

Clear Creek County Zoning Regulations: Section 23

SECTION 23. DEFINITIONS

2301. The words and terms used, defined, interpreted, or further described in these Regulations may be construed as follows:

2301.1. Words and phrases in these Regulations shall be construed according to their familiar and generally accepted meaning;

2301.2. The specific controls the general;

2301.3. Words used in the present tense include the future;

2301.4. Words used in the singular number include the plural, and words used in the plural number include the singular, unless the context clearly indicates the contrary;

2301.5. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," and "occupied for"; and

2301.6. The word "shall" is mandatory; the word "may" is permissive.

2302. WORDS AND TERMS

ACCESSORY BUILDING: A subordinate building, or portion of a main building, the use of which is incidental to that of the principal use on the same lot.

ACCESSORY DWELLING UNIT: An accessory building containing living space which may include bathroom and kitchen facilities. An accessory dwelling shall meet all zoning regulations along with OWTS and well permit conditions, limits, and restrictions.

ACCESSORY USE: A use which is subordinate to and serves the principal building or principal use on the same parcel of land.

ADMINISTRATOR: Means the Director of the Planning of Clear Creek County, including the acting Director or the Director's designee.

ADULT ARCADE: An establishment where, for any form of consideration, one (1) or more still or motion picture projectors, or similar machines, or other image producing machines, for viewing by five (5) or fewer persons each, are used to show films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

ADULT BOOKSTORE, ADULT NOVELTY STORE, OR ADULT VIDEO STORE: A commercial establishment which, as one of its principal business purposes, offers for sale or rental for use off-premises books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, CD-ROMs, or other visual, digital or electronic representations, or novelty items, which are characterized by the depiction or description of specified sexual activities or specified anatomical areas. Principal business purpose shall mean having as a substantial or significant portion of its stock in trade the items listed herein or having at least one hundred-fifty (150) square feet of floor space occupied by the display of items.

ADULT CABARET: A nightclub bar, restaurant, pop shop, or similar commercial establishment, regardless of whether it serves food or alcoholic beverages, which features any of the following:

1. Persons who appear nude or in a state of nudity.

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2. Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.
3. Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

ADULT MOTEL: A motel, hotel, or similar commercial establishment which offers the following:

1. Public accommodations, for any form of consideration, and provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas and which advertise the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising including, but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television.
2. Sleeping room(s) for rent for a period of time less than ten (10) hours, or allows a tenant or occupant to sub-rent a sleeping room for a time period of less than ten (10) hours.

ADULT MOTION PICTURE THEATER: A commercial establishment where films, motion pictures, video cassettes, slides or similar photographic reproductions that are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas are regularly shown for any form of consideration.

ADULT THEATER: A theater, concert hall, auditorium, or similar commercial establishment which, for any form of consideration, regularly features persons who appear in a state of nudity or live performances which are characterized by exposure of specified anatomical areas or by specified sexual activities.

ADULT ENTERTAINMENT ESTABLISHMENTS: A business or commercial establishment that, as one of its primary business purposes, offers for any form of consideration a place where two (2) or more persons may congregate, associate, or consort for the purpose of specified sexual activities or the exposure of specified anatomical areas or activities in which one (1) or more of the persons is in a state of nudity. Such a business or commercial establishment shall include, but not be limited to, an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater. A motel, hotel, or other similar establishment will not be classified as an "adult entertainment establishment" merely by virtue of the fact that it offers private rooms for rent. This definition 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.

ADVERSE: Means unfavorable, harmful, negative.

AIRPORT: Any area of land or water which is used, or intended for use, for the landing and takeoff of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon however financed. Such facilities may also include land and buildings, together with all appurtenances necessary or convenient thereto for the accommodation or convenience of the public, whether or not the members of the public so accommodated are directly or indirectly engaged in transportation by air, including, but not limited to, parking, dining, recreational, and hotel facilities.

ALTERNATIVE MODE OF TRANSPORTATION: Means any mode of transportation other than single occupancy vehicle.

ALTER OR ALTERATION: Any change, addition, or modification in construction or occupancy.

ANIMAL CONFINEMENT AREA: An area where animals are confined in farm structures and/or enclosures

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exclusively, or where grazing does not constitute a major feed source. Enclosures shall be constructed as pens, stockades, feedlots, loafing areas, and the like as opposed to fenced pasture.

ANIMAL, DOMESTIC: See Animal, Livestock.

ANIMAL, EQUINE AND PACK: A member of the Equus family (e.g., horse) or other pack animals (e.g., mule, llama).

ANIMAL, EXOTIC: Animals which are not typically domesticated in this area, or are of foreign origin or character, or which may not yet be fully naturalized or acclimatized, including but not limited to lions, tigers, elephants, crocodiles, alligators, poisonous reptiles, and nonpoisonous snakes which normally grow to more than six (6) feet in length when mature.

ANIMAL, FOWL: Domestic poultry and waterfowl.

ANIMAL, LIVESTOCK: Domestic animals of types customarily raised or kept on farms or ranches.

ANIMAL, PETS: Dogs, cats, small animals, reptiles, and fowl which are customarily kept in the home or on the premises, and those animals that may be purchased at local pet stores, for the sole pleasure and enjoyment of the occupants.

ANIMAL, WILD: As defined by the Division of Wildlife.

ANIMAL-PROOF TRASH CONTAINER: A trash receptacle so designed and anchored as to resist normal efforts of animals to spill out the garbage contained therein.

ANIMAL UNIT: A term used to establish an equivalent density for various animal species other than pets.

APPLICANT: Any person or entity applying for a permit under these Regulations.

APPROVED SERVICE AREA: An area within the boundaries of a special district or municipality.

ARBOR: A garden feature forming a shaded walkway, passageway, or sitting area of vertical posts or pillars that usually support cross-beams and a sturdy open lattice, often upon which woody vines are trained.

