

Article 17-12

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ARTICLE 17-12

Definitions

Sec. 17-12-10. General interpretation.

For the purpose of these regulations, words and terms used, interpreted or further described in these regulations may be construed as follows, unless the context clearly indicates the contrary. Words in the present include the future. The singular number includes the plural and the plural is singular. The word *structure* includes the word *building*. The word *shall* is mandatory and the word *may* is permissive. The word *used* or *used for* includes the words *intended*, *designed*, *arranged* or *occupied for*. The word *lot* includes the words *plot*, *parcel* or *tract*. The word *person* includes a *firm*, *association organization*, *partnership*, *trust*, *company* or *corporation*, as well as *individual*. The particular supersedes the general. (Ord. 1964, 2008)

Sec. 17-12-20. Words, terms or phrases.

As used in this Code, the following words, terms, phrases and land uses shall be interpreted and defined in accordance with the provisions set forth in this Section or by further modification by the Director. For words, terms, phrases or land uses not defined in this Section, the City may refer to the latest edition of *A Planners Dictionary* by the American Planning Association (APA) or *The Illustrated Book of Development Definitions* by Moskowitz and Lindbloom, or the definition will be established by the Director.

Abutting or *adjoining*. To physically touch or border upon; or to share a common property line or border.

Activity center. A general term for an MU development that integrates a range of complementary and mutually supporting uses and activities. Typically, an activity center includes a predominant type of use, such as commercial or employment-related, that is then supported by a mix of one (1) or more other uses, such as residential, civic or institutional. Activity centers may vary in size, intensity, scale and their mix of supportive uses, depending on their purpose, location and context. In each case, activity centers are intended to be mixed-use and pedestrian-oriented with good connections and transitions to surrounding area. Residences are a component of all activity centers, whether on-site or immediately adjacent. The activity center should support a range of housing types and densities within the individual neighborhoods. There are three (3) distinct types of activity centers, which include neighborhood center, commercial center and regional/employment center.

Neighborhood center. Neighborhood centers are small, low-impact, limited activity centers intended to primarily service the needs of immediately adjacent neighborhoods in a service area typically ranging from one-half (½) to two (2) miles. Principal uses contribute to the efficient functioning and attractiveness of neighborhoods, relate to and accommodate walk-up pedestrian traffic and do not generate noxious fumes, excessive light or noise. The mix of uses may include neighborhood-serving retail, convenience or specialty food sales, restaurants, dwelling units above the first floor, live/work units, single-family attached dwellings, general offices or medical offices.

Commercial center. Commercial centers are activity centers that primarily accommodate large retail establishments, which may provide major durable goods shopping and serve a number of residential areas over a significant portion of the City. Commercial centers contain a mix of supporting uses, including multi-family dwellings, office, entertainment and retail uses, medical offices and clinics and civic uses. The mix enables combined trip destinations, supports more effective transit service and provides viable pedestrian and bicycle access and circulation.

Regional/employment center. A regional/employment center is a large (fifty [50] or more acres), intensive activity center that combines the uses of commercial centers and employment centers and that serves the City and region as a whole. A regional activity center may be a regional shopping mall, corporate office headquarter or a major concentration of employment supported by a mix of uses that meets the needs of employees, visitors and residents. Primary uses include major commercial and/or employment uses supported by a full range and mix of uses, including large and small retail establishments, general offices and office complexes, governmental and civic uses, business services, research and development, major service uses, restaurants, lodging, child care, personal services and higher density housing, as well as warehousing and industrial uses or educational facilities. These centers are generally located at the intersection of or along major arterials or in close proximity to limited access freeways and highways.

Adjacent. See definition of *abutting or adjoining*.

Agricultural use. Farming, including plowing, tillage, cropping, installation of best management practices, seeding, cultivating and harvesting for the production of food and fiber products (except commercial logging and timber harvesting operations); the grazing and raising of livestock (except in feedlots); aquaculture; sod production; orchards; Christmas tree plantations; nurseries; and the cultivation of products as part of a recognized commercial enterprise.

Airport. Any area of land or water designed for the landing and take-off of aircraft for business or commercial purposes, including all necessary facilities for passenger and cargo loading, maintenance and fueling facilities and housing of aircraft.

Alley. A minor right-of-way dedicated for public use or which provides public use for the purpose of vehicular traffic and which gives a secondary means of vehicular access to the back or side of properties that are otherwise abutting a street and which may be used for public utility purposes.

All-weather surface. An all-weather surface is a surface that will support the vehicle apparatus with a relative compaction of not less than ninety percent (90%) and shall permit all-weather driving capabilities. All-weather surfaces include, but are not limited to, concrete, asphalt and concrete or brick pavers.

Amusement facility. A commercially operated park with a predominance of outdoor games and activities for entertainment, including motorized rides, water slides, miniature golf, batting cages and other similar activities. May include the sale of food and nonalcoholic beverages.

Animal confinement operation. A facility where the animals are confined for commercial purposes in an enclosed structure and/or kept in permanent corrals, pens or yards. This includes kennels, animal auction facilities and dairy farms, but does not include feedlots.

Animal, livestock (farm). Animals commonly raised or kept in an agricultural, rather than urban, environment, including but not limited to chickens, pigs, sheep, goats, horses, cattle, llamas, emus, ostriches, donkeys and mules.

Animal, pet or domesticated. Dogs, cats rodents, birds, reptiles, fish, potbellied pigs weighing less than seventy (70) pounds and any other species of animal which is sold or retained as a household pet, but does not include skunks, nonhuman primates and other species of wild, exotic or carnivorous animals that may be further restricted by the Brighton Municipal Code.

Animal shelter. An establishment that accepts, boards and cares for domesticated animals for the purpose of finding permanent adoptive homes for such animals. This includes the City Animal Shelter.

Antenna, panel. A *panel antenna* means an array of antennae, rectangular in shape, used to transmit and receive telecommunication signals.

Antenna, whip. *Whip antenna* means a single antenna that is cylindrical in shape.

Applicant. A developer, landowner or other person with a legal property or other interest, including heirs, successors and assigns, who have filed an application, license or permit with the City.

Auction house. A business that conducts auctions. This does not include auctions of livestock.

Awning. A framed structure supported from the exterior wall of a building which can be retracted, folded or collapsed or remains stationary as a part of the building.

Bank, finance and loan company. A business providing financial services to the public, including the custody, loan, exchange or issue of money or the extension of credit. This includes federally chartered banks, savings and loan associations, credit unions and industrial loan companies. This does not include check casher or check cashing businesses.

Barn. A detached farm building for storing grain or animal feed and housing farm animals.

Base flood. The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

Bed and breakfast. A dwelling where overnight or otherwise short-term temporary lodging for the general public is provided and may include meals. The operator of the facility shall live in the dwelling. (This does not include hotels/motels.)

Berm. A mound of earth used in landscaping for screening, definition of space, noise attenuation or decoration.

Bioswale. A landscape feature constructed of natural, water-permeable materials intended to channel and direct the flow of stormwater runoff.

Block. A unit of land bounded by streets or by a combination of streets and public lands, railroad rights-of-way, alleys, waterways or any barrier to the continuity of development. The barriers creating the boundary of a block shall not be included in the calculation of block size or length.

Block face. The properties abutting on one (1) side of a block.

Board. The Board of Adjustment.

Boarding or rooming house. A dwelling unit or part of a dwelling unit in which, for compensation, three (3) but not more than five (5) rooms are provided for lodging for a fee and for definite periods of time for persons who are not members of the keeper's family. Meals may be provided; however, no more than one (1) kitchen is allowed.

Brackets. Also referred to as *arms*, provide a mount for the luminaires, a raceway for the feed wire from the pole or standard to the luminaire and horizontal displacement from the pole. Ten-foot truss brackets will be used.

Breakaway devices. Devices used in areas where occupant injury can occur when vehicles come into contact with lighting standards. Aluminum transformer bases shall be utilized for breakaway applications.

Brush. A growth of bushes concealing filthy deposits, rubbish or debris, including all cuttings from the trees and bushes.

Building. Any structure built for the shelter or enclosure of persons, animals, chattels or property of any kind; and not including advertising sign boards or fences.

Building, accessory. A detached subordinate building located on the same lot (or a continuous lot in the same ownership) with the principal building, used for an accessory use. If an accessory building is attached to the principal building by a common wall, such accessory building shall be considered part of the main building. For the purposes of this Section, a *common wall* is defined as a minimum four-foot section of a wall that separates and/or connects two (2) adjacent rooms. A detached garage, carport, patio or storage building is included as an accessory building.

Building envelope. The three-dimensional space within which a structure is permitted to be built on a lot and that is defined by maximum height regulations and minimum yard setbacks.

Building height. The vertical distance from the established datum line and the reference point of the roof. The datum line is determined at the lowest measurement of either the point where the grade is at its highest when in contact with the building or the point measured ten (10) feet vertically, from a spot five (5) feet away from the lowest elevation of grade in contact with the building. The reference point of the roof is either the highest point of the coping of a flat roof, the deck line of a mansard roof or the mean height level between eaves and highest ridge for a gable

or hip roof. Chimneys, spires, towers, elevators, penthouses, tanks and similar projections shall not be included in calculating the height unless specifically referred to.

Building footprint. The outline of the total area covered by a building's perimeter at the ground level, exclusive of courtyards.

Building frontage. The side of the building which contains a primary entrance and/or abuts a street, excluding an alleyway. When the entrance is located at an angle on the corner of the building, one (1) side must be designated as the frontage.

