

Article 11. Definitions & Terms

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Section 11.01 Description of Uses

This section provides descriptions of uses of land and buildings associated with Table 4-2 Allowed Uses. It is organized by Categories and Types of uses, with some Types including more specific types. Where a proposed use is not generally listed or appears to meet the description of more than one use type, the Director shall make an interpretation on the most equivalent described use considering:

1. The similarity of the use in terms of scale, impact and operations to other described uses;
2. The typical building format and site design associated with the use from existing examples; and
3. The potential contribution of the use, in its typical format and design, to the intent of the zoning district.

Any uses that may not be interpreted as equivalent to a use in this Table is not anticipated by these regulations and may only be allowed by a Text Amendment.

A. Residential Dwelling

The Residential Dwelling category is the principal use of land and buildings for dwelling units. A dwelling unit is one or more joined rooms used by a family of single housekeeping unit for residential occupancy, including sleeping, bathroom(s) and eating facilities. The arrangement and extent of dwelling units depends on the zoning district, lot sizes and building types, arranged in the following types:

Detached House. A residential building designed for one primary dwelling unit in an urban neighborhood, suburban or rural setting. Variants of this type are based primarily on lot size and context, and the standards of the particular zoning district.

Duplex / Multi-unit House. A residential building designed to accommodate 2 to 4 primary dwelling units in an urban neighborhood or suburban setting. Duplex units that share a single common wall may be on a single lot, or it may be platted as separate lots along the common wall line subject to platting restrictions. All other Duplex or Multi-unit Houses shall be on a single lot. Duplex / Multi-unit Houses shall have a scale, design and orientation of access and entrance features that maintains the appearance and form similar to a Detached House.

Row House. A multi-unit residential building designed for 3 to 8 dwelling units within an urban and sometimes suburban context. Row Houses abut one another sharing an adjoining party wall. These units are conjoined however, each unit has its own private entry. Units may be on a single lot subject to common ownership restrictions or platted on separate lots along the common wall subject to platting restrictions.

Apartment (small, medium or large). A multi-unit residential building designed on a small or moderate-sized lot in a compact walkable neighborhood or mixed-use setting. The building is accessed by a common lobby entrance at building frontage, is designed with a compatible scale and frontage to other residential building types, and arranged to integrate into the block structure of a neighborhood. Variants of this type are based primarily on building scale, lot size and context, and the standard of the particular zoning district. Variants include Small, Medium and Large Apartments.

Apartment, Garden Apartment. A grouping of small or medium apartment buildings in a common development in a suburban setting, including accessory uses and buildings to support the residential use of the property, and arranged around an internal system of streets/internal access, walkways and common open space.

Mixed-use (apartment over commercial / service). A residential use in a building designed primarily for street level retail, service or employment uses, and where dwelling units are accommodated on upper stories, or otherwise separated from the principal commercial function of the building.

Live / Work. A residential building type designed with a single dwelling unit, but where an additional component of the structure is designed for a small-scale business function run by the occupant and under single ownership, and where the residential component is at least 400 square feet. Live / Work units can either be detached structures or attached with common party walls with other Live/Work units similar to the Row House configuration.

Small Format or Manufactured Home Communities. A parcel of land planned and designed for multiple home sites for the placement of manufactured, mobile or other small homes, and used for the principal dwelling of households for long-term residency. These communities include internal common areas, circulation systems and accessory uses and facilities to support the community. Dwellings may either be located on home sites designated within a larger project, or on single lots, owned through appropriate condominium procedures or platted under certain conditions.

Senior Living - 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 - 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 - 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*.

Group Home – Assisted Living. A residence in a residential building that is operated to provide supervision and other services for 4 to 8 individuals who are developmentally disabled (as defined in Section 31-23-303, C.R.S.), mentally ill or 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 foster children is also considered a group home. Except as specifically provided by this Code, a group home shall not house more than one 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 - Protective. A residence in a residential building, typically licensed by the State, that is operated to provide supervision and other services for 4 to 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 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 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 *protective residence or crisis house*.

Group Home -Rehabilitation. A residence in a residential building, typically licensed by the State, that is operated to provide supervision and other services for 4 to 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 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 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 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*.

Group Home - Emergency Shelter. A facility in a residential or institutional building, 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 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* .

B. Public / Civic

The Public / Civic use category is the use of land and buildings to serve public or community interest by enhancing the daily cultural, social, or recreation needs for residents and neighborhoods. It can include public uses generally available to the public at large, community uses structured by voluntary affiliation, or private uses limited by property ownership or membership. It includes the following types:

Assembly. A civic or institutional use designed to serve the community for regular or periodic events, including worship, civic, recreation or entertainment, and accessory uses associated with organized activities, including child care, concession services, education, and recreation events.

Assembly – Small (under 250 occupants). A place of public assembly designed and located to serve immediately adjacent uses or be accessory to other uses, and typically designed for less than 250 people. Examples include small neighborhood association clubhouse or meeting room.

Assembly – Neighborhood (251-750 occupants). Places of public assembly designed and located to serve community or civic needs for residents of nearby neighborhood(s), and typically designed for between 251 and 750 people. Examples include a neighborhood association recreation center, meeting hall, or small religious facility.

Assembly – Community (751-1,500 occupants). Places of public assembly designed and located to serve community or civic needs of a broad vicinity, and typically designed for 751 – 1,500 people. Examples include a community/recreation center, small event hall or large religious facility.

Assembly – Regional / Convention Center (1,501+ occupants). Places of public assembly designed and located to serve community or civic needs of the city or region and typically designed for more than 1,500 people. Examples include an auditorium, large event hall or major worship hall, or convention and conference center.

For the purposes of any performance standards or any separation criteria for particular uses, assembly uses that are “churches / places of worship” shall include a building primarily used for public religious worship and associated religious functions (education, fellowship, etc.), including synagogues and temples.

Library / Museum. A civic or institutional use provided resources and exhibits to support education, culture, and information exchange, open to the public at large.

Public Safety / Services. A civic use that supports the community at large by through public safety, recreation, leisure or similar government functions. Examples include police and fire stations, post offices, or similar government and quasi-government buildings and grounds.

School. A civic or institutional use designed to provide structured, seasonal or year-round education opportunities for the community.

School – Small (less than 1 acre). A small public or private institution for primary, secondary, vocational/trade, or continuing education, or other similar training of small groups of individuals, located on a property of less than 1 acres, that may occupy a building or lot not specifically designed for a civic or institutional uses, and may be part of larger commercial or mixed-use development patterns.