AREA AROUND A KEY FACILITY: means an area immediately and directly affected by a key facility.

AREA OF LOT: The total plane projection area contained within the lot lines of a lot.

ASSISTED LIVING CENTER: A residential facility designed with a combination of residential living units, with or without individual kitchen facilities and group living facilities such as common kitchen, eating area, patio and/or recreation area as well as parking. The intended use is for the care of the disabled or aged, or for the rehabilitation of injured individuals, where medical attention in the form of skilled or intermediate nursing care is provided as a continual or intermittent benefit.

AVALANCHE: Means a mass of snow or ice and other material which may become incorporated therein as such mass moves rapidly down a mountain slope.

BALCONY, EXTERIOR: An elevated open floor space projecting beyond the outside face(s) of the exterior wall(s) of the upper floor(s) of a building, together with railings and roofing.

BAR/COCKTAIL LOUNGE/TAVERN: A commercial establishment offering alcoholic beverages for sale by the drink.

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BED AND BREAKFAST: See Section 12 - Special Use Permits of these Regulations for the definition of "Bed and Breakfast."

BEST MANAGEMENT PRACTICE or "BMPs": Means permanent measures and measures taken during construction described in or adapted from the County adopted "MANUAL OF BEST MANAGEMENT PRACTICES FOR WATER QUALITY PROTECTION AND EROSION CONTROL" to protect water quality and control runoff and erosion from earth-disturbing activities.

BOARD OF COUNTY COMMISSIONERS or BOARD: The Board of County Commissioners of the County of Clear Creek, State of Colorado.

BUILDING: Any structure used or intended for supporting or sheltering any use or occupancy.

BUILDING FOOTPRINT: The physical extent of the building outlined on the lot or property, including all balconies, decks and enclosed parking areas.

BUSINESS NARRATIVE: Written explanation of a proposed business venture including, but not be limited to types of uses proposed, hours of operation, and number of employees.

CARE AND TREATMENT FACILITY (for Native Wild Animals): A facility for providing temporary care and treatment for sick and injured wild animal native to the State of Colorado, with the intent that the animals eventually be returned to the wild.

CEMETERY: A place for burying the dead.

CENTRALIZED WATER SUPPLY SYSTEM: A water supply source and distribution system which supplies water to a community. A centralized water supply system specifically excludes exempt wells as defined by the Colorado Division of Water Resources.

COLLECTOR HIGHWAY: A major thoroughfare serving as a corridor or link between municipalities, arterial highways, unincorporated population centers, recreation areas, or industrial centers and constructed under guidelines and standards established by the department of transportation. "Collector highway" does not include a city street or local service road or a county road designed for local service and constructed under the supervision of local government.

COMMERCIAL: Of or connected with commerce or trade, except any use of a business which operates in conjunction with the residential use of land where such use is clearly secondary to the permitted principal residential use and is consistent with the character of the neighborhood.

COMMERCIAL KEEPING (or Boarding) OF ANIMALS: The act of providing services or facilities for the keeping or use of animals for a fee.

COMPOST: Any mixture of manure and vegetation and other organic residues that are decaying to be used as fertilizer.

CONFERENCE CENTER: A facility used for business or professional conferences and seminars, and often including lodging, food service, and recreational facilities.

CONSTRUCTION TRAILER: A mobile home, travel trailer, truck trailer, or other structure used as an office in conjunction with a construction project.

CORRIDOR: Means a continuous strip of land, measured both horizontally and vertically, connecting two geographically separate points and containing one or more facilities for the conveyance of people, energy,

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information or materials. Such a definition covers railways, highways, pipelines, communication, and transmission facilities.

COUNTY: The County of Clear Creek, State of Colorado.

CULTURAL RESOURCES: A prehistoric or historic district, site, building, structure, or object including artifacts, records, and material remains related to such a property or resource included in the National and/or State Registers, designated by statute, or included in an established list of places compiled by the state historical society.

DAY CARE CENTER: A facility in which children or adults are received for less than 24-hour care, and which is subject to rules issued by the Colorado Department of Human Services.

DAY CARE HOME: A type of family home care in which the residents are the caretakers and the recipients of care are received for less than a 24-hour period. Day care homes are subject to regulations issued by the Colorado Department of Human Services.

DECK: An elevated floor-like platform or walkway, often open and exposed to the weather.

DEFENSIBLE SPACE: That area surrounding structures or driveways determined by Colorado State Forest Service personnel or their designated agent to require mitigation relating to the threat of wildfire.

DESIGNATION: The legal procedure for designating areas or activities of state interest specified by C.R.S. ' 24-65.1-101, et seq.

DEVELOPMENT: Any construction or activity which changes the basic character or the use of the land on which the construction or activity occurs.

DISTRIBUTED SOLAR ENERGY SYSTEM: A solar energy system that is used to generate thermal, mechanical, chemical, or electrical energy that is used to produce energy for more than one (1) user. Such systems may be free-standing, or attached to an existing permitted structure

DOMESTIC WATER OR SEWAGE TREATMENT SYSTEM or SYSTEM: A wastewater treatment plant, water supply system, or water treatment plant, as defined in C.R.S. ' 25-9-102 as shown below, and any system of pipes, structures, and facilities through which wastewater is collected for treatment.
C.R.S. ' 25-9-102

- (4.5) "Domestic wastewater treatment facility" means any facility or group of units used for the treatment of domestic wastewater or for the reduction and handling of solids and gases removed from such wastes, whether or not such facility or group of units is discharging into state waters. "Domestic wastewater treatment facility" specifically excludes individual sewage disposal systems.
- (4.7) "Industrial wastewater treatment facility" means any facility or group of units used for the pretreatment, treatment, or handling of industrial waters, wastewater, reuse water, and wastes that are discharged into state waters. "Industrial wastewater treatment facility" includes facilities that clean up contaminated ground water or spills; except that such term does not include facilities designed to operate for less than one (1) year or facilities with in-situ discharge.
- (4.9) "Wastewater collection system" means a system of pipes, conduits, and associated appurtenances that transports domestic wastewater from the point of entry to a domestic wastewater treatment facility. The term does not include collection systems that are within the property of the owner of the facility.
- (5) "Wastewater treatment facility" means either a domestic wastewater treatment facility or an

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industrial wastewater treatment facility.