Building line. A line formed by the face of the building which may be used to establish the required yard for a building or structure.

Building mass. The three-dimensional bulk of a building; height, width and depth.

Building, principal. A building in which is conducted the main or principal use of the lot on which said building is situated.

Building scale. The relationship of a particular building, in terms of building mass, to other nearby and adjacent buildings.

Building site. A footprint of a principal building.

Build-to line. The line at which construction of a building façade is to occur on a lot. A build-to line runs parallel to, and is measured from, the front property line and is established to create an even (or more or less even) building façade line on a street.

Build-to zone. An area of a lot designated for placement of a building façade along a street, located parallel to a front property line. The build-to zone defines an area in which the locations of building fronts can vary within a specified range.

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

Campground. A parcel of land, together with buildings, open space and other related facilities, designed to accommodate two (2) or more tents or similar temporary accommodations, not including recreational vehicles. This does not include sales lots on which unoccupied vehicles are parked for the purpose of sale.

Canopy. A functional rigid roof-like multi-sided shelter structure which is wholly or partially supported by a building structure and/or columns, braces or poles extending to the ground.

Capital improvements program. A proposed schedule of all future projects listed in order of construction priority, together with cost estimates and the anticipated means of financing each project. All major projects requiring the expenditure of funds, over and above the annual local government's operating expense, for the purchase, construction or replacement of the physical assets for the community are included.

Carport. Space for the housing or storage of motor vehicles and enclosed on not more than two (2) sides.

Catering service. An enterprise that serves and supplies food and beverages that are consumed off-premises.

Character. Those attributes, qualities and features that make up and distinguish a development project and give such project a sense of purpose, function, definition and uniqueness.

Check cashing business. A business that, for compensation, engages in whole or in part in the business of cashing checks, warrants, drafts, money orders or other commercial instrument serving the same purpose. This also includes the business of deferred deposits whereby the check casher refrains from depositing a personal check written by a customer until a specific date pursuant to a written agreement. This does not include a federally chartered bank, savings and loan association, credit union, industrial loan company or primarily retail store that cashes checks or issues money orders for a minimum flat fee.

Child care center. A facility, by whatever name known, that is maintained for the whole or part of a day for the care of five (5) or more children who are eighteen (18) years of age or younger and who are not related to the owner, operator or manager thereof, whether such facility is operated with or without compensation for such care and with or without stated educational purposes. The term includes, 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 twenty-four-hour care for children and includes those facilities for children under the age of six (6) years with stated educational purposes operated in conjunction with a public, private or parochial college or a private or parochial school; except that the term shall not apply to any kindergarten maintained in connection with a public, private or parochial elementary school system of at least six (6) grades 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 child care home or foster care home.

Church (place of worship) and church facilities. Any facility where persons regularly assemble for religious worship, meetings, church school and other activities and which is controlled and maintained by a religious body organized for the purposes of worship. Church facilities include, but are not limited to, full-time general education schools, child care centers, gymnasiums and reception or banquet halls.

City. As used in these Regulations, the term *City* refers to the Brighton City Council, with the Brighton Planning Commission as the advisory body.

City core. The area defined, described and mapped as the *City Core Planning Area* in the Comprehensive Plan, as amended from time to time.

Clean fill. Dirt, gravel, rock, concrete, brick or similar nonorganic materials.

Clinic, medical and dental. An establishment where patients are admitted for examination and treatment on an outpatient basis by one (1) or more physicians, dentists, chiropractors or other

medical personnel, psychologists or social workers and where patients are not usually lodged overnight.

CMRS facility, accessory equipment. *Accessory equipment for CMRS facilities* means equipment, including buildings and cabinets, used to protect and enable operation of radio switching equipment, back-up power and other devices, but not including antennas, that is necessary for the operation of a CMRS facility.

CMRS facility, freestanding. *Freestanding CMRS facility* means a primary low-power telecommunication facility that consists of a stand-alone support structure, antennas and accessory equipment.

CMRS facility, micro-cell. *Micro-cell CMRS facility* means a low-power telecommunication facility used to provide increased capacity in areas of high telecommunication demand or to improve coverage in areas of weak coverage. It communicates with the primary switch of a provider's service area via fiber optic cable, copper, T1, microwave or other media.

CMRS facility, repeater. *Repeater CMRS facility* means a low-power telecommunication facility that extends coverage to areas not covered by the originating primary facility.

CMRS facility, wall-mounted or building roof. *Wall-mounted or building roof CMRS facility* means a CMRS facility where antennae are mounted either on the face or roof of a legally existing building or structure other than a building or structure accessory to a telecommunication facility. Facilities within this category may include micro-cell or repeater facilities.

Coffee shop. An establishment that offers and prepares coffee and coffee-based drinks, tea and other beverages and where light refreshments and limited menu items, such as baked goods and pastries, may be sold.

Cold storage. A storage warehouse used to store fresh and/or frozen perishable fruits or vegetables, meat, seafood, dairy products or fowl or any combination thereof, or other products requiring refrigeration at a desired temperature to maintain the quality of the product.

Co-location, CRMS. Two (2) or more CMRS providers having joint use of sites and/or facilities.

Columbarium. A structure of vaults lined with recesses for urns containing cremated human remains.

Commercial mobile radio service (CMRS) facility. *Commercial mobile radio service (CMRS) facility* means an unmanned facility, also known as a *low-power telecommunication facility*, consisting of antennae, equipment and equipment storage shelters used for the reception, switching and/or transmission of wireless telecommunications, including but not limited to paging, enhanced specialized mobile radio, personal communications services, cellular telephone and similar technologies. These facilities operate at one thousand (1,000) watts or less effective radiated power and within frequencies authorized by the Federal Communications equipment for such purposes.

Commission. The Brighton Planning Commission.

Common area. Land within or related to a development, not individually available for sale or lease, that is designed and intended for the common use and enjoyment of residents, employees or visitors of the development and may include such complementary structures and improvements as are necessary and appropriate.

Compatible or compatibility. The characteristics of different uses or activities or design which allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include height, scale, mass and bulk of structures. Other characteristics include pedestrian or vehicular traffic, circulation, access and parking impacts. Other important characteristics that affect compatibility are landscaping, lighting, noise, odor 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 Plan for the City of Brighton, which has been officially adopted to provide long-range development policies for the City and which includes, among other things, the plan for land use, circulation and public facilities.

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

Construction, new. Structures for which the start of construction commenced on or after the effective date of this Code.

Contextual area. An area of the City that is characterized by a general similarity of development age, street types and patterns and block sizes.

Contiguous. Next to, abutting or touching and having a boundary or portion thereof that is coterminous. Contiguity is not broken by a road or alley, a public or private right-of-way or easement or a natural or artificial watercourse. Contiguity is broken by an interstate highway right-of-way.

Convention center. A building, collection of buildings or portion thereof, in excess of fifty thousand (50,000) square feet in gross floor area, designed to accommodate trade shows, conventions and similar large gatherings of people. If total square footage is less than fifty thousand (50,000) square feet, it shall be considered an *event center*.

Council. The Brighton City Council.

Crematorium. An establishment where human or animal remains are cremated in a cremation retort.

Cul-de-sac. A local street having one (1) end open to vehicular traffic and having one (1) end closed and terminated by a turnaround.

Cultural facilities. Nonprofit institutions displaying or preserving objects of interest in one (1) or more of the arts or sciences. This classification includes libraries, museums and art galleries.

Dedication. The conveyance or transfer of property (such as land for streets or parks) by an owner to the City of Brighton. Such conveyance is not complete until acceptance by the City.

Delicatessen. An establishment where food is prepared and sold for consumption off-premises and where a limited number of counters or tables for on-premises consumption of food is provided.

Detention facility. A facility for the temporary storage of storm water runoff, constructed to receive and temporarily hold storm water for release at a controlled rate. Such devices may include graded depressions in the ground, parking lots with concave surfaces, rooftops or buried tanks or pipes.

Developer. Any person, firm, partnership, joint venture, limited liability company, association or corporation who seeks approval of any City permits or land development applications, whether for zoning or subdivision-related approvals.

Development. Any man-made change to improved or to nonprofit real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

Development, large lot. A residential subdivision where the average lot size is ten thousand (10,000) square feet or greater or where the overall gross density is three (3) dwellings per acre or less.

Development, residential. Any change to improved or unimproved real estate for the purpose of providing residential dwelling uses, including but not limited to the construction of any residential structure and any change in use of a property, building or structure to residential uses. The term *residential development* shall also include the act of subdivision as the term *subdivision* is defined in the City's Subdivision Regulations.

Development standards. Regulations pertaining to the physical development of a site, including requirements pertaining to yards, heights, lot area, fences, walls, landscaping area, open space, access, parking, signs, setbacks and other physical requirements.

Director. The City of Brighton Director of Community Development, or his or her designee.

Domestic sewage, sludge. The accumulated solids resulting from processing wastewater materials in a treatment plant of a municipality or sanitation district.

Dormer. A windowed wall area flanked on both sides by sloping roof areas.

Drive-in or drive-through. An establishment where a customer is permitted or encouraged to carry on his or her business, receive service or wait for service while seated in his or her motor vehicle parked temporarily on the same premises of the establishment.

Drive-up facility. An establishment (also known as *drive-in* or *drive-through* facility) that by design encourages or permits customers to receive services, obtain goods or be entertained while remaining in their motor vehicles.