School – Neighborhood. A small public or private institution, typically for primary or secondary education and serving up to 600 students, primarily targeted to serve neighborhoods within 1 mile. Special purpose schools that have a larger target area but are designed and scaled to operate similar to a neighborhood school may be included in this type. These types of schools are built or arranged on a property of 1-5 acres, that integrate well into neighborhood patterns.

School – Community. A large public or private institution, typically for primary or secondary education and serving more than 600 students and targeted to the broad vicinity, including neighborhoods beyond 1 mile. These types of schools arranged on a property of 5-15 acres, that can serve as civic focal points for surrounding neighborhoods but break the neighborhood pattern.

School – Regional/Campus. A public or private institution, typically for secondary or post-secondary education, skills and trade instruction or job training, targeted to the region. Examples include regional middle or high school complexes, colleges, universities, and vocational/technical schools. These types of schools are arranged on sites larger than 15 acres that interrupt surrounding development patterns and do not integrate well with surrounding development due to the size, scale and intensity of the use.

Cemeteries and Columbarium. Land or building used for the burial of the deceased and dedicated for interment purposes.

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

Transportation – Station (Bus, Commuter Rail, or Light Rail). A public transportation facility designed for the transfer, pick-up and drop-off of passengers traveling by bus, commuter rail, or light rail, with buildings or associated passenger convenience facilities located on a public grounds or a private lot, distinguished from public stops accommodated in the design of the right-of-way.

Transportation – Airport, heliport, or helipad. 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. This includes any area used by helicopters for landing and take-off, passenger and cargo loading.

Transportation – Public Parking. A parcel of land where the principal use is to park vehicles, whether on a fee basis operated by a public or private entity, or whether to support an adjacent use or business located on a different lot. Parking may be in a surface lot or in a structure.

Park and 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, education, cultural, scenic or environmental purposes, and characterized by natural and landscape features. Types of open spaces are generally refined in Section 3.02 by context, design and function

Public Lands. Any lands owned, controlled or managed by a public entity, where the principal use is the act of managing the property for use, conservation of resources or study, whether or not the lands are open for active use by the public.

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.

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

C. **Commercial**

The Commercial use category is the use of land and buildings for entities engaged in sale of products or services, the limited production and distribution of products, or other administrative or support services to help businesses. It includes the following types of uses:

Retail. A commercial use primarily engaged in the sale, lease or rental of products to the general public with frequent interaction of patrons or consumers on premises. Retail uses are further refined by scale, intensity and format based on the following:

Retail – Limited – A small scale retail use under 1,500 square feet, including food trucks, sales kiosks or machines, and other temporary or permanent sales receptacles.

Retail – Small. A small scale retail use at least 1,500 but less than 4,000 square feet.

Retail – General. A retail use at least 4,000 but less than 10,000 square feet.

Retail – Moderate. A large-scale retail use at least 10,000 but less than 50,000 square feet.

Retail – Large. A large-scale retail use at least 50,000 but less than 100,000 square feet.

Retail – Warehouse. A large-scale retail use at least 100,000 square feet.

Animal Care. A commercial use that provides care, and medical or non-medical services for domesticated animals, that is further refined by the scale and intensity of the operations, as follows (for Non-domesticated animals, see Agriculture Uses):

Animal Care - Limited. A small office or shop providing animal care. The use typically involves less than 5,000 square feet of commercial area, all activities occur indoors (except routine daily pet care), and any overnight boarding is limited to that necessary for medical care or observation. Examples include a veterinary office, pet grooming or training, and small animal day cares.

Animal Care – General. A moderate sized facility or office providing care for domesticated animals. The use typically involves between 5,000 to 20,000 square feet of commercial space, or involves routine outside activities where up to 50 animals may be outside for an hour or more. Examples include a veterinary clinic, animal shelters, and indoor commercial kennels.

Animal Care – Large. A large facility providing animal care for domesticated animals. The use typically involves more than 20,000 square feet of commercial space or significant outdoor activity including boarding kennels or play areas where more than 50 animals may ordinarily be kept. Examples include domestic animal hospitals, larger pet daycare facilities, and large commercial/outdoor kennels

Day Care – Center. A commercial use for the care of five or more children who are 18 years of age or younger and who are not related to the owner, operator or manager, whether such facility is operated with or without compensation 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 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 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 as an accessory use to a residence or a foster care home.

Grocery. A specific retail use selling food, produce, and household products for general household consumption. These uses often serve as a key anchor for neighborhood and community centers which justifies slightly larger scale than other general retail uses, provided they can still fit into the development pattern and public-realm framework of the center. To accommodate this, Grocery is further refined by scale and format as follows:

Grocery – Market (under 10K). A small grocery offering limited selection of products or specialty foods or produce in a small scale format under 10,000 square feet. Examples include a corner store, butcher shop, produce market or similar store

Grocery – Small (10K – 35K). A small to mid-sized grocery offering moderate range of food and household products, and limited accessory services in a mid-sized building format, at least 10,000 square feet but less than 35,000 square feet. Examples include a neighborhood market or small-format grocery store.

Grocery – General (35K – 90K). A large grocery store offering a full range of food and household products and associated accessory services in a large-scale format. Examples include a large-format grocery or supermarket, or a similar function housed within a larger warehouse retail store.

Grocery – Large (90K +). A very large grocery store often offering a broader range of services or products in a warehouse-scaled building format of more than 90,000 square feet. Examples include wholesale clubs or similar “big box” grocery stores.

Lodging. A commercial use providing accommodations for temporary, short-term overnight occupancy, and accessory uses associated with typical guest services such as food service, recreation or similar

accommodations to support overnight-guests. Lodging is refined to the following scales based on building type, format and intensity of use.

Lodging, Bed and Breakfast. A small residential building used for short-term lodging with one or more meals for compensation and shared living space between the primary occupants and patrons, and includes at least 2 but no more than 5 rooms.

Lodging, Inn. A large residential building or small commercial building providing accommodations for short-term overnight occupancy, for at least 6 but less than 30 rooms.

Lodging, Hotel/Motel Small. A commercial building providing accommodations for short-term overnight occupancy, for at least 31 but less than 100 rooms.

Lodging, Hotel/Motel Large. A commercial building providing accommodations for short-term overnight occupancy, for 101 or more rooms.