- (5.3) "Water and wastewater facility" means a water treatment facility, wastewater treatment facility, water distribution system, or wastewater collection system.
- (6) "Water distribution system" means any combination of pipes, tanks, pumps, or other facilities that delivers water from a source or treatment facility to the consumer.
- (7) "Water treatment facility" means the facility or facilities within the water distribution system that can alter the physical, chemical, or bacteriological quality of the water.

DUDE RANCH / GUEST RANCH: A centrally managed facility which provides full service lodging, dining or cooking facilities, and onsite recreational activities for overnight guests or members. A dude ranch shall include an organized program of activities such as hunting, fishing, nature study, arts and crafts, nordic skiing, snowmobiling, boating, rafting, horseback riding, hiking and pack trips. A dude ranch may also include conference facilities. Activities shall be provided onsite to the extent possible. If adjacent public lands and waterways are to be used to supplement onsite activities when permitted, they but shall not be the point of origin or primary location for such activities. Motels and hotels are not considered dude ranches. Guest lodging within a resort or dude ranch shall not be used for long term residency beyond three (3) months.

DWELLING, MULTIPLE: A building or group of buildings designed for occupancy by three (3) or more families living in separate apartments, units, or buildings.

DWELLING UNIT: Any building or portion of a building, which contains living facilities, including provisions for sleeping, eating, cooking and sanitation, intended for occupancy by not more than one (1) family and which has no more than one (1) kitchen. A dwelling unit must be in a continuous enclosure and not have any physical separation, such as but not limited to attachment via an open or enclosed breezeway or garage.

EARTHWORK: Any grading, excavation, mechanical removal, mechanical deposit, or any other physical disturbance of earth material.

EASEMENT: The right of a person to use public or private land owned by another for a specific purpose.

EFFICIENT USE OF WATER: The employment of methods, procedures, controls and techniques to ensure the amount of water and the purpose for which water is used in the County will yield the greatest benefit to the greatest number of people. Such benefits will include but are not limited to economic, social, aesthetic, environmental and recreational.

ENCLAVE: An unincorporated area of land entirely contained within the outer boundaries of a municipality, provided that not more than thirty (30) percent of the enclave is surrounded solely by annexed right-of-way.

EQUINE AND PACK ANIMALS: See Animal, Equine and Pack.

EXOTIC ANIMALS: See Animal, Exotic.

EXTENSION: A major extension and is an increase in hydraulic capacity, an upgrade in treatment or transmission capability, an increase in facility size, or a replacement of an existing facility in a new or altered location.

FACTORY-BUILT HOME: Any structure designed primarily for residential occupancy which is made, fabricated, framed, or assembled in a manufacturing facility for installation on a permanent foundation, and built in compliance with the "Factory-Built Housing Construction Code of the State of Colorado," as it applies to all factory-built housing (except mobile homes). Certification of such compliance by the Colorado Division of Housing is mandatory for structures built after May 1972, and is evident by the display of a Colorado Division of Housing label.

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FAMILY: Any number of persons related by blood, adoption, marriage, guardianship, or an unrelated group of not more than six (6) persons living together as a single housekeeping unit, or a group home as specified in C.R.S. ' 30-28-115.

FAMILY CARE HOME: A residence of a family or person, for the purpose of providing family care or training for children or adults who are not related to the head of such home and which is subject to regulations issued by the Colorado Department of Human Services.

FLAMMABLE OR COMBUSTIBLE MATERIALS: Any substance capable of being easily ignited and of burning quickly or capable of combustion.

FLOODPLAIN: Means an area adjacent to a stream, which area is subject to flooding as a result of the occurrence of an intermediate regional flood and which area thus is so adverse to past, current, or foreseeable construction or land use as to constitute a significant hazard to public health and safety or to property. The term includes but is not limited to: mainstream floodplains, debris-fan flood plains; and dry wash channels and dry wash floodplains.

FOOD: Any raw, cooked or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption.

FOOD SERVICE ESTABLISHMENT: Any place where food is prepared and intended for commercial individual portion service, including any site where individual portions are provided regardless of whether the food provided is consumed on or off the premises or whether there is a charge for the food served.

FOWL: See Animal, Fowl.

FLOOD OR FLOODING: Means a general and temporary condition of partial or complete inundation of normally dry land areas from, the overflow of inland waters, or the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOR AREA: The area included within the surrounding exterior walls of a building thereof, exclusive of vent shafts and courts.

GARAGE, PRIVATE: An accessory building or an accessory portion of a main building, designed for the shelter or storage of motor vehicles owned by the occupants of the main building.

GARAGE, PUBLIC: A garage used for the housing or care of motor vehicles, or where such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.

GEOLOGIC HAZARD: A geologic phenomenon which is so adverse to past, current, or foreseeable construction or land use as to constitute a significant hazard to public health and safety or to property. The term includes, but is not limited to:

1. Avalanches, landslides, rock falls, mudflows, and unstable or potentially unstable slopes.
2. Seismic effects.
3. Radioactivity.
4. Ground subsidence.

GEOLOGIC HAZARD AREA: Means an area which contains or is directly affected by a geologic hazard.

GREENHOUSE: A structure enclosed by glass (or other transparent or translucent material) and devoted to the

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cultivation and protection of plants out of season or climate.