Dry-cleaning facility. An establishment or business maintained for the pickup and delivery of dry-cleaning and/or laundry without the maintenance or operation of any laundry or dry-cleaning equipment or machinery on the premises.

Dry-cleaning plant. A building, portion of a building or premises used or intended to be used for cleaning fabrics, textiles, apparel or articles of any sort by emersion and agitation or by immersions only, in volatile solvents and the processes incidental thereto.

Duplex. A building used exclusively for two (2) families living independently in separate, attached dwelling units, each unit having its own entrance.

Dwelling. A building, or portion thereof, used exclusively for residential occupancy, including mobile homes, single-family detached, single-family attached, two- to eight-family or multiple family, but not including hotels, motels or similar establishments.

Dwelling, accessory. A dwelling unit allowed in specific zones that is subordinate to the principal residential dwelling on the lot and which is located upon the same lot as the principal unit. An accessory dwelling unit is under the same ownership as the principal unit, and it may be used for either residential or home occupation uses, subject to standard City regulations related to home occupations.

Dwelling, caretaker. A single-family dwelling unit accessory to an agricultural or industrial use for occupancy by the caretaker or guard (and their families) employed on the premises.

Dwelling, multiple. A building used exclusively for three (3) or more families living independently in separate dwelling units, but which has a common building entrance and hallway to each dwelling.

Dwelling, single-family attached. A dwelling with primary ground floor access to the outside, which is attached to another unit by a party wall without openings and is situated on one (1) lot. The term is intended primarily for such dwelling types as town homes, cluster units and patio homes.

Dwelling, single-family detached. A detached building other than a mobile home used exclusively for one (1) family and containing one (1) dwelling unit.

Dwelling, two- to eight-family. A detached building used exclusively for two (2) to eight (8) families and containing two (2) to eight (8) independent dwelling units.

Dwelling unit. One (1) or more rooms used by one (1) family for living or sleeping purposes which must contain kitchen and bathroom facilities for use solely by one (1) family. All rooms comprising a dwelling unit shall have access through an interior door to other parts of a dwelling unit.

Easement. Authorization by a property owner for the use by the public, a corporation, or persons, of any designated part of his or her property for specific purposes. An easement may be used for the following purposes, including but not limited to drainage, access, transportation, sanitary sewers, storm sewers, water mains, private utilities, trails, wetlands or any other public

use. Structures, other than drainage structures (e.g., inlets and outlets) may not be placed within an easement.

Emergency shelter. A facility which has as its primary function the provision of overnight sleeping accommodations for the homeless, victims of crime or natural disasters. Sleeping accommodations are typically provided in undivided sleeping spaces and are offered for little or no financial compensation. Accommodations are typically provided for overnight stays or for short-term (usually not more than thirty [30] days) occupancy. Such facility may include accessory support services such as cafeterias, shower facilities and counseling. Also known as *homeless shelter, crisis shelter* or *mission*.

Enhanced drive aisle. An element of a parking area in an MU zone district intended to provide access to parking areas and connections for vehicles and pedestrians. It serves to define a block structure in parking areas.

Entrance, primary or principal. The place of ingress and egress used most frequently by the public.

Escrow. A deposit of cash with the local government in lieu of an amount required and still in force on a performance or maintenance bond. Such escrowed funds shall be deposited in a separate account.

Event center. A building that can accommodate a large audience. This includes similar structures commonly known as auditoriums and assembly halls. An event center larger than fifty thousand (50,000) square feet shall be considered a convention center.

Explosives. Materials or products which decompose by detonation when in sufficient concentration.

Family. An individual or two (2) or more persons related by blood, marriage or legal adoption or a group of not more than four (4) persons who are not related by blood, marriage or legal adoption, living together in a dwelling unit.

Family child care home. A use carried on within a residence for compensation, providing care and supervision for children who are away from their homes any part of the day. These homes are divided into the following two (2) categories:

Small: Family child care homes limited to the full- or part-time care of not more than six (6) children at one (1) time, including those of the operator under the age of twelve (12), and not more than two (2) additional children, for before- and after-school care.

Large: Family child care homes limited to the full- or part-time care of seven (7) to twelve (12) children at one (1) time, including those of the operator under the age of twelve (12).

Farm. A parcel of land used primarily for agricultural activities, such as the production, keeping or maintenance, for sale, lease or personal use, of plants and animals. Includes farms for vegetables, fruit, flowers, trees, sod and dairy products and grazing of livestock. Also includes

land devoted to soil conservation or forestry management. Does not include feedlots or the commercial feeding of offal or garbage to swine or to other animals.

Farmers' market. A temporary retail sales business, usually held out-of-doors, where farmers can sell their produce directly to the public. This includes the temporary outdoor sale of seasonal produce such as pumpkins and Christmas trees.

Feedlot. An operation designed for the commercial production and sale of livestock where intensive feeding operations are undertaken and less than fifty percent (50%) of feed is produced on the premises. A *feedlot* includes pens, bunks, loading chutes, corrals, machinery and other equipment.

Fence. An artificially constructed barrier of any material or combination of materials erected to enclose, screen or separate areas.

Fence, closed. A structure made of fencing materials and/or living plants used to enclose any lot with the purpose and intent of preventing passage and view across the fence line, including a wall or a planter not exceeding twenty-four (24) inches in width or other similar structure.

Fence, open. A structure made of fencing materials and/or living plants used to enclose any lot with the purpose and intent of preventing passage across the fence line. At least fifty percent (50%) of the surface of the fence shall be open.

Final development plan. A narrative and graphic representation drawn to scale of the proposed development of a particular site, which delineates the basic zoning and subdivision requirements, including but not limited to the intended lot lines, uses, ranges of square footages of the proposed uses and the location of building, parking, landscaping and drainage areas, points of access, primary internal circulation, contour lines, easements and the required dedication areas for public facilities.

Flea market. An occasional or periodic market held in an open area or structure where groups of individual sellers offer goods for sale to the public.

Flex space. A building designed and marketed as suitable for professional offices and able to provide for the flexible arrangement of office, storage, laboratory, showroom, manufacturing, assembly or other similar operations. Generally flex space buildings have storefront windows and arrangements to accommodate offices at the public entrances of the building. Typically, flex space buildings provide high bays and relocation flexibility for overhead doors and other entrances.

Flood. The water from a river, stream, watercourse, lake or other body of standing water which temporarily overflows or inundates adjacent lands and which may affect other lands and activities through stage elevation backwater and/or increased ground water level. Also means a general and temporary condition of partial or complete inundation of normally dry land areas due to unusual and rapid accumulation or runoff of surface waters from any source.

Flood insurance rate map. The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood insurance study. The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary Floodway Map and the water surface elevation of the base flood.

Flood, one-hundred-year. A flood of such magnitude as may reasonably be expected to be equaled or exceeded on an average of once every one hundred (100) years; the term also means that level of flooding having a one percent (1%) probability of occurrence in any year.

Flood plain. The relatively flat or lowland area adjoining a river, stream, watercourse, lake or other body of standing water which has been or may be covered temporarily by flood water. For administrative purposes, the flood plain may be defined as the area that would be inundated by the one-hundred-year flood.

Flood plain district. That portion of the flood plain subject to inundation by the one-hundred-year flood.

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

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

Flood protection elevation. An elevation one (1) foot above the elevation or *flood profile* of the one-hundred-year flood under existing channel and flood plain conditions.

Flood storage area. The fringe area of the flood plain in which flows are characteristically of shallow depths and low velocities.

Floodway area. That area of the flood plain required for a reasonable passage or conveyance of the *one-hundred-year flood* which is characterized by flows of two (2) feet per second or more, for depths of eighteen (18) inches or more and/or which will convey the flood flows with not more than one-half-foot rise in the water surface profile based on the assumption that there will be equal degree of encroachment extended for a significant reach on both sides of the watercourse.

Floodway district. That area represented by the floodway which has been hydraulically defined and shown on the map in the office of the City Clerk.

Floor area. Total area of a dwelling excluding basement, carport or garage. For commercial and industrial buildings, *floor area* is the total area of floor space within interior walls of a building, excluding the basement, unless used for merchandising.

Floor area, gross (GFA). The sum of the gross horizontal areas of all of the floors of a building or structure from the exterior face of exterior walls, excluding any space where the floor-to-ceiling height is less than six (6) feet.

Floor area ratio (FAR). The gross floor area of all buildings on a lot divided by the lot area.

Focal point. A visual landmark. It commonly identifies the center of a development or area for public gathering and contributes to establishing the character of the development. The focal point may be a statue, a plaza, a pavilion or some other structure or focused area.

Food processing. An establishment in which food is processed or otherwise prepared for eventual human consumption, but not consumed on the premises.

Foster family care. A home designated by courts, social services department or other competent authority for care and/or education of not more than four (4) children under the age of eighteen (18) years unrelated to the foster parents by blood, adoption or marriage.

Front entry. An entry to a dwelling unit which is directly connected to a network of sidewalks and which opens directly into the unit's living room or family room or to a hallway leading directly to a living room or family room. For example, an exterior door opening into a kitchen area would not be considered a *front entry*.

Frontage. That part of a lot (the front lot line) abutting a street.

Funeral home, parlor. A building used for the preparation of deceased persons for burial and for display of the deceased and rituals connected therewith before burial or cremation.

Gaming facility. An establishment providing for limited, legal gambling, including bingo and off-track betting.