Medical Care. A commercial service use providing medical, dental, or physical health or wellness care to the public. This use type is further categorized by the following formats.

Medical Care – Limited (Under 10K). A medical care use offering routine outpatient services, that occupies less than 3,000 square feet of diagnostic or treatment area, includes no surgical or in-patient facilities, and operates in normal business hours. Examples include a small doctor or dentist office, eye-care center, or urgent care center that is accessory to a larger retail or pharmacy use.

Medical Care – General (10K – 40K). A medical care use offering routine outpatient services, that occupies between 10,000 and 40,000 square feet for diagnostic or treatment areas, includes no inpatient facilities, and operates in normal business hours. Examples include a larger doctor or dentist group practice, small clinic or analytical lab, or small outpatient urgent care or surgical center.

Medical Care – Large (40K – 100K). A medical care use offering a full range of services, that occupies between 40,001 and 100,000 square feet for diagnostic or treatment areas, and may include emergency care, surgical services or other inpatient treatment. The use may include accessory retail, food service, pharmacy or wellness/fitness uses. Examples include small hospital, remote surgical centers, or large clinic or analytical labs.

Medical Care – Major (100K+, campus). A medical care use a full range of services, that occupies more than 100,000 square feet or multiple buildings, and serves a greater region with a wide range of health care needs including emergency services, including a wide range of accessory office, lab, and retail uses related to patron and patient needs. Examples include a large hospital or regional medical center campus.

Medical Care – Rehabilitating Clinic. A medical care use offering specialty and targeted outpatient and inpatient services to those suffering from addictions.

Office. A commercial use focused on employment and engaged in the administrative, technical, or management aspect of business or professional services, that typically do not have frequent or unscheduled on premise interaction with the public or clients. Office uses are further refined by the scale and format of buildings based on the following:

Office – Small (under 10K). An office use less than 10,000 square feet, within a small building or occupying a portion of a mixed-use building

Office – General (10K – 50K). An office use between 10,001 and 50,000 square feet, typically within one moderate-sized building

Office – Large. (50K – 100K). An office use between 50,001 and 100,000 square feet, typically within one large building.

Office –Complex / Campus. (100K+). An office use more than 100,000 square feet or involves multiple buildings in a campus pattern or complex.

Outdoor Sales – Limited. A specific retail use where a portion of business is associated with merchandise that can only be displayed permanently and year-round out of doors. Examples include a the garden center, equipment yard associated with a store. This does not include accessory outdoor sales and display areas which may be permitted as an accessory use to an otherwise permitted use or seasonal events that may be permitted through a temporary use permit.

Outdoor Sales – General. A specific retail use where the primary business is associated with merchandise that can only be displayed permanently and year-round out of doors. Examples include a small-scale nursery, a lumber yard, or a small machine or equipment sales.

Outdoor Sales – Large. A specific retail use where the primary business is associated with large-scale equipment and merchandise that can only be displayed permanently and year-round out of doors. Examples include a motor vehicle sales lot, equipment sales lot, boat or recreational vehicle sales lot, large nursery, large machine or farm implement sales yard.

Recreation/Entertainment. A commercial service use engaged in the business of providing daily or regularly scheduled activities for entertainment, leisure activities, training and instruction, or exercise, offered to the public through individual, membership, or group arrangements. This use type is further refined by the scale, format and intensity as follows:

Recreation/Entertainment – Indoor, Limited. Indoor recreation/entertainment that involves a building less than 10,000 square feet. Examples include a small bowling alley, fitness club, billiard hall, or dance or yoga studio.

Recreation/Entertainment – Indoor, General. Indoor recreation/entertainment use that involves a building between 10,001 square feet and 40,000. Examples include a large bowling alley, a small sports and recreation center, a small theater, large health club or fitness center, skating ring or shooting range.

Recreation/Entertainment – Indoor Large. Indoor recreation/entertainment use that involves a building more than 40,000 square feet. Examples include a large sports and recreation center, theater complex, large.

Recreation/Entertainment – Outdoor, Limited. An outdoor recreation use that involves less than 2 acres of active outdoor recreation grounds. Examples include a small pickle ball center, miniature golf

Recreation/Entertainment – Outdoor, General. An outdoor recreation use that involves less between 2 and 5 acres of active outdoor recreation grounds. Examples include driving range, small / par 3 golf course, swimming pool, tennis center, batting cages, small band shell or amphitheater.

Recreation/Entertainment – Outdoor, Large. An outdoor recreation use that involves more than 5 acres of active outdoor recreation grounds. Examples include waterpark, drive-in theater, shooting range, racetrack, regulation golf course, sports and athletic complex.

Recreation/Entertainment – Campground – An outdoor recreation use providing overnight accommodations within a large open area for recreational purposes and may involve associated accessory buildings or facilities for parking RVs on a temporary basis.

Restaurant. A specific service and retail use engaged in the business of serving prepared food and/or beverages to the public for immediate consumption. Whether the use includes drive-through facilities is regulated by the accessory use provisions and site design standards for the particular district and street. Restaurants are further refined by scale, format and intensity based on the following:

Restaurant – Small (under 3K). A small scale restaurant under 3,000 square feet commercial, often associated with other uses, such as a cafe, lunch counter, walk-up window or similar small retail sales food outlet.

Restaurant – General (3K – 5K). A moderate scale restaurant between 3,001 and 5,000 square feet of commercial area, and typically includes separate kitchen dining facility, accessory bar area.

Restaurant – Large (5K+). A large scale restaurant with over 5,000 square feet of commercial area, and typically includes separate kitchen dining facility, accessory bar and entertainment areas.

Restaurant – Bar. A restaurant where a significant portion of the business, in sales and in hours of operation, involves the sale of alcoholic liquors by the drink for consumption on premises, and food services is secondary or accessory. In districts where a Restaurant-Bar is allowed, it may be further limited by the comparable scale of Restaurants allowed in the district.

Service. A commercial use engaged in the business of providing personal or professional services to the public that may include frequent or unscheduled interaction with clients or customers on-premises. Examples include barbershop or beauty saloon, travel agency, small equipment repair, tailor, bank or personal financial services. Service uses are further refined by scale, intensity and format based on the following:

Service – Small (under 3K). A service use under 3,000 square feet, typically in line with other small scale uses in a multi-tenant commercial building or mixed-use building.