GROUND SUBSIDENCE: Means a process characterized by the downward displacement of surface material caused by natural phenomena such as removal of underground fluids, natural consolidation, or dissolution of underground minerals or by man-made phenomena such as underground mining.

GROUP HOME: Licensed facility as defined in C.R.S. ' 30-28-115.

HEIGHT OF BUILDING: The Tallest Side of the Building, excluding Appurtenances.

Tallest Side of the Building: Shall be measured on the side with the greatest vertical distance between the ground surface elevations, where a structure intersects finished grade, and the highest point of the coping of a flat roof or from the average elevation between the ridge and eave of the gable of a sloped roof.

Appurtenances: The visible, functional, or ornamental objects accessory to and part of a building (e.g., chimneys, vents, and television or radio antennas that do not exceed more than 10% of the maximum height allowed).

HISTORIC PRESERVATION: Protecting, rehabilitating, restoring, and reconstructing districts, sites, buildings, structures, and objects significant in American history, architecture, archeology or culture, which are listed on or eligible for, either a local registry, Colorado State Register of Historic Places, or the National Register of Historic Places.

HISTORICAL or ARCHAEOLOGICAL RESOURCES OF STATEWIDE IMPORTANCE: Means resources which have been officially included in the National Register of Historic Places, designated by statute, or included in an established list of places compiled by the State Historical Society.

HOSPITAL: A facility that provides medical or surgical care and treatment for the sick and the injured, where overnight stays are routine, and including, as an integral part of the institution, related facilities such as laboratories, outpatient or training facilities.

HOTEL/MOTEL: A facility offering transient lodging accommodations to the general public, and may provide additional services such as restaurants, meeting rooms and recreation facilities.

ILLEGAL STRUCTURE OR USE: A structure or use which did not or does not comply with the provisions of law or regulations in effect at the time of construction or establishment. (See also legal nonconforming structure or use.)

INFANT AND TODDLER DAY CARE HOME: A type of family care home in which only children who are between birth and two and one-half (2 1/2) years old are received for less than 24-hour care and subject to regulations issued by the Colorado Department of Human Services.

IMPACT: Means any alteration or change to the natural or human environment resulting directly or indirectly from development. Whenever appropriate, "impact" refers separately to impacts from or during construction and impacts of a completed Project.

IMPACT AREA: Means those geographic areas in which impacts are likely to be caused by the Project. Impact Areas may include areas within the boundaries of another political subdivision if the County had entered into an intergovernmental agreement providing for cooperative regulation of impacts that may occur within the boundaries of both the County and the political subdivision.

INTERCHANGE: Means the intersection of two or more highways, roads, or streets at least one of which is an arterial highway. At such intersection there must be direct access to and from the arterial highway.

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JUNK: Any discarded materials, including manufactured goods, appliances, fixtures, furniture, machinery, incomplete, extensively damaged, or unlicensed vehicles or trailers; any generally unusable materials such as scrap metal, glass, paper, plastics, wood, garbage, boxes, crates, used lumber, building materials, tires, or other scrap ferrous or nonferrous material. (These are by way of example and not by way of limitation.)

JUNK YARD: A place open to air where junk or trash is accumulated, stored, packed, sold or bartered; an area where second hand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled. A "junk yard" also includes an auto wrecking yard.

KENNEL (Boarding): A shelter where care for animals is provided for a fee, or where pedigreed animals are kept for the purpose of offering stud service or producing of offspring.

KEY FACILITIES: The term includes:

1. Major facilities of a public utility.
2. Interchanges involving arterial highways.
3. Rapid or mass transit terminals, stations, and fixed guideways.

KITCHEN: A room or portion of a room devoted to the preparation or cooking of food which contains a sink, refrigerator, and either a stove or oven or both. (See also Wet Bar.)

LIMITED-ACCESS HIGHWAY: Means a highway which gives preference to through traffic by providing access connection with selected roads only. A highway may be considered a "limited access highway" even though it has some crossings at grade and private driveway connections.

LIVESTOCK: See Animal, Livestock.

LIVINGSPACE: A finished space within a structure with walls, floors, and ceilings of material generally accepted for interior construction.

LOCAL GOVERNMENT: Means a municipality or county.

LOCAL LAND USE PLAN: Means regional, county and municipal master plans and comprehensive plans affecting or affected by a Project. Such plans include, but are not limited to, the Clear Creek County Master Plan, Inter-county Non-Motorized Routes Master Plan, *and* DRCOG Metro Vision Plan.

LOT: A unit of real property, exclusive of improvements upon it.

LOT, CORNER: A lot adjacent to streets and located at the intersection of two (2) or more streets.

LOT, INTERIOR: A lot other than a corner lot.

LOT, THROUGH: An interior lot abutting on more than one (1) street.

LOT LINE, FRONT: The common boundary line between an interior lot and a street, or the common boundary line between a corner lot and/or (a through lot) and that street toward which the main access or driveway begins or usual entrance to the main building situate on such lot most nearly faces.

LOT LINE, REAR: That boundary line of a lot which is most nearly opposite the front line of such lot, other than a through lot.

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LOT LINE, SIDE: Any boundary line, other than front or rear lot line.

MAJOR FACILITIES OF A PUBLIC UTILITY: Means the following (this definition includes all electrical utilities' facilities, regardless of whether they are subject to the jurisdiction of the Colorado Public Utilities Commission, which primarily generate and/or transmit electrical power to entities off-site):

1. any transmission lines, power plants, and substations of electrical utilities.
2. any pipelines and storage areas of utilities providing natural gas or other petroleum derivatives to power plants and substations of electrical utilities.
3. any appurtenant facilities of a public utility which in the opinion of the Board either by itself or in conjunction with other major facilities of a public utility are likely to cause a major impact upon the health, welfare or safety of the citizens of the County, or upon the physical, social, or economic environment of the County or this region.