Garage. An accessory building or accessory portion of a principal building designed for the shelter or storage of motor vehicles or trailers, owned or operated by occupants of the principal building.

Garage, front-loaded. A private residential garage that is accessed from a street other than an alley. A front-loaded garage may face the street (garage doors parallel to the street) or may turn its side to the street (garage doors perpendicular to the street, sometimes referred to as a *side-loaded garage*).

Garage sale. An accessory use of residential land whereby the residents, on an occasional and infrequent basis, display on the premises and sell personal property to the public. In instances in which a residence proposes to have more than two (2) garage sales per year, the resident must obtain a temporary use permit.

Gasoline station. A building or property on or in which the principal use is the retail sale of gasoline, oil or other fuel for motor vehicles; and which may include, as an incidental use, the retail sale and installation of vehicle accessories, the making of minor repairs and facilities for washing and servicing of not more than three (3) vehicles if completely enclosed in a building.

Grade (Adjacent ground elevation). The lowest point of elevation of the graded surface of the ground, paving or sidewalk within an area with a twenty-foot radius measured from the base of the sign, in all directions.

Grass. A voluntary growth of various green plants with blade like leaves growing in lots, tracts or parcels of land, other than decorative lawns.

Greenbelt. Any parcel or area of land essentially unimproved with any residential, commercial or industrial uses, dedicated or reserved for public and/or private use and enjoyment that will serve as a regional trail system and community separator between the incorporated boundaries of Brighton and adjacent communities, as well as protect existing farmland and open space.

Group home. A residence that is operated to provide supervision and other services for four (4) to eight (8) individuals who are developmentally disabled (as defined in Section 31-23-303, C.R.S.), mentally ill or sixty (60) years of age or older or persons with handicaps as defined by 42 U.S.C § 3601 and Section 24-34-103(4), C.R.S., and who are not related to the owner of the residence by blood, marriage or adoption. A foster care home with more than four (4) foster children is also considered a group home. Except as specifically provided by this Code, a group home shall not house more than one (1) individual per dwelling who is required to register as a sex offender under the provisions of Section 18-3-412.5, C.R.S.

Group home administrator. An individual with the authority and responsibility for the day-to-day management of a group home.

Habitable floor. Any floor usable for living purposes, which includes working, sleeping, eating, cooking, recreation or a combination thereof. A floor used only for storage purposes is not a *habitable floor*.

Hazard. Whenever any portion, support structure or appurtenance of a sign is likely to fail or to become detached or dislodged or collapse.

Hazard areas. All areas that are or that may become hazardous due to environmental conditions. The hazards include, but are not limited to, the following: wildfire, avalanche, landslide, rock fall, mud flow and debris fan, unstable or potentially unstable slopes, seismic effects, radioactivity, ground subsidence and expansive soil and rock.

Hazardous materials. Materials including but not limited to inorganic mineral acids of sulfur, fluorine, chlorine, phosphorous, selenium and arsenic and their common salts; lead, nickel and mercury and their inorganic salts or metallo-organic derivatives; coal, tar acids such as phenol and cresols and their salts and all radioactive materials and wastes.

Health and fitness center. An establishment providing facilities for controlled physical exercise, weight lifting and similar activities. This may include associated accessory eating and retail sales areas.

Heavy machinery and industrial sales. A commercial establishment or area for the purpose of heavy machinery sales, service or repair. This includes the sales of major motor vehicle

components such as engines and transmissions and sales of large construction equipment such as road graders, backhoes and other excavation machinery.

Heliport or helipad. Any area used by helicopters for commercial or business purposes, including landing and take-off, passenger and cargo loading.

High water mark. The line on the bank of a stream, river, lake or impoundment to which the high water ordinarily rises annually in seasons, as indicated by changes in the characteristics of soil, vegetation or other appropriate means, taking into consideration the characteristics of the surrounding areas. Where the ordinary high water mark cannot be found, it shall be presumed to be the edge of vegetation growing along the channel bank. In braided channels, the ordinary high water mark shall be measured so as to include the entire stream feature.

Home and business services (dispatched). A business from which employees are dispatched to homes or other businesses for the purpose of providing on-site services. Supplies and vehicles may be stored at the business location. This includes plumbers and electricians, cleaning services, computer repair and caterers.

Home occupation. An occupation conducted entirely within a dwelling by inhabitants of the dwelling which is clearly incidental and secondary to the use of the dwelling for the dwelling purposes, has no adverse effect on surrounding dwellings and subject to the limitations as set out in the Performance Standards.

Homeowners' association. An association of homeowners within a residential area created to govern the area with powers including but not limited to: the setting and collection of expense assessments from the members of the association, the control and maintenance of common areas and the enforcement of protective covenants.

Hospital. A building used for the diagnosis, treatment and care of human ailments, but not including medical clinics, rest homes, convalescent homes, nursing homes and retirement homes.

Hotel or motel. A building that provides temporary lodging in guest rooms for compensation for six (6) or more guests with or without meals, entertainment or other accessory personal services.

Housing or home model. A single-family detached dwelling or duplex dwelling having at least four (4) distinguishing major exterior features, including but not limited to elevations, material treatments, front facade placement of windows and doors, garage location/ placement, rooflines and entryway.

Housing, affordable. Workforce housing with a base price that is set by the City, generally deed-restricted, affordable to families who earn no more than the Brighton average median income or those who earn fifty percent (50%) of the average median income for the Denver Metro Area and based on information from the Colorado Housing and Finance Authority or Housing and Urban Development.

Human scale. The relationship between the dimensions of the human body and the proportion of the spaces that people use. This is underscored by surface texture, activity patterns, colors,

materials and details. The understanding of walking distances and spatial perceptions at a human scale determines the most positive placement of buildings and the physical layout of the community. Buildings ranging in height from two (2) to six (6) stories, trees and pedestrian-scaled signs and street lights, textured pedestrian paths and semiprivate spaces all enhance this positive scale.

Impervious surface. Any material which reduces and prevents absorption of storm water into previously undeveloped land.

Improvements. All facilities constructed or erected by a subdivider within a subdivision to permit and facilitate the use of lots or blocks for a residential, commercial or industrial purpose.

Industrial park. A collection of industries clustered in a contiguous area or a planned industrial district where a single tract of land is subdivided and developed according to a comprehensive plan for the use of a community of industries.

Ingress/egress. Entry and exit.

Junk. Any manufactured good, appliance, fixture, furniture, machinery, motor vehicle or trailer which is abandoned, demolished or dismantled or that is so worn, deteriorated or in such a condition as to be unusable in its existing state, and such discarded or generally unusable material as scrap metal, scrap material, waste, bottles, tin cans, paper garbage, boxes, crates, rags, used lumber, building materials, motor vehicles and machinery parts and used tires. (These are by way of example and not by way of limitation).

Junk yard. A place where junk, waste, discarded or salvage materials are bought, sold, exchanged, stored, baled, packed, assembled or handled, including scrap processing or shredding.

Kennel. Any establishment or other place where one (1) or more animals, either temporarily or permanently, are bred, born, raised, boarded, trained, kept, sold or fed for money or any other consideration. Does not include feedlots.

Landfill. Temporary clean landfill: The dumping of nonorganic clean fill which will not degrade ground water (i.e., fill consisting of dirt, gravel, rocks, concrete, brick). (See Performance Standards.)

Landfill, sanitary. A public or private dump operated for the deposition of material such as garbage, refuse, sludge of sewage disposal plants and other discarded solid waste materials resulting from industrial, commercial and community activity, but shall not include agricultural wastes. (See Performance Standards.)

Landscaping area. Land set apart for the required planting and maintenance of lawn, shrubs, trees or similar living ornamental or native plants with complementary, nonorganic displays. Such land may include ingress and egress for vehicles and pedestrian walkways where necessary.

Large format building. A building in an MU zone district characterized by a footprint equal to or greater than one hundred sixty thousand (160,000) square feet or by a continuous building frontage equal to or greater than four hundred (400) linear feet.

Large vehicle sales. Sales of large vehicles and equipment, including: vehicles over one and one-half (1.5) tons G.V.W.; construction equipment; recreational vehicles; farm equipment; and trailers.

Laundry, self-service. A facility that provides washing, drying or ironing machines which are operated by the patron.

Livestock. Animals commonly regarded as farm animals, including but not limited to cattle, horses, goats, llamas, ostriches and sheep, but excluding pet animals such as rabbits, ducks pigeons and doves.

Live/work unit. A residential use type that combines a dwelling and a commercial space under single ownership in a structure. The residential portion of the unit shall contain at least four hundred (400) square feet of gross floor area. The commercial space shall allow activities compatible with residential use with respect to noise, smoke, vibration, smell, electrical interference and fire hazard, and may include such uses as professional services and offices and the creation, display and sale of art, craftwork, jewelry, fabrication of cloth goods and similar activities.

Loading or unloading space. An off-street space or berth on the same site with a building or contiguous to a group of buildings for the temporary parking of a vehicle while loading or unloading merchandise or materials.

Lodge, fraternal and social organization. A group of people organized for a common purpose to pursue common goals, interests or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings and a constitution and bylaws. The place where members of a local chapter of an association hold their meetings; and the local chapter itself.

Lot. A parcel of real property as shown with a separate and distinct number or letter on a plat recorded in the Adams County Clerk's office or when so platted in a recorded subdivision, a parcel of real property abutting upon at least one (1) public street and held under separate ownership, occupied or intended to be occupied, by a building or used together with such other requirements as are mandatory under this Code.

