, building materials, or other waste that has been abandoned from its original use and may be used again in its present or in a new form.

Keeping of Large Animals

Areas, buildings, or structures secondary to a principal residential use for the boarding of horses, mules, llamas or donkeys for the private, non-commercial benefit of the property owners.

Kennel, Indoor

An establishment where domesticated animals are kept, sold, boarded, bred, groomed, or trained, ~~typically with fenced or enclosed spaces, areas, or runs wholly enclosed within buildings for individual animals. Kennels may be indoor only, or indoor/outdoor, depending on the zoning district in which they are located; see Table 3-1.~~

Kennel, Outdoor Facilities

An establishment where domesticated animals are kept, sold, boarded, bred, groomed, or trained, with outdoor facilities.

Kitchen, Full

A room or an area equipped for preparing and cooking food, including all of the following standard appliances: stove, oven, refrigerator and sink.

Laboratory

A building, part of a building, or group of buildings in which are located facilities for scientific research, investigation, testing or experimentation.

Landscape buffer

An area of landscaping separating 2 distinct land uses, or a land use and a public right-of-way, and acts to soften or mitigate the effects of 1 land use on the other.

Landscaping

The finishing and adornment of unpaved yard areas. Materials and treatment generally include naturally growing elements such as grass, trees, shrubs and flowers. This treatment may also include the use of logs, rocks, fountains, water features and contouring of the earth.

Levee

A manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee System

A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Level of Service

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. Level of service shall indicate the capacity per unit of demand for each public facility.

Library

A permanent facility for storing and loaning books, periodicals, reference materials, audio tapes, video tapes, and other similar media to Town residents. A library may also include meeting rooms, offices for library personnel, and similar support facilities.

Light Equipment Sales, Service and Rental

A facility that is engaged in the sales, repair or rental of light equipment including -, but not limited to, any item not defined as heavy equipment. See Heavy Equipment Sales, Service, and Rental.

Light Manufacturing, General

The assembly, fabrication, or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing takes place, where such processes are housed entirely within a building; or where the area occupied by outdoor storage of goods and materials used in the assembly, fabrication, or processing does not exceed 25 percent of the floor area of all buildings on the lot. Examples include, but are not limited to: book bindery, frozen foods locker, and electronics assembly.

Light Source

Includes neon, fluorescent or similar tube lighting, the incandescent bulb (including the light producing elements therein) and any reflecting surface that, because of its construction or placement, becomes in effect the light source.

Limited Solid Material Fence

All fences, which have 50 percent or less solid material will be considered "limited solid material fences". Example: chain link or split rail fences.

Live-Work Unit

A dwelling unit combining a residential use with a non-residential use permitted in the zoning district in which the dwelling unit is located with at least 1 person residing in the residential dwelling unit being employed on the premises.

Loading Berth

An off-street space where an automotive vehicle can be parked for loading or unloading.

Lodging Establishment

See hotel/motel.

Logo

A graphic symbol or emblem which conveys a recognizable meaning, which symbol or emblem may include script (words) provided that such script is contained entirely within the boundaries of the symbol or emblem; and script alone, or outside of the boundaries of the symbol or emblem, whether registered as a trademark or not, is not included within the meaning of the term logo.

Lot

A designated parcel, tract, or area of land established by a plat or other means as permitted by law, which is to be used, developed, or built upon.

Lot, Corner

A lot bound by 2 streets which intersect, with possible access to either or both streets.

Lot, Double Frontage

A lot in which both the front lot line and rear lot line abut a street or other right-a-way.

Lot, Flag

A lot for which a street is accessed by an extended driveway, often shared with an adjacent lot, such that conceptually the driveway appears to be a flagpole, and the lot the flag.

Lot, Interior

A lot other than a corner lot.

Lot, Triple Frontage

A lot which is bounded on 3 sides by a street, thereby presenting a possible access point to the lot from any 1 of those streets.

Lot Area

The total area, measured on a horizontal plane, included within lot lines.

Lot Area per Dwelling Unit

The number of square feet of lot area required per dwelling unit.

Lot Coverage

The amount (percent) of impervious coverage, including the surface parking and the building footprint.

Lot Depth

The average horizontal distance between front and rear lot lines.

Lot Line, Front

The property line dividing a lot from the right-of-way of the street. For a corner lot, the shortest street right-of-way line shall be considered as the front line. For a corner lot, double frontage lot -or other questionable situations, the front lot line shall be established by the Director based upon architectural character of nearby properties, access and other appropriate considerations.

Lot Line, Rear

The property line opposite the front lot line.

Lot Line, Side

Any lot line other than a front or rear lot line.

Lot Size

The amount of horizontal (plan view) land area within lot lines

Lot Width

The distance on a horizontal plane between the side lot lines of a lot, measured at right angles to the line establishing the lot depth at the established building setback line.

Lowest Floor

The lowest floor of the lowest enclosed area (including basement or crawlspace). 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 requirement of Section 60.3 of the National Flood Insurance Program regulations.

Manor Home

A building having accommodations for 3 or more families living independently of each other that is designed to look like a large single family home.

Manufactured Home

A structure, transportable in 1 or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a recreational vehicle.

Manufactured Home Park or Subdivision

A parcel (or contiguous parcels) of land divided into 2 or more manufactured home lots for rent or sale.