MANUFACTURED HOME: A one-family dwelling that:

1. is partially or entirely manufactured in a factory.
2. is not less than twenty-four feet (24') in width and thirty-six feet (36') in length.
3. is installed on an engineered, permanent foundation.
4. has masonry, wood, or cosmetically equivalent exterior siding and a pitched roof.
5. is certified pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974," 42 U.S.C. ' 5401 et seq., as amended.
6. meets or exceeds, on an equivalent performance engineering basis, standards established by the County building code. As used in this Section, equivalent performance engineering basis means that by using engineering calculations or testing, following commonly accepted engineering practices, all components and subsystems will perform to meet health, safety, and functional requirements to the same extent as required for other single family housing units.

MANURE: Any solid or liquid containing animal excreta.

MASS TRANSIT: A coordinated system of transit modes providing transportation for use by the general public.

MASTER PLAN: A comprehensive long-range plan (see also "local land use plan") intended to guide growth, development, and preservation of a community, region, or localized area and one that includes analysis, recommendation, and proposals for the community's population, economy, housing, transportation, community facilities, and land use as described in C.R.S. ' 30-28-106, Part 1 for adoption of master plans.

MATTER OF STATE INTEREST: An area of state interest or an activity of state interest or both as defined under C.R.S. ' 24-65.1-101, et seq.

MEDICAL CLINIC: A facility providing health services, medical or surgical care for patients where overnight stays are on an emergency basis only. (See also Hospital.)

MINING ACTIVITY, Bona Fide: Any mining activity that requires obtaining a Reclamation Permit from the Colorado Mined Land Reclamation.

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MINING, PROSPECTING, MILLING AND RELATED USES AND FACILITIES: Includes, but is not limited to, adits, tunnels, shafts, pits, stopes, raises, inclines, trenches, railroad tracks, conveyors, hoisting plants, headframes, tramways, roads, mills, ore bins, ore piles, waste dumps, water treatment facilities, smelters, core drill stations, ponds, pipelines, ditches, canals, wells, dams, environmental protection and monitoring facilities, laydown yards, maintenance and repair shops, lamphouses, power generation facilities, laboratories, offices, garages, storage buildings, warehouses, training centers, mine rescue stations, communications facilities, crushers, leach pads, sluices, rockers, dredges, amalgamators, roasters, concentrators, sorters, tanks, fans, explosive magazines, material bins, wash plants, bath houses, guardshacks, and other facilities actually used, required, or intended for use in connection with mining, prospecting, exploring, milling, and/or placering of mineral resources.

MINOR STRUCTURE: Any movable accessory structure or building such as birdhouses, tool houses, sheds, storage buildings, and dog houses under 400 square feet, or play equipment, arbors, and walls and fences.

MITIGATION: Means the use of any or all of the following actions:

1. Avoiding the impact by not taking a certain action or parts of an action.
2. Minimizing the impacts by limiting the degree or magnitude of the action to reduce the impact.
3. Rectifying the impact by repairing, rehabilitating, or restoring the impact area.
4. Reducing or eliminating the impact over time by preservation and/or maintenance operations.
5. Compensating for the impact by replacing, enhancing, or providing substitute critical areas and environments; by replacing or providing suitable biological and/or physical conditions and by replacing or providing suitable public services and facilities were applicable; or compliance with reasonable conditions and development standards.
6. Monitoring the impact and taking appropriate corrective measures.

MOBILE FOOD VEHICLE: A readily movable, motorized-wheeled vehicle or a towed vehicle designed and equipped to prepare, or serve, and sell food.

MOBILE HOME: A structure transportable in one (1) or more sections, which when erected on site measures eight (8) feet or more in width and thirty-two (32) feet or more in length, excluding appendages, and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. The term mobile home does not include a manufactured home. For purposes of these Regulations, mobile homes are categorized as follows:

MOBILE HOME PARK: Any parcel or tract of land used or intended to be used for mobile home occupancy.

MOBILE HOME PARK (Total Land Area): The sum of the areas of the lots plus the area of driveways, landscaped areas, common open space, and recreation areas located within the parcel, but excluding the area of all land or buildings reserved for the exclusive use of the owner or manager of the premises.

MOBILE HOME SPACE: A lot or plot of ground in a mobile home park intended for the placement and occupancy of a mobile home. For purposes of these Regulations, mobile home spaces are categorized as follows:

1. "Single-wide lot" means, for this purpose, a lot intended to accommodate a home of not more than sixteen (16) feet in width.

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2. "Double-wide lot" means, for this purpose, a lot intended to accommodate a home greater than sixteen (16) feet in width, but not more than twenty-eight (28) feet in width.
3. "Triple-wide lot" means, for this purpose, a lot intended to accommodate a home greater than twenty-eight (28) feet in width, but not more than forty-two (42) feet in width.

MORTUARY: A licensed business, regulated by the State Department of Health, which provides for the care, planning, and preparation for final disposition or transportation of human remains. Services generally include the arranging and conducting of funeral and memorial services, embalming and cosmetic restoration, sale of caskets, urns and other funeral merchandise.

MUDFLOW: Means the downward movement of mud in a mountain watershed because of peculiar characteristics of extremely high sediment yield and occasional high runoff.

MULTIPLE FAMILY DWELLING (Residence): A building or group of buildings designed for occupancy by three (3) or more families living in separate apartments, units, or buildings; together with the pertinent recreation and support facilities.

MUNICIPAL AND INDUSTRIAL WATER PROJECT or PROJECT: A system and all components thereof through which a municipality or industry derives its water supply from either surface or subsurface sources, or which otherwise serves municipal or industrial users. (This definition does not apply to the 1041 regulations.)