Lot area. Total horizontal area in square feet or acres within the lot lines of a lot.

Lot, corner. A lot abutting two (2) or more streets at their intersection or upon two (2) parts of the same street and where, in either case, the interior angle formed by the intersection of street lines does not exceed one hundred thirty-five (135) degrees.

Lot coverage. That portion of the lot that is covered by buildings or structures.

Lot depth. Average horizontal distance between front and rear lot lines.

Lot, double frontage. A lot which runs through a block from street to street or which has two (2) nonintersecting sides abutting on two (2) or more streets.

Lot, flag. A lot having access or an easement to a public or private street by a narrow, private right-of-way.

Lot frontage. All sides of the lot abutting a street or dedicated public right-of-way (except alleys or walkways).

Lot, interior. A lot other than a corner lot with one (1) frontage on a street other than the alley.

Lot line. The property lines bounding the lot.

Lot line, front. The property line dividing a lot from the right-of-way of a street. For corner or double frontage lots, the front lot line is that line which parallels a street towards which the principal structure on the lot faces or is proposed to face and on which the principal structure is addressed.

Lot line, rear. The property line of a lot opposite one (1) front lot line. For triangular, pie-shaped or irregularly shaped lots, the rear lot line shall be deemed to be a line within the lot having a length of ten (10) feet; parallel to and most distant from the front lot line for the purpose of determining required setbacks.

Lot line, side. Any property line of a lot other than front or rear lot lines.

Lot, reverse corner. A corner lot in which the rear lot line is adjacent to the side lot line of another property.

Lot width. Horizontal distance between the side lot lines of a lot, measured at right angles to the lines, establishing the lot depth at the established building setback line.

Lowest floor. The inside bottom surface of an enclosed area, including a basement. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in areas 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 nonelevation design requirements of this Code.

Luminaire. The entire assembly that makes up a streetlight and consists of a housing, lamp socket, reflector, refractor (glass), ballast and photo-control receptacle.

Machine or sheet metal shop. A facility where material is processed or treated by machining, cutting, grinding, welding, forging or similar processes.

Manufactured home. A factory-built, structure that is manufactured and certified under the authority of 42 U.S.C. § 5401, the "National Manufactured Home Construction and Safety Standards Act of 1974," in compliance with Section 31-23-301, C.R.S., and is transportable in one (1) or more sections and is built on a permanent foundation. A manufactured home is different than a mobile home. It is not constructed with a permanent hitch, nor does it have wheels or axles permanently attached to its body or frame. For flood plain management purposes, the term *manufactured home* also includes park trailers, travel trailers and other similar vehicles placed on a site for more than one hundred eighty (180) consecutive days. For insurance purposes, the term

manufactured home does not include park trailers, travel trailers and other similar vehicles. A manufactured home:

- a. Is partially or entirely manufactured in a factory;
- b. Is not less than twenty-four (24) feet in width and thirty-six (36) feet in length;
- c. Is installed on an engineered permanent foundation;
- d. Has brick, wood or cosmetically equivalent exterior siding and a pitched roof; and
- e. Is certified pursuant to the "National Manufactured Construction and Safety Standards Act of 1974," 42 U.S.C. § 5401, et seq., as amended. Such housing is sometimes referred to as *modular housing*.

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

Manufacturing, heavy. The manufacture or compounding process of raw materials. These activities or processes might necessitate the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process. These activities may involve outdoor operations as part of the manufacturing process. Typical heavy manufacturing uses include, but are not limited to: manufacturing of abrasives, acid, caustic soda, celluloid, cement, cement block, chemicals, concrete or lime, cosmetics and perfume, glass or glass products, insulation material, machine tools, metals, paint and enamel, paper and pulp products, plaster, plastic, rubber products and related products; electroplating; forging; foundries; linseed oil shellac, turpentine manufacture or refinery; lubrication grease manufacture or oil compounding; manufacture; planing and sawmills; sugar and sugar beet refining; and tar and waterproofing materials, manufacture, treatment and storage.

Manufacturing, light. The manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales and distribution of such products, but excluding basic industrial processing and custom manufacturing. Typical light manufacturing uses include, but are not limited to: manufacturing of clothing or cloth, pharmaceuticals, electric appliances, electronics, furniture, ice, fur garments and leather goods, pottery, porcelain, china, shoes, signs, textiles, trailer and mobile/ manufactured homes and vacation campers; electric repair (heavy equipment); and assembly of farm machinery and small components.

Marquee. A permanently roofed structure attached to and supported by a building.

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

Maximum extent practicable. Under the circumstances, reasonable efforts have been undertaken to comply with the regulation or requirement, 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 the noncompliance.

Microwave antenna. A dish type antenna used to link communication sites together by wireless voice or data transmission.

Mineral deposits of commercial quantity and quality. A natural mineral deposit of limestone used for construction purposes, coal, gravel, sand and quarry aggregate for which extraction is or will be commercially feasible; and regarding which it can be demonstrated, by geologic, mineralogical or other scientific data, that such deposit has significant or strategic value to the City, County, State or Nation.

Mineral extraction. The process of extracting metallic or nonmetallic mineral deposits from the earth and crushing, separating or otherwise processing the extracted mineral deposits into a useable form.

Mini-storage. A structure containing separate, individual and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time. Storage is limited to dead storage only, and flammable or hazardous chemicals and explosives are prohibited. Typically, a resident manager apartment or living space is provided. This definition does not include the warehousing of transportable or mobile storage containers.

Mixed use development. Development that combines and integrates two (2) or more principal land uses, such as commercial, office, civic, industrial or residential, that are developed as one (1) cohesive project in a compact urban form, with significant physical and functional integration, with uninterrupted pedestrian connections. The mix of uses may be combined in a vertical MU building or combined in separate buildings located on one (1) property and/or under unified control.

Mixed use zone district. Any or all of the following zone districts: MU-NC, MU-CC, MU-R/EC.

Mobile food vendor. A properly licensed business that sells prepared, ready-to-eat food from a vehicle.

Mobile home. A single-family detached dwelling built on a permanent chassis that is transportable in one (1) or more sections, designed for long-term residential occupancy and containing complete electrical, plumbing and sanitary facilities and designed to be installed in a permanent or semi-permanent manner with or without a permanent foundation. *Mobile home* does not include recreational vehicles or travel trailers.

Mobile home access road. That area privately owned and maintained and set aside within a mobile home park for an interior road system, providing principal means of ingress to individual mobile home spaces and egress to street.

Mobile home park or subdivision. A site with required improvements and utilities for the long-term parking of mobile homes, which may include services and facilities for the residents.

Mobile home patio. A paved area adjacent to the mobile home and accessible from the main entrance to the parked mobile home.

Mobile home permanent addition. Any structural extension from any portion of a mobile home, not including temporary canvas or aluminum awning.

Mobile home space. A parcel of ground within a mobile home park designed for accommodation of a mobile home dwelling together with accessory structures.

Mobile vending unit. A properly licensed business that sells prepared, ready-to-eat food from a portable apparatus that can be set up on a sidewalk, in a park, in front of a retail store, etc. Includes uses such as those commonly referred to as *hot dog stands*.

Model home. A dwelling unit used initially for display purposes which typifies the type of units that will be constructed in the subdivision.

Modular home. A prefabricated living unit designed to become a permanent building, which meets the building standards of the latest adopted building codes of the City of Brighton.

Monopole. Monopole means a structure composed of a single spire used to support telecommunications equipment.

Morgue. A place for storage of human bodies prior to autopsy, burial or release to survivors.

Natural area. Lands or features, such as a wetland, flood plain, body of water, wildlife corridor or other open areas without any improvements.

Neighborhood. An area of residential and supporting development that contains no more than seventy-five (75) acres or two hundred fifty (250) dwelling units, whichever is smaller and that is separated and distinguished from other similar neighborhoods or areas by natural or man-made features such as: parks or open space; water features or irrigation ditches; an arterial street; or permitted nonresidential uses.

Neighborhood feature. A one- to three-acre development, containing one (1) or more conditional or other uses as allowed by the underlying zoning and by these Residential Design Standards that improves the livability of the surrounding residential neighborhoods and serves as a focal point or activity center for one (1) or more neighborhoods without eroding residential quality. A neighborhood feature shall be accessible to the general public by both vehicles and pedestrians.

Nightclub. A properly licensed establishment operated as a place of entertainment, where dancing, music, comedy or other forms of entertainment are allowed. Alcoholic beverages are typically served for consumption on the premises.

Nuisance. A continuous act, condition or use of property which hurts, annoys, inconveniences or damages the public with respect to its health, safety, comfort or welfare or where the effects of which are unreasonably harmful or annoying to persons of normal sensibility.

Nursery and greenhouse, commercial. Land and/or buildings used to raise flowers, shrubs, trees and plants for sale. This may include an area for retail sales of such plant materials and related accessory items.

Nursing home, hospice. A health establishment that provides nursing care and/or hospice services under the direction of a Colorado licensed physician to patients who, for reasons of illness or physical disabilities, are unable to care for themselves.

Office. An establishment primarily engaged in administrative, professional or clerical operations; i.e., but not limited to, accountant; architect; attorney; bookkeeper; broker; doctor; dentist; chiropractor; psychologist; drafter; bank; savings and loan; insurance company; insurance agency; interior design; landscape architect; notary; stenographer; clerical services.