Manufacturing and Production

This use category includes firms involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, constructed, 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. Custom industry is included (i.e., establishments primarily engaged in the on-site production of goods by hand manufacturing involving the use of hand tools and small-scale equipment). Goods are generally not displayed or sold on-site, but if so, such activity is a subordinate part of sales. Relatively few customers come to the manufacturing site. Accessory activities may include retail sales, offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets, and caretaker's quarters. Specific use types include, but are not limited to: **Heavy Manufacturing, General; Light Manufacturing, General; or Mining and Mineral Extraction.**

Maximum Extent Reasonably Feasible or Practicable

No feasible or practicable and prudent alternative exists, and all possible efforts to comply with the regulation or minimize potential harm or adverse impacts have been undertaken.

Mean Sea Level

For purposes of the national flood insurance program, the North American vertical datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

Minimum Lot Area

The total area within the property lines of the lot, excluding adjacent rights-of-ways.

Mining and Mineral Extraction

The extraction of minerals, including solids like coal and other ores, from their natural occurrences on affected land.

Mini-Warehouse/Self Storage

A building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of customers' goods or wares.

Minor Subdivision

The division of land which creates ~~four-ten~~ or fewer lots-

Mixed-Use

The development of a lot, tract or parcel of land, building or structure with 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.

Mobile Home

A transportable, single-family dwelling unit built on a permanent chassis with attached undercarriage consisting of springs, axles, wheels and hubs, and which is suitable for year-round occupancy and contains the same water supply, waste disposal and electrical conveniences as immobile housing. A mobile home is designed to be transported on streets to the place where it is to be occupied as a dwelling unit and may or may not be attached to a permanent foundation.

Mobile Home Park

A residential development that consists of mobile homes that are transported to the park site.

Model Home

A dwelling unit temporarily used for display purposes as an example of dwelling units available or to be available for sale or rental in a particular subdivision or other residential development approved by the Town. Model homes may also incorporate sales or rental offices for dwelling units within the development.

Mulch

Any organic material such as leaves, bark, wood chips, straw, or inorganic material such as crushed stone or gravel, or other materials left loose and applied to the soil surface for the beneficial purpose of reducing evaporation.

Museum

A permanent facility for the collection and public display of artwork including, but not limited to, paintings, sculpture, textiles, and antiquities. Support facilities include office space, restoration facilities, parking and storage areas.

Native Vegetation

Any plant identified in the Erie Native Plants list: Plant Characteristics and Wildlife Value of Commercial Species, prepared by the Town's Natural Resources Department, updated February 2003 and as amended.

Neighborhood Recreation Center (Indoor/Outdoor)

A building, structure, or facility available for recreational clubs and activities. Such uses commonly include tennis courts, swimming pools, restaurants for members and guests only, and gymnasiums. Such uses may be either public or private, but typically are intended only for the residents and guests of a particular residential development or neighborhood.

New Construction

For the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the town.

~~Night Club~~**Nightclub**

An establishment that stays open late at night and typically serves food and liquor, and provides music and space for patrons to dance.

Non-Concealed Building-Mounted Antennae and Towers

Any tower, pole, or similar structure attached to a building that supports telecommunications antennae.

Non-Concealed Freestanding Towers

Any structure that is designed and constructed primarily for the purpose of supporting 1 or more antennae, including guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular teleph1 towers, alternative tower structures, and the like.

Nonconforming Building

A building or portion thereof legally built prior to the effective date of this UDC or any amendment thereto, which does not conform with the regulations of the district in which it is located.

Nonconforming Sign

A sign which was erected legally but which does not comply with subsequently enacted sign restrictions and regulations; or a sign which does not conform to the sign regulation requirements but for which a special permit has been issued.

Nonconforming Structure

A structure which was lawful and nonconforming under prior law on the day before the effective date of this UDC or subsequent amendment thereof.

Nonconforming Use

Either a use which was lawful and nonconforming under prior law on the day before the effective date of this UDC or subsequent amendment thereof, or with respect to lands newly annexed, a use which was lawful immediately before annexation but which does not conform to the use regulations for the zone district in which such use is located either at the time of annexation or as the result of subsequent amendments to this UDC.

Nonconformities

A nonconforming use, structure or building.

Office

Office uses are characterized by activities generally focusing on business, professional, insurance, or financial services. Accessory uses may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building. Specific use types include, but are not limited to: **Office, Business or Professional; or Recording or Broadcasting Studio.**

Office, Business or Professional

The office of an engineer, dentist, doctor, attorney, real estate broker, insurance broker, architect or other similar professional persons; and any office used primarily for accounting, correspondence, research, editing, or administration.

Off-Street Loading Space

A space located outside of a public street or alley for the discharge of passengers, or a space directly accessible to the building it serves for bulk pickups and deliveries by delivery vehicles.

Off-Street Parking Area

Any parking area located wholly within the limits of 1 or more lots.

Off-Street Parking Space

The space required to park a passenger vehicle which is not located on the street.

Oil and Gas Well

A well, the principal production of which at the mouth of the well is either oil or gas.

Oil and Gas Well, Production Facilities

All storage, separation, treating, dehydration, artificial lift, power supply, compression, pumping, metering, monitoring, flowline, and other equipment directly associated with oil wells, gas wells, or injection wells.