Service – General (3K – 10K). A service use between 3,000 square feet and 10,000 square feet, in a small free-standing building or part of a large mixed-use building

Service – Large (10K +). A service use more than 10,000 square feet, typically in a moderate-freestanding building or part of a large mixed-use building.

Vehicle – Gas Station. A specific retail use engaged in the sale of fuel to the general public, and may involve limited accessory sales of vehicle accessories and convenience goods. This use may be combined with vehicle service and repair uses but is subject to the service bay limitations below. Vehicle – Gas Station uses are further refined by the scale, format and intensity as follows.

Vehicle - Gas Station, Small (1-8 pumps). The use is limited to no more than 8 fueling stations, no more than 2 service islands no more than 2 vehicle service bays and no more than 1,500 square feet of accessory retail or service areas. Examples include small, neighborhood service stations.

Vehicle - Gas Station, General (9-16 pumps). The use is limited to between 9 and 16 fueling stations, no more than 4 service islands, no more than 3 vehicle service bays and no more than

5,000 square feet of accessory retail or service areas. Examples include general stores and gas stations.

Vehicle - Gas Station, Large (16 – 24 pumps) –The use is limited to 16-24 fueling stations, 4 to 8 islands, no more than 4 vehicle service bays and no more than 5,000 square feet of accessory retail or service areas. Examples include a large convenience center and gas station.

Vehicle – Gas Station, Truck Stop(24 or more pumps) –The use contains more than 24 fueling stations, or any other gas station that exceeds the vehicle service bay or accessory retail and service areas of other categories. Examples include a truck stops and travel centers.

Vehicle/Equipment Service and Repair. A specific service use engaged in motor vehicle and mechanical equipment maintenance and repair services, and accessory retail sale of supplies and accessories.

Vehicle/Equipment Service and Repair is further refined by scale, format and intensity as follows:

Vehicle/Equipment Service and Repair – Limited. A vehicle/equipment service and repair use limited to no more than 3 vehicle service bays, all vehicles are under 1.5 tons G.V.W, and where all work and storage of equipment and supplies occurs indoors, and where on-site or overnight storage of vehicles is limited and requires no special site accommodations other than ordinary parking areas. Examples include a small machine shop, mechanic, lubricant center, tire store, auto glass installation or audio or alarm installation.

Vehicle/Equipment Service and Repair – General. A vehicle/equipment service and repair use that involves 4 or more vehicle service bays, all vehicles are under 1.5 tons G.V.W, where all work and storage of equipment and supplies occurs indoors, but where on-site or overnight storage of vehicles may outdoor storage on the lot. Examples include large mechanic shop, lubricant center, tire store, non-accessory car wash, or an auto body shop.

Vehicle/Equipment Service and Repair – Major. A vehicle/equipment service and repair use engaged in the maintenance and repair of motor vehicles, recreational vehicles or boats, commercial vehicles or heavy equipment, and other services that may involve outside storage or work. Examples include 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.

Pawnshop. A specific service and retail business that offers loans to individuals who use their personal property as collateral and offers such property for retail sale to the public.

Check Cashing Business. A specific service 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.

Bail Bonds Business. A specific service business where an agent or corporation pledges money or property in exchange for the appearance of a defendant in court, or otherwise manages and tracks the appearance of defendants under these arrangements.

Sexually Oriented Business. A specific retail or entertainment business that includes 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.

D. Industrial

The Industrial use category involves the use of land and buildings for businesses engaged in the production, processing, storage or distribution of goods, which may have potential impacts beyond the site due to the types of activities, the physical needs of the site or facility, the types of materials used, or the delivery and access operations.. Depending on the scale, intensity, and operations of these uses they may not be compatible with other uses or buildings, and may need special; districts. more careful location, and/or increased site design or operational limitations in order to be more generally applicable in the City.

Manufacturing – Limited / Artisan – A small-scale Industrial us, manufacturing, predominantly from previously prepared materials, of finished products or parts. The activities produce little or no byproducts such as smoke, odor, dust or noised discernable from outside of the building, where deliveries and distribution are made by general consumer delivery services requiring no special large truck access, and where products are made available to the general public. Uses typically occupy buildings or spaces under 10,000 square feet of gross leasable area. Examples include artists’ studios, small wood or metal shops, craft manufacturing, small bakery or micro-brewery, or other similar small-scale assembly of finished products.

Manufacturing – Light – An industrial use manufacturing, predominantly from previously prepared materials, of finished products or parts. The activities produce little or no byproducts such as smoke, odor, dust or noise are discernable from outside of the building, and where distribution and delivery needs occur through light to moderate commercial truck access. Examples include research labs or facilities, small equipment or commodity assembly, warehousing or wholesaling of consumer products, commercial bakery, non-retail laundry services, or similar businesses that provide products for support of other businesses.

Manufacturing – General – An industrial use manufacturing, from previously prepared materials or some raw materials, into other materials or finished products. The activates may produce byproducts such as noise, dust, smoke or odor, but are mitigated to limit impacts beyond the property boundary. Outside storage and activities may be necessary, and distribution and delivery needs involve frequent or large truck access. Examples include large scale manufacturing or fabrication plants, large equipment assembly, food production and manufacturing plants, metal fabrication plants, chemical laboratories or other similar high-intensity manufacturing or distribution operations.

Manufacturing – Heavy – An industrial use manufacturing or compounding processes with raw materials, including some which may be hazardous or noxious. The activities capable of producing significant byproducts such as noise, dust, smoke or odor beyond the building or site, or where hazardous materials may be stored, used or produced as a typical part of the business, and distribution involves heavy truck, freight and machinery access. Examples include chemical, wood or metal storage and production, pressing and dyeing plants, asphalt or cement production, animal processing, meat processing or slaughter, or similar heavy or hazardous manufacturing operations.

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.

Asphalt Concrete Mixing Plant a facility or equipment used in mixing the dry warm aggregate, padding and asphalt for homogeneous mixture at the required temperature, typically in association with a street, large parking area or other large-scale construction project, sometimes on a temporary or interim basis.

Storage and Warehousing. An industrial use engaged in the business of keeping and warehousing goods and products for interim or long-term periods, or for distribution to other businesses and industries, including any logistic services related to this business such as labeling, bulk packaging, inventory control or light assembly. Storage and warehousing uses are refined further based on the scale, format and intensity as follows:

Storage – Personal / Indoor. A storage use for the public where individuals store personal property in units leased or rented on a periodic basis, and where all units are accessed from within the principal building. Examples include indoor self-storage mini-warehouses.