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

Open space, useable. Open areas used for active or passive recreation, including parks, trails, greenbelts or a benched area above a detention system that is outside the ten-year flood plain at no more than a twenty-percent slope. Usable open space may or may not include improvements on the land, but must be accessible to the public as a year-round community amenity. Usable open space may include, but not be limited to, developed parkland, nature center, picnic area, ball fields, a golf course or ponds for fishing or boating.

Ordinary high water mark. See definition of *High water mark* above.

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 storage. The keeping, in an unroofed area, of any goods, material, merchandise, containers or vehicles in the same place for more than twenty-four (24) hours.

Outlot. A platted parcel, piece or tract of land that is a part of an overall development. Outlots shall be held in common ownership by a property owners' association or by a public agency and are intended to be used as a common area for open space, private parks, trail systems, recreational facilities, retention/ detention facilities or other such uses.

Overall development plan. A conceptual plan of a proposed development, together with written materials, showing the general character and layout of the development parcel, including the approximate location and density/intensity of uses, the approximate location of parks and open

space, the location of existing and proposed streets and alleys and the relationship of the development to adjacent areas that it may affect.

Overlay zone. A zoning district that includes one (1) or more underlying zones that impose additional requirements beyond those of the underlying zone.

Owner. Also referred to as *landowner* or *property owner*. An individual, firm, association, syndicate, partnership or corporation having sufficient proprietary interest to seek development of land.

Owners' association. An entity or association that is organized for the purpose of providing payment for or is directly responsible for the maintenance, upkeep and costs of common areas, landscaping, facilities, utilities and other liabilities of a development.

Parcel. A contiguous area of land in the possession of, owned by or recorded as the property of the same person.

Park. An area permanently dedicated for recreation, aesthetic, educational or cultural use and generally characterized by its natural and landscape features. It may be used for both passive and active forms of recreation and may also be any size.

Park and recreation improvement fund. A special fund established by the City Council to retain monies contributed by subdividers in accordance with the cash in lieu of land provisions of this Code.

Parking area. A public or private area designated and used for parking motor vehicles.

Parking bay. A parking module consisting of one (1) or two (2) rows of parking spaces and the aisle from which motor vehicles enter and leave the spaces.

Parking lot. An off-street, ground-level open area, usually improved, for the temporary storage of motor vehicles in which the public may rent parking spaces.

Parking space. A space for the parking of a motor vehicle within a public or private parking area.

Parking space, off-street. A temporary storage area for a motor vehicle that is directly accessible to an access aisle and that is not located on a dedicated street right-of-way.

Parking space, on-street. A temporary storage area for a motor vehicle that is located on a dedicated street right-of-way.

Parking structure. A freestanding structure or a structure attached to a commercial or multi-family building, consisting of more than one (1) level and used to store motor vehicles. This does not include parking areas that are within multi-story commercial or residential buildings.

Patio home. A single-family dwelling unit situated on one (1) lot, set to one (1) side near or on the side property line. Open space setbacks are provided on the remaining three (3) sides of the unit.

Pawnshop. An establishment that offers loans to individuals who use their personal property as collateral and offers such property for retail sale to the public.

Pedestrian pass-through. A feature providing unrestricted public pedestrian access through a building or structure or between buildings or structures.

Performance bond. Any form of security, including a cash deposit, surety bond, collateral, property or instrument of credit in an amount and form satisfactory to the City Council.

Performance standards. Regulations and criteria established to control the operation of a use, including noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, dust, radioactivity, electrical disturbance, heat or glare or other factors generated by or inherent in uses of land or buildings.

Perimeter fences and walls. Fences or walls that are forty-two (42) inches or more in height and are placed within fifty (50) feet of the edge of the right-of-way of a collector or an arterial street. Fences or walls that have a surface area that is twenty-five percent (25%) or less opaque and hedges and screens composed of living plant material shall not be included in this definition of *perimeter fences and walls*.

Personal services. Establishments that provide personal improvement and personal care services, including services such as: barber and cosmetic; tailor; tax preparation; and licensed massage therapy.

Pet, domesticated animal. Dogs, cats rodents, birds, reptiles, fish, potbellied pigs weighing less than seventy (70) pounds and any other species of animal which is sold or retained as a household pet, but does not include skunks, nonhuman primates and other species of wild, exotic or carnivorous animals that may be further restricted by the Brighton Municipal Code.

Planned unit development (PUD). 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 one (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 is 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. A subdivision as it is represented as a formal document by drawings and writing.

Porch. A covered platform, usually having a separate roof, at an entrance to a dwelling or an open or enclosed gallery or room, which is not heated or cooled and that is attached to the outside of a building.

Power plant. A complex of structures, machinery and associated equipment for generating electric energy from another source of energy, such as nuclear reaction, coal or gas combustion or hydroelectric means.

Preliminary development plan. A general plan which depicts the proposed location of improvements for a parcel of land, containing basic information set forth in the zoning regulations (i.e., general uses, ranges of square footages of the proposed uses and the general location of building and parking areas, points of access and primary internal circulation).

Print shop. A business providing document printing, photocopying, blueprinting and document binding services directly to retail customers.

Printing or publishing establishment. A business engaged in large scale printing, lithographing or silkscreen printing, plate-making or engraving as allied to the printing or publishing industries; the publishing and printing of newspapers, magazines, periodicals, books, maps, pamphlets, flyers or similar materials; book binding and other binding operations as allied to the printing or publishing industries.

Private land mobile radio service facility. Consists of various services utilizing regularly interacting groups of base, mobile, portable and associated control and relay stations for private (nonprofit) radio communications by eligible users. These facilities shall be allowed in the same zone districts as a CMRS facility.

Public utilities facility. A communications, electric, gas, cable, water, sewer or other utility pipe, conduit, transmission line, transformer, reducer, distribution apparatus or other unoccupied structure necessary for the furnishing of utility service.

Public utility storage yard and service installation. Utility substations, transmission and distribution facilities and/or fenced land used for outdoor storage of utility-related equipment.

Reach. A hydraulic engineering term to describe longitudinal segments of a stream or river. A *reach* will generally include the segments of the flood plain where flood heights are primarily controlled by man-made or natural flood plain obstructions or restrictions. In an urban area, the segment of a stream or river between two (2) consecutive bridge crossings would most likely be a *reach*.

Recreation facility, indoor. A completely enclosed facility providing for participation in sports activities, including but not limited to bowling, billiards, martial arts, skating, basketball, gyms, paint ball, arcade games and similar activities. This includes studios in excess of five thousand (5,000) square feet in gross floor area and may include associated accessory eating and retail sales areas.

Recreation facility, outdoor. An area or open-air structure providing for participation in sports activities, including but not limited to athletic play fields, golf driving ranges, racquet sports, skating rinks, stadiums, paint ball, miniature golf, baseball batting cages, archery and similar activities. This may include associated accessory eating and retail sales. This does not include motorized vehicle sports, facilities for large animal riding or racing or outdoor target ranges operated for sport shooting.

Recreational vehicle (RV) campground. Any lot or parcel of land upon which two (2) or more recreational vehicle sites are located, established or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

Repair, motor vehicle, major. Repair of automobiles, trucks, motorcycles, recreational vehicles or boats, including the sale, installation and servicing of related equipment and parts. This use includes auto repair shops, auto body and frame repair, automobile painting, transmission repair and engine overhaul. Does not include the storage or dismantling of wrecked motor vehicles or storage of junk.

Repair, motor vehicle, minor. Limited repair of vehicles under one and one-half (1.5) tons G.V.W., including automobiles, motorcycles and light trucks. Use includes tune-ups, brake repair, washing and detailing, mufflers, auto glass replacement and other minor repair commonly provided in service stations. Inoperable vehicles may not be stored for more than twenty-four (24) hours. Does not include the storage or dismantling of wrecked motor vehicles or storage of junk.

Repair shop. Repair of household appliances, computers, shoes and other small items. This definition does not include welding shops, machine shops, vehicle repair or similar uses.

Residence. A structure or part of a structure containing dwelling units or rooming units, including single-family detached, single-family attached, multiple dwellings, live/work units, mixed-use structures (that part of the structure used for residential uses), manufactured and/or mobile homes. Residences do not include: such transient accommodations as hotels, motels, RV parks, campgrounds; dormitories, fraternity or sorority houses; in a mixed-use structure, that part of the structure used for any nonresidential uses; recreational vehicles.

Residence, protective. A residence, typically licensed by the State, that is operated to provide supervision and other services for four (4) to eight (8) individuals who are victims of abuse or violence, at-risk pregnant teens, the homeless or other displaced and neglected children or adults and who are not related to the owner of the residence by blood, marriage or adoption. Residents are provided with safe sanctuary at the facility for extended periods of time (typically more than thirty [30] days) and receive counseling, legal assistance, financial aid or room and board, for little or no compensation. Full-time staff members aid the residents in developing life skills necessary to enable residents to live independently. Except as specifically provided by this Code, a protective residence shall not house more than one (1) individual per dwelling who is required to register as a sex offender under the provisions of Section 18-3-412.5, C.R.S. Also known as *crisis shelter* or *protective shelter*.