Oil and Gas Well Flowlines

Those segments of pipe from the wellhead downstream through the production facilities ending at:

- a. In the case of gas lines, the gas metering equipment, or
- b. In the case of oil lines, the oil loading point or LACT unit, or
- c. In the case of water lines, the water loading point, the point of discharge to a pit, or the injection well head.

Oil and Gas Well Gathering Lines

A pipeline and equipment that transports gas from a production facility (ordinarily commencing downstream of the final production separator at the inlet flange of the custody transfer meter) to a natural gas processing plant or transmission line or main. The term "gathering line" includes valves, metering equipment, communication equipment, cathodic protection facilities, and pig launchers and receivers, but does not include dehydrators, treaters, tanks, separators, or compressors located downstream of the final production facilities and upstream of the natural gas processing plants, transmission lines, or main lines.

Oil and Gas Well Pipelines

Flowlines and gathering lines for oil and gas wells.

Old Town

An area in the Town of Erie with the following boundary: Evans Street on the north, Coal Creek on the east, Union Pacific Railroad on the south, and County Line Road on the west.

Open Space

An area that is not developable due to environmental constraints or on which development has been limited for aesthetic, environmental, or recreational purposes.

Orient

To bring in relation to, or adjust to, the surroundings, situation or environment; to place with the most important parts facing in certain directions; to set or arrange in a determinate position: to orient a building.

Outdoor Amphitheater, Public

An outdoor stadium, theater, amphitheater or similar structure operated by the Town or other unit of government.

Outdoor Display and Sales

Outdoor display of goods or materials for sale, accessory to a commercial principal use. Merchandise may be directly available to the consumer for purchase.

Outdoor Recreation, Commercial

Intensely developed commercial recreational uses such as amusement parks, miniature golf courses, batting cages, skateboard or skate parks or courses, bicycle courses, water parks or slides, drive-in movie theaters, and archery facilities.

Outdoor Recreational Vehicle Storage

An unroofed, controlled access, fenced area designated for the keeping of recreational vehicles including but not limited to motorized homes, travel trailers, boats, campers, and the associated devices utilized to convey said vehicles.

Outdoor Storage

Outdoor storage, but not display for sale, of goods or materials accessory to a commercial principal use. Merchandise shall not be directly available to the consumer without the assistance of an employee. The keeping of products, materials, merchandise, equipment, vehicles, containers and similar items in an outdoor area that is enclosed by a screening fence or berm.

Owner

Any person whose name appears on the tax bill for the property or who, alone or jointly or severally with others, has legal title to any dwelling unit, with or without actual possession thereof, or has charge, care or control of any dwelling unit as owner, executor, executrix, administrator, trustee, guardian of the estate of the owner, mortgagee or assignee of rents. Owner shall not include any person, group of persons, company, association or corporation who holds only a security interest or easement on the rental property upon which the dwelling unit is situated.

Park

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

Park and Open Space

Park and Open Space uses focus on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Lands tend to have few structures. Accessory uses may include clubhouses, playgrounds, maintenance facilities, concessions, caretaker's quarters, and parking. Specific use types include, but are not limited to: **Athletic Fields and Courts; Community Garden; Open Space; Outdoor Amphitheater, Public; or Park.**

Parking Area, Shared Assemblage

A parking lot that is constructed on 2 or more separate but adjacent properties designed for joint use by the businesses or residents of the properties.

Parking Lot

An area, not within a building, where, as a principal use, motor vehicles may be parked for purposes of daily or overnight off-street parking.

Parking Space

~~A rectangular area not less than 9.0 feet wide by 18 feet deep, along with maneuvering and access space necessary to park within the rectangle.~~

Parking Structure

A structure or facility where, as a principal use, motor vehicles may be stored for purposes of temporary, daily, or overnight, off street parking. The facility may be above, below, or partially below ground. Includes parking garages and parking decks.

Paved Patio or Terrace

A relatively flat improved area, that is at ground level, adjacent to a building that ~~is~~ may or may not be covered ~~in a paving surface by a roof or pergola.~~

Pawnbroker Business

Any business including a pawnbroker, as defined by C.R.S. § 29-11.9-101, as amended.

Pedestrian Scale (Human Scale)

The proportional relationship between the dimensions of a building or building element, street, outdoor space or streetscape element and the average dimensions of the human body, taking into account the perceptions and walking speed of a typical pedestrian.

Perimeter Fencing

Fencing used to separate developments from highways, arterials, or major collector streets.

Permit

A document issued by the Town of Erie, Colorado, granting permission to perform an act or service which is regulated by the Town.

Permitted Use

A use permitted by right, without special conditions other than those imposed upon other uses by right in the district.

Personal Service Establishment

~~A business that provides individual services related to personal needs directly to customers at the~~

Chapter 12: REGULATIONS FOR OIL AND GAS OPERATIONS

site of the business, or that receives goods from or returns goods to the customer, which have been treated or processed at that location or another location. This includes travel agencies, dry cleaning pick-up and drop-off, laundries, tailors, hair stylists, cosmeticians, toning or tanning salons, tattooing/piercing studios, massage therapy establishments, photocopy centers, shoe repair shops, pet grooming and interior design studios. This shall not include gas stations, ~~service stations~~, Commercial Indoor/Outdoor Recreation uses, kennels, or dry cleaning plants ~~or massage therapy establishments~~.

Pharmacy

A retail outlet that dispenses drugs by prescription.