Storage – Personal / Outdoor. A storage use for the public where individuals store personal property in units leased or rented on a periodic basis, and where all storage is inside but individual units may be accessed directly from the outside.. Examples include outdoor self-storage mini warehouses.

Storage – Commercial/Indoor. A storage use for businesses or larger personal produce where all items are stored indoors. Examples include warehouses, long-term garages

Storage – Outdoor / Minor. A storage use for the public or other businesses where household or small-scale commercial products are located on an outdoor lot.

Storage – Outdoor / Major. A storage use for the public or other businesses where large-scale household items or machinery, commercial products, raw materials, or supplies are stored on an outdoor lot. Examples include boat or RV storage, towing service storage yard, building supply lots or similar industrial supply storage yards.

Storage of Gasses or Liquefied Petroleum. The use of grounds for storing tanks used for gasses or liquefied petroleum, often as a distribution point for further shipment or processing or re-use at other locations.

Waster Processing - General . 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.

Waste Processing - Landfill. 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.

Waste Processing - 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.

E. Agriculture

The Agriculture use category is for uses that maintain existing agriculture functions and food production, or which are promoting and maintaining Brighton’s agricultural heritage.

Agri-tourism. The use of a commercial farm for special events, retail and restaurant activities or cultural promotion of agricultural heritage in typical agricultural structures or settings, and in association with maintaining and promoting the continued agricultural use and character of the property.

Roadside Stands. A small retail operation selling agriculture products produced on or near a site, typically involving a small kiosk, tent or truck with temporary facilities, or on sites in more rural contexts it may include permanent structures..

Farmers Market. The use of a commercial farm or other permitted non-residential use or open and civic space for the periodic sale of produce from farms and other accessory products. Farmers markets may also be permitted on any property through the Temporary Use provisions of this code.

Farming – Small/Limited. The primary use of land for small-scale production of field crops or horticulture for food, or raising small animals, where limited accessory storage facilities and light machinery is necessary and the land area is typically under 20 acres.

Farming – General. The primary use of land for commercial production of field crops for food or raw materials in other agriculture operations; the raising or breeding of livestock, poultry, fish or other animals; or plant production such as nursery, orchard, vineyard. The land area is typically over 20 acres.

Farming – Large / Industrial. A large-scale farming and agricultural processing operation where heavy machinery, storage of large quantities of byproducts or intensive animal operations occur, such as feedlots or the commercial feeding of offal or garbage to swine or to other animals, commercial production and sale of livestock, or other similar intensive operations.

Fish Hatchery. A facility for the breeding, raising, and harvesting fish, shellfish, and aquatic plants.

Nursery – Greenhouse. A commercial use 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

Nursery – Greenhouse, Small. A nursery and greenhouse on 2 acres or less, where the commercial and retail component is integrated into other commercial uses, and the grounds or buildings for growing are a limited portion of the site.

Nursery – Greenhouse, Large A nursery and greenhouse on more than 2 acres, where the grounds or buildings for growing are a predominant portion of the site, and the retail or commercial operations are a minor component.

Animal Care – Animal hospital, livestock. A commercial use that provides care, and medical or non-medical services for domesticated animals, that is further refined by the scale and intensity of the operations, as follows (for Non-domesticated animals, see Agriculture Uses):

Grain Elevator. An industrial facility used for storing and processing crops and similar agricultural products.

F. Wireless Communication Facilities

Wireless Communication Facilities. See Section 10.04.

Section 11.02 Glossary of Architecture & Design Terms

This glossary of architecture and design terms explains concepts, strategies, and techniques that are used to affect building and site design.

A. **Architectural Style.**

When used generally, architectural style refers to a distinctive manner of expression, fashion or composition of building elements at a specific time.

When used specifically, architectural style refers to a prevalent or historical style that is documented with common or typical patterns in assembling building elements and form, and where variations within the style follow common rules of application for materials, massing or composition of the details. (i.e. Art Deco, Colonial Revival, Craftsman, Mid-Century Modern, Mission, Spanish Colonial Revival, Tudor Revival, Victorian, etc. See Colorado's Historic Architecture & Engineering Guide, www.historycolorado.org/colorados-historic-architecture-engineering-guide)

B. **Building Elements.** Buildings are made up of vertical elements, horizontal elements, materials, and details and ornamentation.

Vertical elements. Vertical building elements include walls (wall plane), arches, columns, foundations, windows, and doors. (See *composition* and *articulation* for the effect of window and door assemblies on vertical building elements.)

Horizontal elements. Horizontal building elements include floors, lintels, plinths, roofs (roof lines), reveals, cornices, fascia, friezes, canopies, and awnings.

Material. The materials chosen for different elements of the building affect the following:

- *Appearance* – the interest and quality, typically determined by the solidity and texture of material, or the authenticity of material (i.e. natural or refined), and how materials are coordinated as a complete composition with primary, secondary and accent materials.
- *Texture (of materials)* – the depth at a very close scale, perceived by a person and made visible by how light and shadows interact to make the depth visible to the eye. (See also *texture of composition*.)
- *Durability* – how long a material will last and how easy it is to maintain and keep its appearance.
- *Sustainability* – the impact of the material on the environment in terms of how it was produced, how long it will last as applied, whether it is abundant in the region, or combinations of all three.

Details / Ornamentation. Details and ornamentation are the degree of aesthetic enhancements that increase the complexity of a building composition, typically referred to when viewing the building or building element at a close range (“human scale”), and slow pace (i.e. walking / human interest). Details and ornamentation may include the following depending on the chosen architectural style or facade composition:

- *Arches* – a curved member used to span an opening and support loads above, typically used with more refined design qualities and details on the arch to add emphasis and ornamentation to the opening.
- *Awning* – A sloped projection made of non-rigid material stretched over a frame and extended over a window or door to provide protection from the elements.