Residence, rehabilitation. A residence, typically licensed by the State, that is operated to provide supervision and other services for four (4) to eight (8) individuals who are juvenile offenders, persons recovering from drug or alcohol addiction or inmates on release from a more restrictive custodial confinement and who are not related to the owner of the residence by blood, marriage or adoption. Residents live at the facility for extended periods of time (typically more than thirty [30] days) and receive supervision, rehabilitation and counseling from full-time staff members living at the facility. Full-time staff members aid the residents in developing life skills necessary to enable residents to live independently and in readjusting to society. Rehabilitation residences shall be prohibited from locating any closer than seven hundred fifty (750) feet from any other *rehabilitation residence, group home facility* or *school*. Except as specifically provided

by this Code, a *rehabilitation residence* shall not house more than one (1) individual per dwelling who is required to register as a sex offender under the provisions of Section 18-3-412.5, C.R.S. Also known as *halfway house* or *inpatient residential*.

Residential, high density. Those residential areas or zoning districts in which the average density is equal to or greater than ten (10) units per acre.

Residential, low density. Those residential areas or zoning districts in which the average density is equal to or less than five (5) units per acre.

Residential, medium density. Those residential areas or zoning districts in which the average density is between five (5) and ten (10) units per acre.

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

Retail sales, accessory. The compatible and incidental retail sale of items produced as a result of the primary allowed use.

Retirement home. An establishment used as a multiple dwelling residence for retired persons in separate dwelling units with limited accessory services, such as recreation and other common facilities, but not including nursing or hospital care.

Right-of-way, public. All streets, roadways, bikeways, sidewalks, alleys and all other areas reserved for present or future use by the public, as matter of right, for the purpose of vehicular or pedestrian travel.

Riprap. A facing of masonry or the like for protecting an embankment. Riprap which consists of field stone or rough unhewn quarry stone shall be as nearly rectangular as is practicable.

Sanatorium. An institution where people are housed during treatment for mental illness, drug or alcohol addiction, for convalescent care or for other medical or post-surgical treatment.

School, college or university. A public or private institution of higher learning (beyond grade twelve) providing courses as approved by the Colorado Department of Education or licensed by any agency of the State.

School, public, private and parochial. A school for any grades between preschool and twelfth teaching accredited courses of instruction or a school for any age teaching skills for the development of disabled or mentally challenged persons, as approved by the Colorado Department of Education.

School, vocational, trade, or business. A secondary or higher education facility primarily teaching usable skills that prepare students for jobs in a trade and meeting the state requirements as a vocational facility.

Senior living facility, assisted. State-licensed housing that provides twenty-four-hour supervision and is designed and operated for elderly people who require some level of support for daily living. Such support may include meals, security and housekeeping and may include daily

personal care, transportation and other support services where needed. Individual dwellings may contain kitchen facilities. This includes commonly used terms *congregate care facility* and *continuing care retirement community*.

Senior living facility, independent. A living facility or planned community that emphasizes social and recreational activities for mature adults or retired individuals. The facility may provide some level of supervision or support for daily living. The facility will typically provide security and may include other services, such as meals, housekeeping, transportation and other support services where needed. Individual dwellings may contain kitchen facilities. This includes commonly used terms *retirement housing* and *retirement community*.

Senior living facility, nursing. State-licensed facility that provides twenty-four-hour supervision and is designed and operated for elderly people who require support for daily living. Medical support shall be provided by skilled nursing and medical staff. This includes commonly used terms *extended care facility, long-term care facility, nursing home* and *hospice*.

Setbacks. The distance between any property line and the wall or support of structure. Setbacks are not applicable for fences except where specifically indicated. Setbacks are not applicable for decks, retaining walls or other similar structures below thirty (30) inches in height. Note: roof overhangs and cantilevered components, such as fireplaces, window seats, etc., up to two (2) feet in depth, are not included when measuring setbacks.

Sexually oriented business. An adult arcade, adult bookstore, adult novelty shop, adult video store, adult cabaret, adult theater or nude model studio. The definition of *sexually oriented business* shall include any establishment which conducts as a principal use of the premises, or as a significant or substantial adjunct to another use of the premises, the sale, rental, display or other offering of material which is distinguished or characterized by its emphasis on depicting, describing or relating to specified sexual activities or specified anatomical areas as the primary or principal attraction to the premises. The definition of *adult entertainment* shall not include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the State engages in medically approved and recognized sexual therapy.

Specified anatomical areas includes any of the following:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola.
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities includes any of the following:

1. The fondling or other intentional touching of human genitals, pubic region, buttocks, anus or female breasts.
2. Sex acts, normal or perverted, actual or simulated, including but not limited to intercourse, oral copulation, sodomy, sadomasochism or bestiality.

3. Masturbation, actual or simulated.
4. Human genitals in a state of sexual stimulation, arousal or tumescence.
5. Excretory functions as part of or in connection with any of the activities set forth in Subparagraphs 1. through 4. above.

Shopping center. A group of commercial establishments planned, constructed and managed as a total entity, with customer and employee parking provided on site, provision for goods delivery separated from customer access, aesthetic considerations and landscaping and signage in accordance with an approved plan.

Shopping center, community. A shopping center with less than one hundred fifty thousand (150,000) square feet of gross leasable floor area and a total site area of between ten (10) and twenty-five (25) acres. The market area for a community shopping center is typically within a ten-minute driving radius.

Shopping center, neighborhood. A shopping center with less than one hundred thousand (100,000) square feet of leasable floor area and a total site area of less than ten (10) acres in which businesses offer goods and services necessary to meet daily needs. Tenants typically include small businesses such as dry cleaners, insurance offices and small restaurants. The market area for a neighborhood shopping center is typically within a five-minute driving radius.

Shopping center, regional. A cluster of retail and service establishments with more than one hundred fifty thousand (150,000) square feet of leasable floor area and a total site area of more than twenty-five (25) acres, designed to serve consumer demands from the community as a whole or a larger area. The primary functional offering is at least one (1) full-line department store. The center also includes associated support shops which provide a variety of shopping goods, including general merchandise, apparel and home furnishings, as well as a variety of services and perhaps entertainment and recreational facilities.

Sidewalk. A paved, surfaced or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.

Sight triangle. A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

Solid wastes. Material such as garbage, refuse, sludge of sewage disposal plants and other discarded solid waste materials, including solid wastes resulting from industrial, agricultural, commercial and community activity.

Spot zoning. Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses and not for the purpose or effect of furthering the comprehensive zoning plan.

Stable. An accessory building for the confinement or protection of horses, mules, donkeys or ponies.

Start of construction. The date the permit was issued, provided that the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty (180) days of the permit date. The *actual start* means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the state of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers or foundations or the erection of temporary forms.

Store, automobile accessory and supply. Establishments primarily engaged in the retail sale of auto supplies such as automotive batteries, parts, accessories; and sundry supplies such as polishes, paint and decorative items. Does not include sale of major auto parts such as transmissions and engines.

Store, convenience. A small retail or service commercial use, sometimes including fuel sales, which provides limited food products, household items or other goods or services commonly associated with the same and which do not typically offer comparison shopping opportunities. Includes "7-11" type stores.

Store, grocery. A building with a gross floor area of less than fifty thousand (50,000) square feet, occupied by a business that sells predominantly groceries at retail.

Store, grocery, large. A grocery store with a gross floor area of over fifty thousand (50,000) square feet.

Store, retail. Buildings with a gross floor area of less than fifty thousand (50,000) square feet, occupied by businesses not specifically listed under another use classification, engaged in the retail sale of merchandise. This classification includes: retail; antique stores; art galleries; appliance retail sales; art and school supply retail stores; book stores; china and glassware stores; clothing and apparel stores; clothing and costume rental; coin and stamp dealers; department stores; drugstores, pharmacy; fabric shops; florist; furniture and house furnishing stores; furrier shops; retail; hobby and toy stores; jewelry stores, including watch repair; leather goods and luggage stores; music stores; news stands; office equipment and supplies; pet shops and small animal stores; plumbing showrooms and shops; shoe repair and sales; sporting goods stores; variety shops; and video or movie rental store.

Store, secondhand. A retail store that sells previously owned merchandise that has been donated without compensation to the donator. Merchandise typically includes items such as clothing, furnishings or appliances. The selling of previously owned merchandise that has been bought or traded by the store selling said merchandise may be considered an antique store (see *retail store*).

Story. That part of a building between the surface of a floor and the ceiling immediately above.

Stream corridor. The corridor defined by a stream's ordinary high water mark. See definition of *high water mark* above.

Street. The entire width between the boundary lines of every way which provides for public use for the purpose of vehicular and pedestrian traffic and including the terms *road, highway, land, place, avenue* or other similar designations.

Street, arterial. Any street serving major traffic movements which is designed primarily as a traffic carrier between cities or between various sections of the City, which forms part of a network of through streets and which provides service and access to abutting properties only as a secondary function. A street designated on the Comprehensive Plan, as may be amended from time to time, as either a *major* or *minor* arterial:

a. *Major arterial* is a regionally significant street that serves the major activity centers in the City and carries the majority of trips entering and leaving the City, as well as the majority of through movements desiring to bypass City neighborhoods.

b. *Minor arterial* is a street that interconnects with and augments the regional major arterial system, which distributes travel to geographic areas smaller than those identified with the major arterial system and which provides intra-community continuity. A minor arterial should not, ideally, penetrate identifiable neighborhoods.

Street, collector. Any street designed primarily to gather traffic from local streets and carry it to the arterial system.

Street frontage. The property line which abuts a public right-of-way.

Street light. A luminescent device consisting of a pole and base, mast arm, light fixture, cables and conduits and transformer (if necessary) to provide adequate illumination for public streets and public grounds.

Street, local. Any street designated primarily to provide access to abutting property.