Planned Unit Development

A project of a single owner or a group of owners acting jointly, involving a related group of residences, businesses, or industries and associated uses, planned as a single entity and therefore subject to development and regulation as 1 land-use unit rather than as an aggregation of individual buildings located on separate lots. The planned unit development includes usable, functional open space for the mutual benefit of the entire tract; and is designed to provide variety and diversity through the variance of normal zoning and subdivision standards so that maximum long-range benefits can be gained, and the unique features of the development or site preserved and enhanced while still being in harmony with the surrounding neighborhood. Approval of a planned unit development does not eliminate the requirements of subdividing.

Plat, Final

A map of land hereon described and prepared as an instrument for recording with the County Clerk which depicts the boundaries of real estate interests.

Plat, Preliminary

The preliminary map or maps of a proposed subdivision, drawn and submitted in accordance with the requirements of these regulations.

Playhouse

~~An accessory structure for the use of children with a maximum height of 12 feet and an area not to exceed 120 square feet.~~ A small model of a house sized for children to play in.

Porch

A roofed platform that is enclosed only by a parapet or railing, and which is attached to the principal structure.

Pre-Application Conference

An informal conference with Staff at which a map or maps of a proposed subdivision along with supporting materials are presented, prepared by the Applicant in accordance with the requirements of the Regulations, to evaluate feasibility and design characteristics at an early stage in the subdivision process.

Premises

A general term which means part or all of any lot, parcel or tract, or part or all of any building or structure or group of buildings or structures located thereon.

Principal Use

The main use of land or of a structure as distinguished from a subordinate or accessory use.

Private Utility

Any utility other than a municipally owned and operated utility, including telephone, electric and gas utilities, and other privately owned and operated utilities.

Property Line

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 the said lot, parcel or tract abuts.

Public Facilities

Mean transportation systems or facilities, parks and recreation or natural area program systems or facilities, water systems or facilities, wastewater systems or facilities, storm drainage systems or facilities, fire, police and emergency systems or facilities, electric utilities, gas utilities, cable facilities or other public utilities.

Public Hearing

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 Improvements

Public or privately owned infrastructure within public land or dedicated right-of-ways or easements.

Public Safety Station

A use designed to protect public safety and provide emergency response services, often located in or near the area where the service is provided. Employees are regularly present on-site. Accessory uses include offices and parking. Examples include fire stations, police stations, and emergency medical and ambulance stations.

Public Use

Any use intended to be conducted in a facility or upon land which is owned by and operated for public use by school districts or by town, county, state or federal governments.

Public Utility Services

Equipment, structures and activities related to the provision of public utility services including, but not limited to, water, waste water, storm water, gas, electrical, wire communication services, including poles, antennas, transmitters, wires, mains, hydrants, drains, pipes, conduits and cables; equipment structures and activities related to the provision of transportation, police and fire protection services, including, but not limited to, traffic control signals and signs, street lights, fire-alarm and assistance call boxes; and other similar equipment, structures and activities in connection therewith which are reasonably necessary for the furnishing of adequate service by such governmental or public utilities for the public health, safety, and general welfare. Facilities for the treatment, production, generation and administration, operation and maintenance of such services, and facilities for wireless communications, are not included in this definition.

Public Works Facility

Town owned facility used for administration, operation, storage or maintenance services related to the transportation, parks, open space and recreation infrastructure of the Town. Maintenance or storage facilities that are accessory to parks and opens space are not included in this definition.

Quarters for Caretaker/Guard

An accessory dwelling on a nonresidential property occupied by the person who oversees or guards the operation, or by a person or persons assisting with an agricultural operation, i.e., a bunkhouse.

Racetrack

A measured course where animals or machines are entered in competition against 1 another or against time, including tracks used only in the training of animals.

Recreational Vehicle

A vehicular unit other than a mobile home, which is designed as a temporary dwelling unit for travel, recreational and vacation use, and which is either self-propelled, mounted on or pulled by another vehicle. Examples include, but are not limited to, travel trailer, camping trailer, truck camper, motor home, fifth-wheel trailer or van.

Recreational Vehicle Park

A parcel of land providing space and facilities for motor homes or other recreational vehicles for recreational use or transient lodging.

Recreation ~~and~~/Entertainment, Indoor

Indoor Recreation and Entertainment uses provide recreation or entertainment activities within an enclosed environment. Accessory uses may include concessions, snack bars, parking, and maintenance facilities. Specific use types include, but are not limited to: ~~Adult Amusement or Entertainment; Commercial Amusement, Indoor; Fitness and Recreational Sports Center; Sexually-Oriented Business or Shooting Range, Indoor; or Sports Arena.~~

Recreation ~~and~~/Entertainment, Outdoor

Outdoor Recreation and Entertainment uses provide recreation or entertainment activities outside of an enclosed environment. Accessory uses may include concessions, snack bars, parking, and maintenance facilities. Specific use types include, but are not limited to: ~~Amusement Park; Campground; General Outdoor Recreation, Commercial; Golf Course; Golf Driving Range or Putting Course; Racetrack; Recreational Vehicle Park; Shooting Range, Outdoor.~~

Recycling Center

A facility in which recoverable resources such as newspapers, glassware, plastics, and metal cans are recycled, reprocessed, and treated to return such products to a condition in which they can again be used for production. This facility is not a junkyard or salvage yard.