- *Bay (window)* – A bump out in the facade, typically associated with an element of the interior floor plan but located to provide balance and relief to the massing on the exterior facade, and usually associated with a window.
- *Belt Course* – A continuous row or layer of stones, brick or other primary building material set in a wall and in line with changes in stories, changes in materials, or window sills to make a visually prominent horizontal line to break up a wall plane.
- *Bracket* – a projecting support placed under an eave or other projection with design qualities and details that add emphasis to the roof structure.
- *Canopy* - a flat projection over a window, door or projecting from the building over a walkway that gives protection from the elements.
- *Clerestory window* - a window high on a wall section above eye level and used to permit light or air into areas that otherwise do not have windows due to functional constraints of the building.
- *Column* - a supporting pillar, especially one consisting of design qualities and details that add emphasis and ornamentation to a portion of the facade or any roof structure or area it supports.
- *Cornice* – An ornamental topping projecting from the wall with design qualities and details that crowns a structure along the top near the roof.
- *Eaves* – an overhang of the roof structure, where larger eaves can increase the prominence of the roof as a “cap” to the building and protect portions of the facade (particularly windows) from the elements.
- *Entry Feature* – A structural component of the building or building footprint used to emphasize and add interest to the primary entry into the building, provide active social space protected from elements, and create transitions from public to private space.
- *Facia* – The exposed vertical edge of the roof often with design qualities and details that add emphasis and ornamentation to the roof structure.
- *Foundation* - the base upon which the entire structure sits, designed with stronger, heavier materials, and often includes details and ornamentation to emphasize a buildings connection to the ground, a sense of permanence, and transition to the main wall plane for vertical articulation.
- *Frieze* - plain or decorative band or board located just below the storefront cornice or roofline.
- *Gable* - the triangular and vertical portion of a wall plane between intersecting roof pitches.
- *Lintel* - a horizontal beam, typically over a door, window or storefront to support the structure above it and add accent to the door, window, or storefront.
- *Parapet* - a vertical extension of the wall plane above the roof, typically used to hide a flat or low-sloped roof and the rooftop equipment, or function as a firewall for attached structures, and usually including ornamentation to provide a visually prominent “cap” to the building.
- *Pediment* – a gable or ornamental tablet or panel, typically triangular or arched, placed above a point of emphasis on a facade and often supported by columns or pilasters.
- *Plinth* – a base or platform to support a column or structure and distribute the weight, typically designed to add ornamentation and balance for the overall composition (similar to a foundation).
- *Pilaster* - a projecting vertical element on a wall plane used to give the appearance of a supporting column and used to articulate the extent of a wall plane or other component of a facade.
- *Quoin* - a decorative and structural element on an exterior corner typically presenting a different color, texture or size from masonry walls to finish, cap, or otherwise add prominence to the corner.
- *Transom* - a window above an opening (door or window) built on a horizontal crossbar, that may provide light and/or swing open to add ventilation.

- C. **Form.** Form refers to the outward three dimensional envelope of a building or space, affected by the mass, shape, composition and articulation of building elements.

Mass. Mass is the volume (height x width x depth or height x building footprint) defined by a structure relative to its surroundings. Massing may be simple or complex; and large or small.

Shape. Shape affects the massing and refers to the composition and complexity of surface planes (wall planes or roof planes).

Composition. Composition is how the different building elements or materials are coordinated to make up a shape or mass. Elements of composition may include the following depending on the chosen architectural style or facade composition:

- *Rhythm* – repetitive patterns within a building element, shape or mass.
- *Symmetry* – balance within a compositional element, shape or mass (or not... asymmetry). Masses can be asymmetrical, while the elements or shapes within a mass are symmetrical, creating order within the complexity of a building.
- *Focal points* – areas of emphasis of a building element – either due to size, location, or degree of ornamentation, or all of these.
- *Texture (of composition)* – how different building elements interact to break down the form at a very close scale (see materials). Refined texture presents many layers with lots of relief and interest; or flat texture, presents a single layer with little relief or interest.

Articulation. Articulation is clearly calling out a different portion of the composition, shape or mass with distinct treatment, usually offset with trim and or material change and signifying a different pattern of composition within the building element. Articulation is often seen on first story or upper stories; with main masses and secondary or wing masses; or at different units, storefronts or structural bays of attached buildings.

- *Vertical articulation* – breaking the mass down through different levels of height on the building, particularly for taller buildings. Vertical articulation typically includes the following facade compositions:
 - *Base*, which typically includes the foundation, the entire first story on larger buildings, or the first two stories on very tall buildings. Examples of bases include:
 - At least 24 inches of foundation (on buildings up to 2.5 stories), with reveal line or trim board between the main wall plane or body; OR
 - Heavy materials used on ground floor (on buildings 3 stories or more, or the first two stories for buildings 7 stories or more); OR
 - Distinct storefronts (mixed-use buildings) – arcades, gallery or lintel / frieze (i.e. vertical element above storefront) or other enhanced architectural detailing of the first story (non-retail or residential buildings), separating from the main wall plane or body.
 - *Body*, which is the main wall – the largest portion but least prominent in appearance and level of details.
 - *Visually prominent cap*, which can include the roof (or the wall plane of upper story(ies) on larger buildings), distinguished with vertical elements such as cornice and eaves (often projecting at least 2 feet) with brackets or molding accents; or on flat roofs a parapet with distinct ornamental and architectural detailing or a cornice.
 - Vertical articulation can also be affected by a step back in the massing, typically a minimum of 5 feet from the story below and occurring on at least 50% of the horizontal length.

- *Horizontal articulation* – breaking the mass down through different bays or structural components along the length of the building, particularly for longer, larger footprint buildings. Horizontal articulation typically includes the following facade compositions:
 - Accenting structural bays with visible columns or pilasters (at least 10” to 2’ projection from the wall plane).
 - Material change (other than the first story).
 - Offset of the facade by at least 3 feet on at least 50% of the height facade, such as a bay window (projecting) or an internal court (recess).
 - Change of fenestration patterns (size, style, placement of windows and doors..) – i.e. ganging windows in a vertical component with an organized change of materials or trim, or both).
 - Change of roof height of 3 feet or more
 - Voids in the mass typically at least 3 feet deep and 8 feet wide, occurring on at least 50% of the vertical height, and often to create usable space such as a balcony, patio or courtyard.

Altering Form. Techniques to alter the form of a building and affect the scale include:

- Main mass & wing or secondary masses;
- Step backs - usually larger differences (i.e. 5 feet +) at upper story(ies);
- Cantilever - usually a small distance (i.e. 1 to 4 feet) on a lower story,
- Off-set - a wall plane break in relation to interior floor plan or outside space, not to the level of a wing or secondary mass;
- Dormers - window and sub-roof within roof structure;
- Projections – bump out of an element of the facade composition such as a bay window, entry feature, or eaves.