Street system, local. The interconnected system of collector and residential (local) streets providing access to residential development from an arterial street.

Streetscape. Design terms referring to all the elements that constitute the physical makeup of a street and that, as a group, define its character, including building frontage, street paving, street furniture, landscaping including trees and other plantings, awnings and marquees, signs and lighting.

Structure. Anything constructed or erected, the use of which requires location on the ground or attachment to something having a permanent location on the ground, excepting mail boxes, ornamental light fixtures, flag and utility poles, railroad trackage and transmission or distribution facilities of public utilities.

Structure, accessory. A structure detached from and smaller than a principal building located on the same lot and customarily incidental and subordinate to the principal building or use. This includes detached residential garages.

Structure, nonconforming. A structure which was lawfully constructed prior to the effective date of this Code and which does not conform to the requirements of this Code.

Structure, permanent. A structure which is built of such materials and in such a way that it would commonly be expected to last and remain useful for a substantial period of time.

Structure, temporary. A structure which is built of such materials and in such a way that it would commonly be expected to have a relatively short useful life or is built for a purpose that would commonly be expected to have a relatively short term.

Studio. An establishment of less than five thousand (5,000) square feet in gross floor area where art is taught, studied or produced. This includes facilities for photography, dance, gymnastics, fine arts, music, crafts and martial arts. Does not include studios for tattoos and body piercing. Studios shall not allow for the use of kilns, welding or chemical treatments or any use that produces a nuisance or pollution, such as noise, smoke, odors, vibration, heat, fumes, sawdust, radiation or liquid or solid wastes.

Subdivider. The term *subdivider* or *developer* means any person, partnership, joint venture, association or corporation who shall participate as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale or lease of a subdivision.

Subdivision. The division of a lot, tract or parcel of land into two (2) or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future, of sale or building development, whether residential, industrial, office, business or other use. The term shall also include and refer to any division of land previously subdivided or platted.

Subdivision, major. All subdivisions not classified as minor subdivisions, including but not limited to subdivisions of four (4) or more lots or building sites or any size subdivision requiring any new street or extension of municipal facilities or the creation of any public improvements.

Subdivision, minor. Any subdivision containing not more than three (3) lots or building sites fronting on an existing street; or not involving any new street or road or the extension of municipal facilities; or not involving the creation of any public improvements; and not adversely affecting the remainder of the parcel or adjoining property; and not otherwise in conflict with any provision or portion of the Comprehensive Plan, Zoning Ordinance or these Regulations.

Subdivision regulations. The subdivision regulations set forth in the Subdivision Regulations of the City of Brighton, as amended from time to time and as contained in this Land Use and Development Code.

Substantial improvement. Any repair, reconstruction or improvement of a property, the cost of which equals or exceeds fifty percent (50%) of the fair market value of the property either before the improvement is started or, if the property has been damaged and is being restored, before the damage occurred. Substantial improvement is started when the first alteration of any wall, ceiling, floor or other structural part of the building commences.

Support and service facility, gas, oil and petroleum. An oil or gas well, a hole drilled for the purpose of producing oil or gas, a well into which fluids are injected, or storage, separation,

treating, dehydration, artificial lift, power supply, compression, pumping, metering, monitoring, flow lines and other equipment directly associated with oil wells, gas wells or injection wells.

Supporting service lot. A lot located within the Business Park (BP) zone district, which has frontage along an arterial street, intended to accommodate supporting service uses for the Business Park (BP) zone district.

Supporting service use. A land use within the Business Park (BP) zone district that is not the primary allowed land use and is clearly supportive, accessory and incidental to the principal use. Supporting service uses will be allowed where the use is clearly incidental, secondary and accessory to an allowed use and is located within a larger principal building. A supporting use is consistent and compatible with the purpose and intent of the allowed principal use. The combined floor area of a supporting use may not exceed twenty-five percent (25%) of the total floor area of the principal building.

Take-out and delivery. An establishment whose primary business is to provide goods for take-out and delivery service only. No seating would be available to customers for consumption of goods sold on the premises.

Tattoo and body piercing. An establishment of which the principal business activity, either in terms of operation or as held out to the public, is the practice of one (1) or more of the following:

- a. Placing of designs, letters, figures, symbols or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin.
- b. Creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

Tavern, cocktail lounge or bar. Sale of alcoholic liquors by the drink for on-premises consumption only. Sandwiches and light snacks must be available for consumption on the premises during business hours, but meals need not be available. Includes those land uses typically referred to as cocktail lounge or bar.

Taxidermy. A business in which life-like three-dimensional representations of an animals are reproduced for display. In some cases, the actual skin (including the fur, feathers or scales) of the specimen is preserved and mounted over an artificial armature. In other cases, the specimen is reproduced completely with man-made materials.

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

Toxic substances. Any combination of pollutants, including disease-carrying agents, that, after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, can cause death or disease, mutations, deformities or malfunctions in such organisms or their offspring and that adversely affect the environment.

Trail. A tract of land designated, designed and used by the public for hiking, biking, horseback riding or other recreational activities.

Trail, bicycle. A separate trail or path upon which motor vehicles are prohibited and which is for the exclusive use of bicycles or the shared use of bicycles and pedestrians. Where such trail or path forms a part of a highway, it is separated from the roadway for motor vehicles traffic by open space or a barrier.

Transitions. Generally, an array of tools and techniques designed to achieve compatibility between adjoining land uses that may differ by type and intensity, including but not limited to the following techniques: transition uses; site and building transitions; and landscape buffer and screening transitions.

Transition uses. A land use (e.g., office, small-scale retail, pedestrian-intensive retail, civic or public uses) that may be appropriate to site between different land uses when the proposed transition use is relatively more compatible with lesser-intensity adjoining uses.

Site and building transitions. Designing and adapting the form and mass of a building to take into consideration neighboring buildings and land uses.

Landscape buffer and screening transitions. The use of landscaping, berms, fences, walls, or any combination of these, to buffer and screen a more intense land use from an adjacent, less intense land use.

Truck stop. Any building, premises or land in which or upon which a business, service or industry involving the maintenance, servicing, storage or repair of commercial vehicles is conducted or rendered, including the dispensing of motor fuel or other petroleum products directly into motor vehicles and the sale of accessories or equipment for trucks and similar commercial vehicles. A truck stop also may include overnight accommodations and restaurant facilities primarily for the use of truck crews.

Underlying zone district. The zone district which exists at the time of the adoption of these Regulations or which exists as an act of rezoning, over which a flood control zone, PUD or another type of overlaying zone district is placed.

Use. The use of property or land that is allowed to carry on under the Zoning Regulations in that particular district.

Use, accessory. A land use that is not the primary allowed land use and is clearly supportive, accessory and incidental to the principal use which is operated on the same lot (or contiguous lot in the same ownership) for the benefit or convenience of the owners, occupants, employees, customers or visitors of the lot with the principal use. An accessory use is consistent and compatible with the purpose and intent of the allowed principal use. In no case shall such accessory use dominate in area, extent or purpose the principal lawful use.

Use by right. Use of land, structures or both which is authorized by the zoning classification.

Use, conditional. A *conditional use* is an additional use of land, structures or both that may be allowed with restrictions or conditions deemed necessary upon review and approval by City Council.

Use, nonconforming. A land use which was lawfully established prior to and being conducted on the effective date of this Code and which does not conform to the requirements of this Code.

Use, principal. The primary use to which the lot, building or premises is devoted.

Use, special. An additional nonpermanent use of land, structures or both approved by the Board of Adjustment.

Use, temporary. A use of land or structures, allowed for a limited period of time, by permit from the Community Development Director.

Variance. An exception in the application of the specific requirements of these regulations to a specific piece of property, which property, because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the same vicinity and district and which adjustment remedies disparity in privileges.

Vertical mixed-use building. A multi-story building containing a vertical mix of two (2) or more principal uses.

Veterinary clinic. A place where animals are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.

Warehousing. Buildings used primarily for the storage of goods, materials and containers. Transportable or mobile storage container facilities.

Waste-related use. An area and/or structure that provides for disposal or recycling of waste material, including waste transfer station and recycling facility. This does not include junk yards, landfills or incinerators.

Weed. Any natural or imported vegetative or herbaceous plant which proves to be troublesome or injurious, and also any growth that may restrict or impair normal maintenance and sanitation efforts.

Wetlands. An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support and, under normal circumstances, does support a prevalence of vegetation typically adapted for life in saturated soil conditions.

Wholesaling. The sale of goods or commodities to retailers or other businesses for the purpose of resale, but not the sale of goods or commodities directly to the public.

Wrapped use. A retail, service or other commercial use type that occupies the ground floor of a structure and extends on both sides of a corner of a structure.

Xeriscape. Landscaping which is specifically intended to achieve water conservation.

Yard. Any existing or required open space on the same lot with a principal building, other than a court on a lot, unoccupied and unobstructed from the ground upward as otherwise provided in this Code.

Yard, front. A yard extending across the full width of the lot between the front lot line and the nearest line or point of the building. For corner lots, the front yard shall include the area along the primary and secondary streets.

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

Yard, side. A yard extending from the front yard to the rear yard between the side lot line and the nearest line or point of the building or accessory building attached thereto.

Zero lot line. The location of a building on a lot in such a manner that one (1) or more of the building's sides rest directly on a lot line. (Ord. 1956 §1, 2008; Ord. 1964, 2008; Ord. 2052 §1, 2010; Ord. 2061 §1, 2010; Ord. 2101 §2, 2011)