Recycling Collection Point

A center or collection point with containers or facilities designed and intended for the depositing of clean, separated, and recyclable paper, cardboard, metal, glass, plastic or other recyclable materials and the collection of such materials for processing at another location, but itself having no mechanical facilities for the processing of such materials.

Redevelopment

The intensification of use of existing underutilized buildings or development sites, building rehabilitation, or removal or demolition of existing buildings, followed promptly by construction of replacement buildings.

Religious Assembly

Religious Assembly facilities are used primarily for non-profit purposes to provide assembly and meeting areas for religious activities. Accessory uses include parking, caretaker's housing, buildings ancillary to a religious function, pastor's housing, and group living facilities such as convents. Examples include churches, temples, synagogues, and mosques. Accessory uses do not include schools, which shall require approval as a separate primary use.

Repair Shop, Appliances

The maintenance and rehabilitation of appliances customarily used in the home including, but not limited to, washing and drying machines, refrigerators, dishwashers, trash compactors, ovens and ranges, countertop kitchen appliances, vacuum cleaners, and hair dryers.

Research and Development Facility

Research, development, and testing laboratories that do not involve the mass manufacture, fabrication, processing, or sale of products.

Reservation

An agreement between parties which obligates a property owner to keep property free from development for a stated period of time.

Residential Development Parcel

Encompassing an entire development property zoned for residential uses in its configuration before subdivision.

Restaurant

An area or structure in which the principal use is the preparation or sale of food and beverages. A Restaurant may also include a brewery, cidery, distillery or winery. Operations may or may not include outdoor seating areas or outdoor food service, depending on the zoning district in which they are located; see Table 3-1.

Restaurant, with Drive-Through or Up Service

An eating/drinking establishment in which the principal business is the sale of foods or beverages to the customer in a ready-to-consume state and in which the design or method of operation of all or any portion of the business allows food or beverages to be served directly to the customer in a motor vehicle without the need for the customer to exit the motor vehicle.

Restaurant, Bar or Tavern with Outdoor Seating

A restaurant, bar or tavern with tables on the sidewalk in front of the premises, or on the sides or rear of the premises.

Retail Sales and Service

Retail Sales firms are involved in the sale, lease or rent of new or used products to the general public. No outdoor display is permitted unless specifically authorized by this UDC. Accessory uses may include offices, parking, storage of goods, and assembly, repackaging, or repair of goods for on-site sale. Specific use types include, but are not limited to: ~~Convenience Store~~; Farm Market; Funeral Parlor or Mortuary; Gas Station; General Retail; Personal Service Establishment; Repair Shop; or Shopping Center.

Right-Of-Way

That portion of land between right- of-way lines, whether improved or unimproved, dedicated to public use ~~of a street, path, street trees, and /or utility purposes.~~

Roof

The cover of any building, including the eaves and similar projections.

Roofline

The point on any building where an exterior wall or any parapet wall encloses usable floor space, including floor area for housing mechanical equipment.

Runway Protection Zone (“RPZ”)

The RPZ is defined by the Federal Aviation Association as a trapezoid-shaped area centered about the extended runway centerline that is used to enhance the safety of aircraft operation. It begins 200 feet beyond the end of the runway or area usable for takeoff or landing. The RPZ dimensions are functions of the design aircraft, type of operation, and visibility minimums for the particular runway. The depth of the RPZ can vary from 1,000 feet for runways less than 4,000 feet to 2,500 feet for runways 6,000 feet or longer.

Sanitary Landfill

A discrete area of land or an excavation for which the final disposal of solid waste employs a method to obtain the most dense volume practicable of the waste and covering with earth or other suitable material. A sanitary landfill may receive household waste, community waste, municipal solid waste, commercial waste, and industrial waste.

School (Public or Private)

An accredited school under the sponsorship of a public, private, or religious agency, having a curriculum generally equivalent to public elementary or secondary schools, not including commercial schools.

Service Station

~~Any premises where gasoline and other petroleum products are sold or light maintenance activities such as engine tune-ups, emissions testing, lubrication, minor repairs, and carburetor cleaning are conducted. Accessory activities may include automatic car wash and convenience items sales. Service stations shall not include premises where heavy motor vehicle maintenance activities such as engine overhauls, motor vehicle painting, and body fender work are conducted. Fuel dispensing may be performed by an employee of the establishment (full-service) or by the customer (self-~~

~~service).~~

Setback

A required area on the same lot or tract with a principal use that provides for light, air, building separation, and access for emergency personnel and equipment. A setback shall be unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided in this UDC. The depth of a setback is measured at right angles to the relevant property line.

Setback, Front

A setback that extends across the full frontage of a lot or tract on a public or private street. The front setback is defined by the front property line.

- a. In the case of rounded property corners at street intersections, the front setback is measured as if the corner is not rounded and the front property lines are extrapolated to intersect.
- b. In the case of corner or through lots, a front setback extends across all frontages.
- c. For cul-de-sac lots and lots abutting a curved street, the front setback follows the curve of the front property line.
 - i. The minimum lot width requirement shall be met at the front setback line.
 - ii. In no event shall the front lot line be less than 35 feet.
- d. In the case of flag lots, a front setback extends across the entire flag portion of the lot and includes the flagpole portion of the lot.
- e. In the case of a corner lot, through lot, or 3 sided lot, there will be no rear setbacks, but only front and side setbacks.