D. Scale.

Scale refers to the perceived or relative size of a form in relation to something else – usually a person, a social space (courtyard, lot, streetscape, etc.), or another building. For example, “human scale” refers to how spaces or objects relate to and are experienced or perceived by people at a close range and a slow pace. Scale can be affected by mass, shape or composition of the form to make an otherwise larger form seem smaller or more relatable due to how the components are perceived.

E. What is “4-sided design?” 4-sided design is a term referencing that no matter what view you have of the building, the design is not interrupted and all parts are perceived as a coordinated part of a unified whole. Specifically:

- All sides exhibit the same quality, continuity, and durability of design including the same primary and secondary materials, although more important sides can reflect priority in the allocation of these materials.
- All sides that are visible from streets, public spaces or active portions of adjacent sites have a similar level trim, accent material, details, and ornamentation, although the extent and details may be different to reflect the greater importance of certain areas closest to the public realm or with greater visibility, and parts not exposed to the public may be designed for utility.

F. What is “compatibility?” Compatibility refers to the similarity of buildings and sites to adjacent properties or to predominant patterns and themes in an area. In general, the elements of compatibility will include combinations of the following:

- Similar proportions of building masses, particularly nearest the property lines and other areas adjacent to the building;
- Similar orientation of the building including relationship to streetscapes, shaping of open spaces, and other locations and arrangements of the building footprint;

- Similar window and door patterns, including location, size, and proportions;
- Similar roof lines (planes, pitches, profiles and details);
- Similar building materials, particularly primary building materials, or where materials differ they share common textures or color palates;
- A common architecture style, including the facade composition and materials; however many styles can allow differences in design within the style.
- *Note:* Compatibility does not necessarily mean the same, but rather a sensitivity to the context, adjacencies, and character of the area. While not all of the above elements are necessary for compatibility, the greater the number that are similar, the greater the compatibility will be; and significant departures from any one element should be compensated with either greater similarity of other elements or by similarity of more elements. Where things are not compatible, transitions should occur through space and landscape buffer designs. *See also “good design” for when a situation may justify dissimilarity.]*

G. **What is “good design?”** Good design is a discretionary and qualitative term that collectively reflects balancing the following:

- *Quality* – the longevity of the investment that results from durability of materials, proper application and function of the building elements (i.e. “vernacular” or built for a specific purpose that serves the buildings durability), and the relative attractiveness likely to ensure maintenance and reinvestment by those left to care for the building.
- *Creativity* – the uniqueness of the design based on artistic interpretation or as a response to the context or constraints of the site; but balanced by the general rules of design and architectural style.
- *Aesthetic Appearance* – the relative attractiveness to a broad range of people based on the sensibilities and character of the community; based on the consistency of the design with the principles of the chosen architectural style; or based on the ability of the project to stand out and reflect broad community values due to either (a) its important function or prominent location; or (b) introducing something exemplary and not ordinarily found in the community.

Section 11.03 Definitions

All terms used in these regulations shall have their commonly accepted meaning based upon the context of their use within this code. The following terms shall have the meaning given below, unless more specifically described, limited or qualified within the standards of this code.

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

Addition. Any activity that expands the enclosed footprint or increases the square footage of an existing structure.

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.

Alteration – Any addition, removal, extension or change in the location of any exterior wall of a building, but which may exclude ordinary maintenance.

Animal, pet or domesticated. Dogs, cats, rodents, birds, reptiles, fish, potbellied pigs weighing less than 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 (BMC), or urban agriculture practices as further defined in Section 6-4-900 of the BMC.

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.

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. However any abutting developable property to the backs of platted lots shall be counted in the perimeter, in which cases the maximum block size shall be no more than 60% of the required block size to account for completion of the other half of the block when the abutting property develops.

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

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, the 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 adjacent rooms. A detached garage, carport, patio or storage building is included as an accessory building.

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

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

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 sides.

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.

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.

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. References to the Comprehensive Plan include any other plan, program or policy officially adopted or approved and implemented under the guidance of that plan.

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.

Contiguous. Next to, abutting or touching and having a boundary or portion 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.

Critical facility. A structure or related infrastructure, but not the land on which it is situated, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood.

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

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.

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.

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.

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.

Enhanced drive aisle . An element of site design and internal circulation intended to provide access for vehicles and pedestrians, serves to define a block structure in parking areas. It is designed to mimic the qualities of a streetscape due to its importance in the local network and urban design structure of the area. (also referred to as “Through Access Lane”)

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.

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

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

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

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.

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.

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.

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 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.

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

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

Lot. A parcel of real property platted for development according to these regulations that can be held under separate ownership, or as otherwise recognized as real property legal for development under this code.

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 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 180 consecutive days. For insurance purposes, the term *manufactured home* does not include park trailers, travel trailers and other similar vehicles. A manufactured home: (1) Is partially or entirely manufactured in a factory; (2) Is installed on an engineered permanent foundation; (3) Is certified pursuant to the "National Manufactured Construction and Safety

Standards Act of 1974," 42 U.S.C. § 5401, et seq., as amended. Manufactured housing is sometimes referred to as a *modular home*

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.

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. (See Manufactured home)
Parcel . A contiguous area of land in the possession of, owned by or recorded as the property of the same person.

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.

Recreational vehicle. Means a vehicle which is: (1) Built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) Designed to be self-propelled or carried on or towable by a light duty truck or other vehicle; and (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

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.

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.

Signs. The following terms apply to the sign standards in Article 9.

Abandoned sign. A sign, including sign face and supporting structure, for which no legal owner can be found; which is unsafe, constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation or obsolescence and/or is not kept in good repair; or which contains no sign copy on all sign faces for a continuous period of 6 months.

Alteration (sign). A change in the size or shape of an existing sign. Copy or color change of an existing sign is not an alteration. Changing or replacing a sign face or panel is not an alteration.

Animated (sign). The use of movement or change of lighting to depict action or to create a special effect or scene.

Awning sign. A sign permanently affixed to a sheet of canvas or other material stretched on a frame and used to keep the sun or rain off a storefront, window, doorway, or deck.

Banner sign. A professionally produced temporary sign having characters, letters, illustrations or ornamentalions applied to flexible material (e.g. vinyl, plastic, canvas, cloth, fabric or other lightweight non-rigid material) with only such material for a backing, which projects from, hangs from or is affixed to a building or structure. Banners include pennants, cable-hung banners and freestanding feather banners.

