

## ARTICLE 16            DEFINITIONS

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**Section 16-101      Definition of Words and Phrases.** For the purposes of this Land Use Code, the following words and phrases are defined as follows:

**Accessory Agricultural Retail Sales.** A location for the retail sale or wholesale of agricultural or horticultural products which are entirely grown or matured on site. Products are raw, and sold on a seasonal basis, with no permanent structure.

**Accessory Dwelling Unit.** A dwelling unit considered secondary to a primary dwelling unit for use as a complete independent living facility on the same parcel as a permitted principal use and which meets dimensional and other requirements applicable to the principal use.

**Accessory Building or Structure.** A subordinate building or structure located on the same lot as the principal structure, the use of which is incidental to the principal use.

**Accessory Use.** A use which is customarily supportive, secondary and subordinate to the principal use on the parcel.

**Accessory Outside Storage.** The outside placement of items which are customary and incidental to the principal use of the property.

**Adjacent.** Meeting, abutting or touching at some point, or located across a street, alley or other right-of-way.

**Adjacent Property Owner.** An owner of record of any estate, right, or interest in real property which is adjacent to the subject land.

**Administrative Review.** The land use change permit application and review process, described in Article IV, Section 4-104, *Administrative Review Process* of this Code, by which the Director approves applications for land uses

**[Administrator/Director].** The [Administrator/Director] of [Planning/Community Development], or authorized representative

**Adverse.** Unfavorable, harmful.

**Affordable Housing Agreement:** An agreement between the applicant and County, pursuant to the regulatory provisions for affordable housing, set forth in Article 8 of this Land Use Code.

**Affordable Housing Guidelines:** Division 4 of Article 8 of these Regulations

**Affordable Housing Unit (AHU):** A resident-occupied housing unit, the sale or rental of which has been limited to specific segments of the market with permanent affordability insured through appreciation rates controlled by deed restriction or other legally-binding mechanism approved by the Board of County Commissioners.

**Agriculture.** The use of land for farming, dairying, pasturage, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for harvesting, packing, treating, or storing the produce, excluding forestry.

**Agricultural Land.** Any land used primarily for the production of crops or livestock, including: irrigated meadows, irrigated and dry pasture, and irrigation ditches; stock drive routes; lands used for barns, corrals and storage of crops or agricultural products. "Agricultural Land" does not include lands used primarily for the production of commercial timber.

**Agricultural Products.** Products grown or raised on a property, intended for direct human or animal consumption or use, such as vegetables, fruits, dairy products, eggs, grains, meat, poultry, fish, honey, hay, bedding plants and wool.

**Agricultural Products Processing and Storage.** The alteration of agricultural products brought to the site in its natural state, including but not limited to cleaning, sorting, grading, packaging, milling, or storing of products which are intended for direct human or animal consumption or use.

**Agricultural Products Retail Sales – Off Site.** A location for the retail sale of agricultural products, a majority of which are not grown on site, and are intended for direct human or animal consumption or use.

**Airport.** The land used by aircraft to take off and land, together with all facilities and adjacent land used in connection with the operation of aircraft.

1. **Airports and Heliports, Publicly Owned.** The area comprising airports or heliports, located primarily on land owned by a public agency such as the County or a municipal government.
2. **Landing Strips and Helistops, Privately Owned.** The area comprising landing strips or helistops located primarily on land

owned by a private land owner(s).

**Airport Elevation.** The highest point of an airport's usable runway, measured in feet above mean sea level.

**Airport Hazard.** Any structure, object of natural growth, or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport, or otherwise creates a hazard for aircraft operations.

1. **Significant Hazard.** As it relates to bird strike hazards, "significant" means a level of increased flight activity by birds across an approach surface or runway that is more than incidental or occasional, considering the existing ambient level of flight activity by birds in the vicinity.

**Airport / Heliport, Building Restriction Line.** A line which identifies suitable building area locations.

**Airport Imaginary Surfaces.** Imaginary areas in space and on the ground, defined by FAR Part 77, which are established in relation to the airport and its runways. Imaginary areas are defined by the primary surface, runway protection zone, approach surface, horizontal surface, conical surface and transitional surface.