Setback, Rear

A setback that extends across the full rear of a lot or tract. The rear setback is defined by the rear property line.

Setback, Side

Any setback that is not a front or rear setback. Generally, side setbacks extend from the inner boundary of the front setback (or from the front property line of the lot or tract where no front setback is required) to the inner boundary of the rear setback (or to the rear property line of the lot or tract where no rear setback is required.) For corner and through lots, setbacks remaining after front setbacks have been established shall be considered side yards.

Sexually Oriented Business

Amusement entertainment that is distinguished or characterized by an emphasis on material depicting, describing or relating to specified sexual activities or specified anatomical areas. Uses shall include, but shall not be limited to, the following: **Adult Bookstore, Adult Photo Studio, and Adult Theater, Adult Mini-Motion Picture Theater, Adult Novelty Store or Adult Retail Store, Adult Cabaret or Restaurant, and Adult Hotel or Motel.**

Shared Parking

A public or private parking area used jointly by 2 or more users or uses to fulfill their individual parking requirements.

Shed

~~An accessory building of not more than 150 square feet in floor area and not more than 14 feet in maximum height.~~ A simple roofed structure typically used for storage space, a shelter for animals, or a workshop.

Shooting Range, Indoor

A soundproof, enclosed building or part thereof, wherein firearms are shot at targets under strict rules of conduct and safety.

Shooting Range, Outdoor

An outdoor facility wherein firearms are shot at targets under strict rules of conduct and safety.

Shopping Center

A retail shopping area in excess of 30 acres (divided by no interior public streets) containing at least 1 major retail store of over 100,000 square feet of gross leasable area and additional retail area.

Sidewalk

An improved pedestrian surface that is typically located adjacent to a street.

Sight Distance Triangle

The area required to be clear of obstructions at the intersections of streets, highways, railroads, alleys and driveways. See the Town of Erie Standards and Specifications for Design and Construction of Public Improvements.

Sign

Any object or device or part thereof situated ~~outdoors or indoors which is used to advertise or identify an object, person, institution, organization, business, product, service, event, or location by any means including words, letters, figures, designs, symbols, fixtures, colors, motion, illumination, or projected images. Signs do not include:~~

~~Flags of nations, or organizations of nations, or states and cities, or fraternal, religious, or civic organizations;~~

~~Merchandise, pictures or models of products or services incorporated in a window display;~~

~~Time and temperature devices not related to a product;~~

~~National, state, religious, fraternal, professional and civic symbols or crests.~~

in public view and which is used to communicate, advertise, draw attention to, or identify an object, person, institution, organization, business, product, service, event, or location by any means including words, letters, figures, designs, symbols, fixtures, colors, motion, illumination, or projected images. Signs do not include:

- a. Flags of nations, or organizations of nations, or states and cities, or fraternal, religious, or civic organizations;
- b. Merchandise, pictures or models of products or services incorporated in a window display;
- c. Time and temperature devices not related to a product; or
- d. National, state, religious, fraternal, professional and civic symbols or crests.

Sign, Development Identification

~~A monument sign which, by means of symbol or name, identifies a residential development, shopping center, commercial/business/office/industrial park, or other development that may contain a mixture of uses.~~

Sign, Ground

A freestanding sign that is mounted on poles or braces.

Sign, Maintenance

The replacing, repairing or repainting of part of a sign structure; periodic changing of bulletin board panels; or renewing of copy made unusable by ordinary wear and tear, weather or accident. The replacing or repairing of a sign or sign structure damaged to an extent exceeding 50 percent of the appraised replacement cost (as determined by the building official) shall be considered as maintenance only when said sign conforms to all of the applicable provisions of this UDC and when the damage has been caused by an act of God or violent accident.

Sign, Monument

A low profile freestanding sign that is placed on a solid base.

Sign, Nameplate

~~A sign identifying, by name only, the occupant of a building or office.~~

Sign, Projecting

~~A sign that projects from a wall and is supported by a wall affixed to a building or wall in such a manner that it extends more than twelve (12) inches beyond the surface of such building or wall. Projecting sign includes a sign on an awning or canopy.~~

Sign, Projection

~~A sign that is wholly or partly dependent upon a building for support and which projects horizontally more than 12" from such building.~~

Sign, Temporary

~~A sign that is not intended to be a permanent installation or where the sign is portable including without limitation flags, banners, A-frames or other stands, where the sign will be removed within thirty (30) days of erection or placement.~~

Sign, Wall

~~A sign fastened to or painted on a wall of a building or structure in such a manner that the wall is the supporting structure for or forms the background surface of the sign and which does not project more than 12" from such building or structure attached parallel to a wall or structure for support that does not extend more than twelve (12) inches from the wall or structure.~~

Sign, Window

~~A sign that is painted on, attached to, or suspended directly behind or in front of a window or the glass portion of a door.~~

Site Plan

A plot of a lot, drawn to scale, showing the actual measurements, the size and location of any existing buildings or buildings to be erected, the location of the lot in relation to abutting streets, and other such information.

Special Review Use

A use permitted in a zoning district only if reviewed and approved as a special use in accordance with the procedures of Section 7.13.

Specimen Trees

Trees species identified in the Town "Standards and Specifications for Design Construction of Public Improvements" that meet Subsection 6.2.C.6 of this UDC.