MUNICIPALITY: A home rule or statutory city, town, or a city and county or a territorial charter city.

NATIONAL REGISTER: The National Register of Historic Places established under Section 101 of the National Historic Preservation Act of 1966, as amended.

NATURAL HAZARD: Is one of the following:

1. **FLOOD OR FLOODING:** Means a general and temporary condition of partial or complete inundation of normally dry land areas from, the overflow of inland waters, or the unusual and rapid accumulation or runoff of surface waters from any source.
2. **GEOLOGIC HAZARD:** A geologic phenomenon which is so adverse to past, current, or foreseeable construction or land use as to constitute a significant hazard to public health and safety or to property. The term includes, but is not limited to:
 - (a) avalanches, landslides, rock falls, mudflows, and unstable or potentially unstable slopes;
 - (b) seismic effects;
 - (c) radioactivity;
 - (d) ground subsidence.
3. **WILDFIRE HAZARD:** Means a wildfire phenomenon which is so adverse to past, current, or foreseeable construction or land use as to constitute a significant hazard to public health and safety or to property. The term includes but is not limited to:
 - (a) slope and aspect;
 - (b) wildfire behavior characteristics; and
 - (c) existing vegetation types.

NATURAL HAZARD AREA: Means an area containing or directly affected by a natural hazard.

NATURAL RESOURCE OF STATEWIDE IMPORTANCE: Is limited to shorelands of major, publicly owned reservoirs and significant wildlife habitats in which the wildlife species, as identified by the Division of Wildlife of the Department of Natural Resources, in a proposed area could be endangered.

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NEW COMMUNITIES: The major revitalization of existing municipalities or the establishment of urbanized mixed-use growth centers in unincorporated areas.

NON-COMMERCIAL KEEPING (or Boarding) OF ANIMALS: A facility that cares for or houses livestock in the absence of the owner or such owner=s designee, and no compensation is received for said services.

NON-CONFORMING STRUCTURE OR USE, LEGAL: A structure or use which was lawful when constructed or established but which does not comply with the provisions of law or regulations passed at a later date.

NON-CONFORMING STRUCTURE OR USE, ILLEGAL: See Illegal Structure or Use.

NURSERY (Day Care Center): See Day Care Center.

NURSERY (Plant): A place where young trees or other plants are raised for transplanting or for sale.

OFFICE TRAILERS: A mobile home, recreational vehicle, or modular unit used as a temporary office facility.

PANEL ANTENNA: Antenna generally rectangular in shape that is used to transmit and receive telecommunications signals.

PARCEL: See Lot.

PASTURE: An area where animals are kept, either fenced or unfenced, and where grazing is allowed

PERIMETER DITCH (or Berm): A ditch or berm (constructed of materials other than manure or compost), the primary purpose of which is to prevent runoff from an area used for the stockpiling of manure or storage of compost.

PERMIT: A formal consent issued by the County for various activities.

PERSON: Any individual, limited liability company, partnership, corporation, association, company, or other public or corporate body, and includes without limitation any political subdivision, agency, instrumentality, or corporation of the State or the United States government.

PERSONAL SERVICES: Services, such as, but not limited to tanning, nail, and/or hair salons, health clubs, spas, and/or licensed massage establishments.

PET BOARDING FACILITY: A facility that cares for or houses pet animals in the absence of the owner or a facility that cares for pet animals in absence of the owner or such owner's designee and receives compensation for said services.

PETS: See Animal, Pets.

PLACE OF WORSHIP: A building or place where persons regularly assemble for religious worship, and which building is maintained and controlled by a religious body organized to sustain public worship.

PORCH, UNENCLOSED: A porch which is open to the atmosphere on at least two (2) sides.

POWER PLANT: Any plant facility(ies) and equipment for the purposes of producing, generating, transmitting, delivering, or furnishing one (1) megawatt or more of electricity for the production of power.

PRESCHOOL: An educational institution intended for children between infancy and school age.

PUBLIC UTILITY: A public utility as defined by state law, with the exception of utilities owned and operated by a

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municipality located within Clear Creek County.

RAPID TRANSIT: The element of a mass transit system involving a mechanical conveyance on an exclusive lane or guideway constructed solely for that purpose.

RECLAMATION: The employment during and after a mining or mineral processing operation of procedures to minimize water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and other adverse effects from mining or mineral processing operations and related structures so that affected lands are reclaimed to a usable condition which is readily adaptable for alternate land uses and create no danger to public health or safety. The process may extend to affected lands surrounding facilities or buildings and may require backfilling, grading, resoiling, revegetation, soil compaction, stabilization, or other measures.

RECLAMATION PLAN: The applicant=s written proposal as required and approved by Clear Creek County for reclamation of the affected land.

RECREATION: An activity intended to provide refreshment or relaxation by means of some pastime, agreeable exercise, entertainment or amusement. For purposes of these Regulations, recreational uses are classified as follows:

1. **INDOOR:** recreational activities, such as but not limited to bowling, skating, arcade, where such activities are contained within a building , but not including activities described in Adult entertainment establishments.@
2. **OUTDOOR:** recreational activities, such as but not limited to skiing, golfing, fishing, skating, fair grounds, amusement park, hut-to-hut system, or rodeo grounds, where part or all of such activities are outdoors.

RECREATIONAL USE FACILITY (Non-Commercial Park): Uses, structure and/or land utilized for the provision of recreational activities and/or open space which may be developed, operated and/or maintained by a public entity or non-profit organization.

RECREATIONAL VEHICLE: Any vehicular unit or trailer designed to provide temporary living quarters for recreational, camping, or travel use.

RECREATIONAL VEHICLE PARK: Any parcel or tract of land designed, maintained, or intended or used for the purpose of providing a location and accommodations for one or more recreational vehicles for temporary occupancy, and shall include all buildings used or intended for use as part of the equipment thereof, whether or not a change is made for the use of the park or its facilities.