1. **Primary Surface.** A surface longitudinally centered on a runway with dimensions as specified by FAR Part 77.
2. **Runway Protection Zone (RPZ).** An area off the runway end used to enhance the protection of people and property on the ground. The RPZ is trapezoidal in shape and centered about the extended runway centerline. The dimensions are as specified in AC 150/5300-13.
3. **Approach Surface.** A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. Dimensions are defined by FAR Part 77. Sometimes designated as Approach Zone.
4. **Horizontal Surface.** A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway of each airport and connecting

the adjacent arcs by lines tangent to those arcs. The radius of each arc is defined by FAR Part 77.

5. **Conical Surface, Conical Surface.** A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
6. **Transitional Surface.** Those surfaces that extend upward and outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to the point of intersection with the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at a ninety (90) degree angle to the extended runway centerline.

#### **Airport Impact Areas.**

1. **Direct Impact Area.** The area located within 5,000 feet of an airport runway or 2,000 feet of a heliport, excluding lands within the runway protection zone and approach surface. Sometimes designated as Flight Pattern Area.
2. **Secondary Impact Area.** The area located between 5,000 and 10,000 feet from an airport runway or between 2,000 and 4,000 feet from a heliport.

**Airport Noise Impact Boundary.** The Noise Impact Area boundary incorporates areas located within 1,500 feet of an airport runway or within established noise contour boundaries exceeding 55 Ldn.

**Airport Reference Code.** A code comprised of the Aircraft Approach Category and the Airplane Design Group as defined in AC 150/5300-13.

**Airport Sponsor.** The owner, manager, or other person or entity designated to represent the interests of an airport.

**Alley.** A public right-of-way providing secondary access to the rear of a property and not intended for general travel.

**Alteration (Structural).** A change, rearrangement or addition to the structural parts or in the existing facilities of a building or structure, or the moving from one location or position to another.

**Applicant.** A person or entity submitting an application for land use subject to these Regulations.

**Approach Surface (Airport).** See Airport Imaginary Surfaces.

**Approved Affordable Housing Entity (AAHE):** An entity other than the [*County Housing Authority*] approved by the County to administer the management of deed restrictions in the approved Affordable Housing Plan.

**Appurtenances.** The visible, functional, or ornamental objects accessory to and part of a building.

**Archeological Resource, Cultural Resource, or Historical Resource.** Resources that have been designated by the County or are recognized or historically known to the County; that are on the National Register of Historic Places (National Register) and/or that may be considered under the National Historic Preservation Act; or that are included in an established list of places compiled by the state historical society, or any local historic preservation program.

**Area Median Income (AMI):** County median annual household income as determined and published annually by the Department of Housing and Urban Development.

**Area of Special Flood Hazard.** Land located within the designated floodplain, that is subject to a one percent (1%) or greater chance of flooding in any given year.

**Average Daily Traffic (ADT).** The average number of one-way vehicular trips that are generated from a particular land use during a 24-hour period.

**Base Flood.** A flood having a one percent chance of being equaled or exceeded in any given year. The term is used interchangeably with intermediate regional flood, one hundred year flood, and one percent chance flood.

**Batch Plant.** A facility for mixing concrete or asphalt.

**Block.** A portion of land enclosed by mapped roads or other bounds and contained within subdivided or mapped land.

**Board of Adjustment.** The body appointed by the Board of County Commissioners whose authority and procedures are described in Sections 30-28-117 and 30-28-118, C.R.S., and in Section 1-303 of this Code.

**Board or Board of County Commissioners.** The Board of County Commissioners of [*County*], as described in Section 1-301 of this Code.

**Building.** Any structure having a roof supported by columns or walls and intended for supporting, enclosing, sheltering or protecting any use or occupancy. The term “building” shall include modular or prefabricated buildings that do not fall within the definition of manufactured housing or mobile homes.

**Building Envelope.** A designated area on a lot or parcel in which all structures and development shall be constructed or occur, unless specifically excepted or exempted, including but not limited to excavation, landscaping, building, grading, demolition or filling.