Sports Arena

~~An officially designated area for indoor sports or entertainment.~~

Stables

~~Any area wherein one or more horses, mules, alpacas, llamas or donkeys are maintained for either public commercial hire or private non-commercial recreation.~~

Stacked Tri-plex/Quad-plex

A building having accommodations for 3 or 4 families living independently of each other with 1 or more of the dwelling units on a second or higher story.

Staff

Any person or persons, whether publicly or privately employed who provides administrative, planning, engineering or other services to or for the Town.

Start of Construction

Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The "actual start" means either 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 or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Stoop

Platform or stairs in front of a door.

Story

See Height.

Street

Any street, avenue, boulevard, road, ~~lane, parkway, viaduct, alley, or other way~~ for the movement of vehicular traffic which is an existing state, county or municipal roadway, ~~or a street or way shown upon a plat, heretofore or hereafter dedicated and~~ which includes the land between right-of-way lines, whether improved or unimproved, and may be comprised of pavement, shoulders, gutters, sidewalks, parking areas and other areas within the right-of-way.

Street, Private

A right-of-way or easement of private ownership not dedicated or maintained as a public street, which affords the principal means of access to 2 or more sites.

Street Tree

A tree typically planted along public or private streets and drives to provide shade to reduce heating of pavements, and to provide spatial definition and visual enhancement.

Structurally Altered

Changes which increase, extend, or enlarge the building or convert the existing building into a different structure or affect the form or character of an existing building or structural quality.

Structure

A walled and roofed building or manufactured home that is principally aboveground.

Subdivider or Developer

~~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

Any undivided parcel of land which is proposed to be divided and used for multiple residential dwelling units, industrial uses, or commercial activity. It also may be land which was previously subdivided and the filing accompanying such subdivision complied with Town regulations; or the division of a lot, tract, or parcel of land into 2 or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale or of building development. Unless the method of disposition is adopted for the purpose of evading this article, the terms "subdivision" and "subdivided land", as defined in these Regulations above, shall not apply to any division land which:

- a. Is created by order of any court in this State or by operation of law;
- b. Is created by a lien, mortgage, deed of trust, or any other security instrument;
- c. Is created by security of unit of interest in any investment trust regulated under the laws of this State or any other interest in and investment entity;
- d. Creates cemetery lots;
- e. Creates an interest in oil, gas, minerals, or water which are now or hereafter severed from the surface ownership of real property; or
- f. Is created by the Acquisitions of an interested in land in the name of a husband and wife or other persons in joint tenancy, or as tenants in common and any such interest shall be deemed for purposes of this Subsection as only 1 interest.

Substance Abuse Treatment Facility, Outpatient

Structures and land used for the treatment of alcohol or other drug abuse where neither meals nor lodging is provided.

Substantial Damage

Damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement

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

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

Swimming Pool

Any structure intended for swimming or recreational bathing that contains water over 24 inches deep. This includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas.

Tenant Frontage

The horizontal, linear dimension of that side of a building in which a tenant occupancy abuts a street, private drive, parking areas or pedestrian plazas.

Telecommunication Facilities

~~Telecommunications facilities transmit analog or digital voice or communications information between or among points using electromagnetic signals via antennas, microwave dishes, and similar structures. Supporting equipment includes buildings, shelters, cabinets, towers, electrical equipment, parking areas, and other accessory development. Specific use types include: Antenna Collocation of Existing Tower; Concealed Antennae and Towers; Non-Concealed Building-Mounted Antennae and Towers; or Non-Concealed Freestanding Towers.~~

Towing and Storage Facility

A commercial establishment engaged in towing of vehicles or equipment from 1 location to another. Such facilities may also include an indoor or outdoor storage component for such vehicles or equipment, but may not include junked, salvage, or permanently inoperable vehicles or equipment.

Town

The Town of Erie, Colorado.

Town Administrator

The administrative official appointed by the Board of Trustees to administer the provisions of the UDC or the person designated by the Town Administrator.

Tract

A tract is a legally defined parcel of land on a plat that will not have residential, commercial, or industrial buildings located on them.

Trailer

Any wheeled vehicle, without motive power and having an empty weight of more than 2,000 pounds, which is designed to be drawn by a motor vehicle and to carry its cargo load wholly upon its own structure and which is generally and commonly used to carry and transport property over the public highways.

Transit Center

An area utilized by public or commercial carriers for pick-up or drop-off of passengers. In addition to loading and unloading areas, transit centers may include shelters, restrooms, concessions, benches, information offices, ticket sales, landscaping, lighting and other such facilities and appurtenances. Individual bus stops, maintenance and storage facilities are not included in this definition.

Tree Lawn

The area between the back of curb and sidewalk, primarily used for planting low groundcover and street trees.

Truck Stop

An establishment engaged primarily in the fueling, servicing, repair or parking of tractor trucks or similar heavy commercial vehicles, including the sale of accessories and equipment for such vehicles. A truck stop may also include overnight accommodations, showers or restaurant facilities primarily for the use of truck crews.

Turf

A surface layer of earth containing mowed grass with its roots.

Urgent Care Facility

A medical center that provides limited emergency medical services that may not require 24-hour care.