REQUIRED ROAD MAINTENANCE AREA: The road surface and County maintained drainage features of maintained County roads.

RESEARCH AND DEVELOPMENT FACILITY: A facility utilized primarily for the purpose of scientific investigation designed to develop new consumer goods and services, new inputs into production, new methods of producing goods and services, or new ways of operating and managing organizations.

RESERVOIR: An area of land where water is retained or an area intended for water retention, and which is used in whole or in part for the storage of municipal water supplies or of water which is part of a domestic water treatment system.

RUNOFF: That part of precipitation, snow melt, or irrigation water that drains or flows off the land into streams or other surface waters.

SAWMILL: A commercial operation where timber is processed to produce wood products.

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SCHOOL: An institution, either public or non-public, for educating or giving instruction. For purposes of these Regulations, schools are classified as either public or private, and the age of the students.

PUBLIC SCHOOL: An institution providing instruction which secures the major part of its funding from taxes or from government agencies.

PRESCHOOL: An educational institution intended for children between infancy and school age.

PRIVATE SCHOOL: An institution providing instruction which secures the major part of its funding from sources such as tuition and donations, and not from taxes or government agencies.

SEASONAL TEMPORARY USE OF LAND: Uses of land, not to exceed six (6) months, such as Christmas tree or Firewood lots.

SEMI-NUDE: A state of undress in which clothing covers no more than the genitals, pubic region, or areola of the female breast, as well as portions of the body covered by supporting straps or devices.

SETBACK: An open space of fixed width of a parcel along the front, sides, or rear property line which shall remain free of any development, except as provided by this code.

SETBACK LINE: A line parallel with the minimum horizontal distance required in any given zone district to be maintained between a lot line and that part of a structure situate on such lot, except as provided in this code.

SHADOW FLICKER: The effect when the blades of a wind energy system passes between the sun and an observer, casting a readily observable, moving shadow on the observer and his/her immediate environment.

SIGN: See sign definition in Section 10 (1004).

SIGN, FREE-STANDING: A sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame, fence, or other structure) that is not itself an integral part of or attached to a building or other structure whose principal function is something other than the support of a sign.

SIGN, HISTORIC: A sign which in and of itself is historic in nature.

SIGN, LANDMARK: A sign which identifies or points to a prominent natural feature or the site of an event, discovery, etc. considered as a high point or turning point in the history or development of something.

SINGLE FAMILY DWELLING (Residence): A building, to include a factory-built home, designed for occupancy by not more than one family.

SIGNIFICANT: Means deserving to be considered; important of consequence; notable and not trifling.

SLOPE, MEASUREMENT: An inclined ground surface the inclination of which is expressed as a ratio or percentage of horizontal distance to vertical distance, or in degrees of the horizontal measured from the crest of the slope to the toe of the slope.

SMALL ANIMAL: Any animal other than livestock or animals considered to be predatory or wild which are kept outside a dwelling unit all or part of the time. Animals considered predatory or wild, excluding those in zoo animal breeding facilities, shall be considered small animals when they are taken into captivity for the purposes of breeding, domestication, training, hunting, or exhibition.

SMALL ANIMAL GROOMING FACILITY: A permanent or mobile commercial establishment where a small

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animal may be cleaned, styled or have appearance maintained.

SMALL SOLAR ENERGY SYSTEM: A solar energy system that is used to generate thermal, mechanical, chemical, or electrical energy accessory to the use(s) on the same parcel(s) of land. It may be free-standing, or attached to an existing permitted structure.

SMALL WIND ENERGY SYSTEM: A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kilowatts (kW) and which is intended to primarily reduce on-site consumption of utility power.

SNOW STORAGE: The stockpiling of snow removed from a street, road, highway, driveway, or other site off the site from which it is removed.

SOLAR ENERGY SYSTEM: Related equipment that relies upon direct sunlight as an energy source, a substantial purpose of which is to transform solar energy into thermal, mechanical, chemical, or electrical energy.

SPECIAL EVENT: A temporary activity or use, whether or not wholly contained within a building or structure which is not a permitted use in the underlying zone district or the Planned Development, not to exceed sixty (60) days.

STABLE: A facility where horses and other equines are kept either within a building or in corrals, which may also include an indoor or outdoor exercise area, and storage for tack, grooming supplies and feed.

STOCKPILE (OF MANURE): The presence of more than one (1) cubic foot of manure within an area of one hundred (100) square feet.

STRUCTURE: That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner; the use of which requires more or less permanent location on the ground; but not including earthworks, ditches, canals, dams, reservoirs, pipe-lines, telephone, telegraph, electric power lines, fences less than six (6) feet in height, walks, driveways, or curbs.

SUBDIVISION: A division of land when more than four new parcels are proposed.

SUBSTATION: Any facility designed to provide switching, voltage transformation or voltage control required for the transmission of electricity at 115kV or greater.

SURFACE DISTURBANCE: Any change to the natural vegetation, soil, rock, drainage, or topography, and includes all grading, filling, excavating, clearing vegetation, construction of buildings or other improvements. Any activity that may result in or contribute to accelerated soil erosion or sediment transport is included.

TELECOMMUNICATIONS:

1. **AMATEUR COMMUNICATIONS TOWER:** A non-commercial tower, antennae, and supporting structure a maximum of thirty-five (35) feet in height, which complies with the definition of "Amateur Service" as defined in the Code of Federal Regulations, Title 47, Chapter 1 (Federal Communications Commission), Subchapter A, Part 2 (CFR-47.1(A)(2)).
2. **CO-LOCATION SITE, LOW POWER:** Two (2) or more low power telecommunication service providers having joint use of sites and/or facilities.
3. **EQUIPMENT STORAGE SHELTER:** An unmanned structure used for freestanding facilities or when necessary, roof or building mounted facilities to house low power telecommunications facility equipment.