Canopy sign. A sign permanently affixed to a roofed shelter covering a sidewalk, driveway or other similar area which shelter may be wholly supported by a building or may be wholly or partially supported by columns, poles or braces extended from the ground.

Clearance (sign). The distance from the bottom of a sign face elevated above grade and the grade below.

Copy. The wording, symbols, figures or images on a sign.

Directional sign. Any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic with or without reference to, or inclusion of, the name of a product sold or service performed on the lot or in a building, structure or business enterprise occupying the same.

Electronic message center sign. A sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.

Feather banner sign. A type of temporary sign consisting of cloth, bunting, canvas or similar fabric, attached to a single vertical support structure with distinctive color, words, patterns or symbolic logos for display. Also known as a flying banner or a wave banner sign.

Flag. A fabric device similar to and including national and state flags, designed to be attached to a flagpole.

Flashing. A pattern of changing light illumination where the sign illumination alternates suddenly between fully illuminated and fully non-illuminated for the purpose of drawing attention to the sign.

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

Grade (sign - adjacent ground elevation). The lowest point of elevation of the graded surface of the ground, paving or sidewalk measured within a twenty-foot radius from the base of a freestanding sign.

Handheld sign. A temporary sign held, suspended or supported by an individual. Handheld signs do not include handheld signs utilized for traffic control or safety purposes. Also known as a human directional, sign spinner or sign twirler sign.

Illuminated (sign). An artificial source of light is used in order to make readable a sign's message, and is inclusive of signs that are lighted internally or externally, or are reflectorized, glowing or radiating.

Incidental sign. A small sign affixed to a building or structure, machine, equipment, fence, gate, wall, gasoline pump, public telephone, or utility cabinet.

Inflatable sign. A balloon, blimp or other inflated object used for attracting attention.

Logo. An emblem, letter, character, picture, trademark or symbol used to represent any firm, organization, entity or product.

Marquee (sign). A permanently roofed structure attached to and supported by a building, which may extend over a public right-of-way.

Marquee sign Any sign made a part of a marquee and designed to have changeable copy. Message hold time means the time interval a static message must remain on the display before transitioning to another message.

Monument sign. A permanent freestanding sign supported by, or integrated into, a base or pedestal at least 75% of the sign width.

Mural. A picture or graphic illustration applied directly to a wall of a building or structure that does not advertise or promote a particular business, service or product.

Nonconforming sign. A sign which was validly installed under laws or ordinances in effect at the time of its installation, but which is in conflict with the current provisions of this Code.

Off-premise sign. Any sign which directs attention to a business, activity, commodity, service, entertainment or communication which is not conducted, sold, or offered at the premises on which the sign is located, or which does not pertain to the premises upon which the sign is located.

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

Pennant. A triangular, square or rectangular shaped flag attached in a string-type manner. Pennants do not contain any words, logos or emblems.

Permanent sign. Any sign constructed of durable materials and affixed, lettered, attached to or placed upon a fixed, non-movable, non-portable supporting structure.

Pole sign. A permanent freestanding sign supported by one or more poles or pylons.

Portable sign. A sign mounted on a moveable trailer or wheeled carrier. Projecting sign means a sign which is attached perpendicular to the wall of a building or structure.

Roof sign. Any sign erected upon a roof, parapet or roof-mounted equipment structure or extending above a roof, parapet or roof-mounted equipment structure of a building or structure.

Sidewalk sign. A sign with two faces attached at the top and open at the bottom so that the structure forms a wedge and is self-supporting.

Sign. Any written copy, display, illustration, insignia or illumination used to communicate a message or idea which is displayed or placed in view of the general public, and shall include every detached sign and every sign attached to or forming a component part of any marquee, canopy, awning, pole, vehicle or other object, whether stationary or movable.

Sign area. The total area of all sign faces.

Sign face. An exterior display surface of a sign including nonstructural trim, yet exclusive of the supporting sign structure.

Sign structure. Any structure designed for the support of a sign.

Site sign. A temporary freestanding sign constructed of vinyl, plastic, wood or metal and designed or intended to be displayed for a limited period of time on a vacant lot or a lot under construction.

Swing sign. A temporary freestanding sign that is suspended from a horizontal support (a swing post) that is attached to a vertical support mounted in the ground. A swing sign may also include riders.

Temporary sign. Any sign based upon its materials, location and/or means of construction, e.g., light fabric, cardboard, wallboard, plywood, paper or other light materials, with or without a frame, intended or designed to be displayed for a limited period of time.

Traffic control sign. A sign erected in a public right-of way by an authorized governmental agency for the purposes of traffic regulation and safety.

Transition duration. The time interval it takes the display to change from one complete static message to another complete static message.

Transition method. A visual effect applied to a message to transition from one message to the next. Transition methods include:

- a. Dissolve – a frame effect accomplished by varying the light intensity or pattern, where the first frame gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second frame.
- b. Fade – a frame effect accomplished by varying the light intensity, where the first frame gradually reduces intensity to the point of not being legible (i.e. fading to black) and the subsequent frame gradually increases intensity to the point of legibility.

Vehicle sign. A sign that is printed, painted upon or attached to motor vehicles, including semi-truck trailers, used primarily for the delivery of products, passengers or services or for business purposes other than as a sign.

Wall sign. Any sign painted on or affixed to the wall of a building or structure, or any sign consisting of cut-out letters or devices affixed to a wall with no background defined on the wall in such a manner that the wall forms the background surface of the sign.

Window sign. Any sign which is applied or attached to either the interior or exterior of a window and intended to be viewed from outside the building or structure.

Works of art. A sculpture, painting, graphic or other type of art that does not advertise or promote a particular business, service or product.

Yard sign. A temporary freestanding sign constructed of paper, vinyl, plastic, wood, metal or other comparable material, and designed or intended to be displayed for a limited period of time on a lot with one or more existing permanent structures.

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.

Start of construction . The date the permit was issued, provided that the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The *actual start* means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the 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.

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.

Substantial damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure just prior to when the damage occurred.

Substantial improvement. Any repair, reconstruction or improvement of a property, the cost of which equals or exceeds 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.

Through access lane. An element of site design and internal circulation intended to provide access for vehicles and pedestrians, serves to define a block structure in parking areas. It is designed to mimic the qualities of a streetscape due to its importance in the local network and urban design structure of the area. (also referred to as “Enhanced Drive Aisle”)

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.

Tract. A parcel of real property platted and is not buildable due to either its size or its designation for a specific purpose in the subdivision, or both.