Utility Facilities

Buildings, structures, or other facilities used or intended to be used by any private or non-governmental utility other than telecommunications facilities. (Public utility facilities are addressed separately under "Public Utility Services".) This category includes buildings or structures that house or contain facilities for the operation of privately owned water, wastewater, waste disposal, or electricity services. This use also includes water storage tanks; electric or gas substations, water or wastewater pumping stations, or similar structures used as an intermediary switching, boosting, distribution, or transfer station of electricity, natural gas, water, or wastewater. This category includes passageways, including easements, for the express purpose of transmitting or transporting electricity, gas, water, sewage, or other similar services on a local level. Additionally, a private utility facility means any energy device or system that generates energy from renewable energy resources including solar, hydro, wind, biofuels, wood, geothermal, or similar sources. Accessory uses may include control, monitoring, data, or transmission equipment.

Utility Facility, Major

A service that is necessary to support development within the immediate vicinity and that involves significant structures. Employees typically are not located at the site. Examples include electric transformer stations, gas regulator stations, telephone exchange buildings, and well, water, and underground utility boxes, and sewer pumping stations.

Utility Facility, Minor

Small scale facilities serving a local area including power, water, and sewer lines.

Utility Facility, Town Owned

A utility plant, pump station, or other utility facility or appurtenance owned and maintained by the Town.

Variance

A legal modification of applicable zoning district provisions, such as yard, lot width, yard depth, sign, setback, and off-street parking and loading regulations, granted due to the peculiar conditions existing within a single piece of property.

Vehicle and Equipment

Vehicles and Equipment uses include a broad range of uses for the maintenance, sale, or rental of motor vehicles and related equipment. Accessory uses may include incidental repair and storage, offices, and sales of parts. Specific use types include, but are not limited to: **Car Wash; Service Station; Towing and Storage Facility; Vehicle Sales and Rental; Vehicle Service and Repair, Heavy; or Vehicle Service and Repair, Light.**

Vehicle Sales and Rental

The storage, display, sale, lease, or rental of new or used vehicles, including automobiles, vans, motorcycles, and light trucks. This use shall not include salvage operations or scrap operations.

Vehicle Service and Repair, Heavy

An establishment involved in the major repair and maintenance of automobiles, motorcycles, trucks, vans, trailers, or recreational vehicles. Services include engine, transmission, or differential repair, reconditioning or replacement; bodywork; upholstery work; painting; and associated repairs conducted within a completely enclosed building.

Vehicle Service and Repair, Light

An establishment involved in the minor repair and maintenance of automobiles, motorcycles, trucks, or vans not in excess of 10,000 pounds gross vehicle weight. Services include brake, muffler, and tire repair and change; lubrication; tune ups and associated repairs, conducted within a completely enclosed building.

Vested Property Right

The right to undertake and complete the development and use of property under the terms and conditions of a site specific development plan.

Violation

The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) of the National Flood Insurance Program regulations is presumed to be in violation until such time as that documentation is provided.

Visitor Accommodation

For-profit facilities where lodging, meals, and the like are provided to transient visitors and guests for a defined period. Specific use types include: Bed and Breakfast; ~~Boarding or Rooming House;~~ ~~Extended Stay Lodgings;~~ or Hotel or Motel.

Walk-in cooler

A commercial walk-in structure that is a cooling or freezing machine for storage of food or other temperature sensitive products.

Warehouse and Freight Movement

Firms involved in Warehouse and Freight Movement are engaged in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will call pickups. There is little on-site sales activity with the customer present. Accessory uses may include offices, truck fleet parking, and maintenance areas. Specific use types include, but are not limited to: Freight or Truck Yard; Mini-Warehouse/Self Storage; or Wholesale Distribution Center.

Waste and Salvage

Waste and Salvage firms receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes or uses that manufacture or produce goods or energy from the composting of organic material or processing of scrap or waste material. Waste and Salvage uses also include uses that receive hazardous wastes from others. Accessory uses may include recycling of materials, offices, and repackaging and shipment of by-products. Specific use types include, but are not limited to: **Auto Wrecking and Salvage Yard; Hazardous Materials Handling and Transfer Facility; Junkyard; ~~Recycling Collection Point~~; Recycling Center; or Sanitary Landfill.**

Watercourse

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

Water Surface Elevation

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

Wholesale Distribution Center

A permanent facility for the storage of products, supplies, and equipment offered for wholesale distribution (not for direct sale to the general public).

Yard

An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

Yard, Front

A yard extending across the front lot line between the side lot lines, and being the minimum horizontal distance between the front lot line and the front wall of any building.

Yard, Rear

A yard extending across the rear lot line between the side lot lines, and being the minimum horizontal distance between the rear lot line and the rear of the main building. The rear yard shall in all cases be at the opposite end of the lot from the front yard.

Yard, Side

A yard between the main building and the side-line of the lot, and being the minimum horizontal distance between the building and the side lot line and extending from the front lot line to the rear lot line.

Zero Lot Line Development Plan

A development plan where 1 or more dwelling units (limited to single-family detached or single-family attached dwelling units) are placed on lots in such a manner that at least 1 of the dwelling units sides rests directly on a lot line, as measured from the outer edge of the dwelling units foundation at the ground line, so as to enhance the usable open space on the lot.

Zone District

A designated area of the Town within which certain zoning regulations and requirements, or various combinations thereof, apply as set forth in this UDC.

Zoning Map

The official zoning map adopted by the Town by ordinance, as amended.

Zoo

An area, building, or structures that contain wild animals on exhibition for viewing by the public.