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4. **FREESTANDING TELECOMMUNICATION FACILITY (Permanent):** A telecommunications facility that consists of a stand-alone support structure, antennas, and accessory equipment sited on a property for an indefinite length of time.
5. **FREESTANDING TELECOMMUNICATION FACILITY (Temporary):** A telecommunications facility that consists of a stand-alone support structure, antennas, and accessory equipment sited on a property for a specified length of time, not to exceed six (6) months.
6. **LOW POWER:** The power limit for each transmitter consisting of 1000 watts effective radiated power (ERP) which is the sum product of the wattage into the antenna and the gain of the antenna.
7. **MULTI-USER COMMUNICATIONS SITE, LOW POWER:** A facility consisting of interior space for electronics, and exterior space for antennas, that is available for rental to tenants that operate wireless communications. A multi-user site would be designed to accommodate a variety of users in a non-discriminatory manner.
8. **ROOF MOUNT OR BUILDING WALL TELECOMMUNICATION FACILITY:** A facility that is supported entirely by a legally existing building or structure. (For purposes of this regulation, legally existing structures eligible for location of low-power telecommunications facilities as a use-by-right are those which have and maintain a primary purpose other than residential structures or structures supporting telecommunications equipment, and which were legally constructed at least two years before the application for installation of any low-power telecommunications facilities. The burden of proof shall be on the applicant to demonstrate that the primary purpose of the structure is not to house or support telecommunications equipment.)
9. **TELECOMMUNICATION FACILITY, LOW POWER:** An unmanned facility consisting of antennas, equipment, and equipment storage shelter 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.

TEMPORARY STRUCTURE: A structure without any foundation or footing, or otherwise not permanently affixed to the land, and removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

TOTAL EXTENDED HEIGHT

The height above grade to a blade tip at its highest point of travel.

TOTAL SQUARE FOOTAGE: The total square footage of all buildings and structures.

TOWER HEIGHT

The height above grade of the fixed portion of the tower, excluding the wind turbine itself.

TRACT OF LAND: See Lot.

TRANSMISSION LINES: Those electrical lines and appurtenant facilities which meet all of the following criteria:

1. Either a series of three (3) or more structures and appurtenant facilities erected above ground which support one (1) or more conductors or a power line placed underground.

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2. Which lines emanate from a power plant or a substation/transition site and terminate at a substation/transition site
3. Which are designed to transmit electrical voltages of 115 kV or greater.

TRANSPORTATION FACILITY: A facility, such as a shuttle service or park and ride.

TRIP GENERATION: The number of vehicle trips likely to be generated by a particular land use.

TRUCK STOP: A gas station, where truck drivers stop for fuel, and often including a restaurant, sleeping and showering rooms, and may include a store selling items for travelers.

TWO FAMILY DWELLING (Residence) OR DUPLEX: A building designed for occupancy by two (2) families living in separate units.

UNDERGROUND WATER STORAGE TANK: A vessel used for holding water, located entirely below grade, and not visible from the surface.

UTILITY: A government or business enterprise supplying public services such as electricity, gas, water, sewer, telephone, or cable TV.

UTILITY BUILDING: A building such as a shed, or garage that is used to store tools, vehicles, and other maintenance equipment that are clearly incidental to use of a property.

UTILITY SCALE SOLAR ENERGY FACILITY: A power plant that directly converts solar energy into usable thermal mechanical, or electrical energy, including such devices as solar energy systems and supporting structures and such directly connected equipment as generators, alternators, inverters, batteries and associated control equipment.

UTILITY SCALE WIND ENERGY FACILITY: A power plant that directly converts wind energy into usable thermal mechanical, or electrical energy, including such devices as wind energy systems and supporting structures and such directly connected equipment as generators, alternators, inverters, batteries and associated control equipment.

VEHICLE STORAGE GARAGE (Non-Commercial): An accessory building or an accessory portion of a main building, designed for shelter or storage of motor vehicles which are owned or operated by the occupants of the main building only.

VETERINARY CLINIC, SMALL ANIMAL: A place where small animals or pets (dogs, cats, birds and the like) are given medical or surgical treatment. Use as a kennel shall be limited to short time boarding and shall only be incidental to such clinical use. All uses shall be enclosed within a soundproof building.

VETERINARY HOSPITAL: A place where animals or pets of all types are given medical or surgical treatment. Use as a kennel shall be limited to short-time boarding and shall only be incidental to such hospital use and need not be enclosed within the main building.

WALL, FREE-STANDING: A wall which rests on its own support, without attachment or added support.

WEANED (Young Animals): For the purpose of these Regulations, an animal is considered weaned when the animal in question is no longer dependant on the milk of its mother.

WET BAR: A room or portion of a room in a residence having a sink and a refrigerator of no more than six (6) cubic feet in size, which area is used for the storage, preparation and serving of food or drink to persons residing in

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the dwelling unit or to guests. (See also Kitchen.)

WETLANDS: As defined by the Army Corp. of Engineers.

WILD ANIMALS: See Animal, Wild.

WHIP ANTENNA: A single antenna that is cylindrical in shape.

WILDFIRE HAZARD: Means a wildfire phenomenon which is so adverse to past, current, or foreseeable construction or land use as to constitute a significant hazard to public health and safety or to property. The term includes but is not limited to:

1. slope and aspect;
2. wildfire behavior characteristics; and
3. existing vegetation types.

WILDFIRE HAZARD AREA: Means an area containing or directly affected by a wildfire hazard.

WIND ENERGY SYSTEM: Related equipment that converts and then stores or transfers energy from the wind into usable forms of energy. This equipment includes any base blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other component used in the system.