**Building Footprint.** The outline of the total area which is covered by a building’s perimeter at ground level.

**Building Height (Structure Height).** The distance, measured vertically, from the undisturbed or natural ground surface at the mid-point between the front and rear walls of a building to the top of a flat roof or mansard roof or to the mid-point between the eave line and the peak of a gable, hip, shed or similar pitched roof.

**Building Material, Lumber Yard or Garden Store.** A facility for the sale of home, lawn and garden supplies; landscaping materials; and brick, lumber, and other similar materials.

**Building Permit.** A permit which is issued by the County prior to the erection, construction, alteration, moving, or relocation of a building or structure.

**Campground.** A parcel of land, in single ownership, that has been developed for occupancy by guest-owned tents and recreational vehicles on a temporary basis for recreational purposes.

**Camper Trailer.** A wheeled vehicle without motive power which is designed to be drawn by a motor vehicle over the public highways and which is generally and commonly used for temporary living or sleeping accommodations.

**Car Wash.** An area of land and/or a structure with machine- or hand-operated facilities used principally for cleaning, washing, and polishing or waxing motor vehicles.

**CDOT.** Colorado Department of Transportation.

**Cemetery.** A place designated for the burial or keeping of remains of the dead, human or animal, and appurtenant facilities including crematories, mausoleums, and columbaria operated within the boundaries of the cemetery.

**Change in Land Use.** Any development, grading, construction, activity or operation that changes the basic character, configuration or use of land or structures after the enactment of this Land Use Code constitutes a change in land use.

**Cluster, Cluster Development.** The concentration of development, including buildings, driveways, and water supply and wastewater treatment facilities on one or more compact areas of a development parcel, preserving the remainder as productive agricultural land or undeveloped open space, and avoiding impacting areas of identified value for wildlife habitat, scenic features of a rural landscape, historical agricultural uses, and significant environmental features.

**Commercial Mineral Deposits.** Oil, gas, gravel and other natural deposits that may be extracted from the land for economic benefit.

**Commercial Nursery.** A use where trees, shrubs, and flower and vegetable plants are grown and sold, either wholesale or retail.

**Commercial Use or Activity.** Any use or activity primarily devoted to business such as the purchase, sale, lease or exchange of goods and/or the provision of services.

**Communication Facility.** A non-inhabitable structure or tower and accessory building, supporting antennas, and microwave dishes that send and/or receive radio frequency signals, including television and data impulses, through space by means of electromagnetic waves. Individual/personal direct-to-home satellite services are not included in the definition of "Communication Facility".

**Community Meeting Facility, Recreation Hall or Auditorium.** A facility for public gatherings and holding events such as weddings, wedding receptions,

community meetings and meetings and events sponsored by neighborhood groups, religious groups, philanthropic organizations and so forth.

**Concentrated, Confined Animal Feeding Operations.** Any animal feeding operation where animals are fed at the place of confinement and crop or forage growth in production is not sustained in the area of confinement, and the number of any type of animals held for that purpose exceeds (thirty) 30 animals.

**Conical Surface (Airport).** See Airport Imaginary Surfaces.

**Conservation Easement.** An easement for the purpose of preserving the property's value for recreation, education, habitat, open space, or historical importance.

**Contiguous.** Sharing an edge or boundary, touching.

**Convenience Store.** Any retail establishment selling consumer products including primarily prepackaged or prepared food items and household items, having a gross floor area of less than 5,000 square feet. A convenience store may also have associated retail sale of gasoline and other petroleum products.

**Corrections Facility.** A use which provides housing, treatment or care for individuals legally confined or placed as a result of criminal charges and designed to incarcerate or rehabilitate individuals in either a secured or non-secured setting

**Correction Plat.** Revision of a previously approved plat, which is intended to correct minor surveying, drafting or wording errors in the plat.

**County.** The County of [*County*], State of Colorado.

**Day Care Center.** A facility which provides less than 24-hour care or supervision for nine or more persons under the age of eighteen (18) who are not related by blood, marriage, or adoption to the owner, operator, or manager, whether such facility operates at day or night, with or without compensation for such care, and with or without stated educational purpose.

**Decibel.** The basic unit for measuring the difference of sound pressure levels from a sound event to a reference pressure. To approximate the range of frequencies of sound most audible to the human ear, an "A-weighting" factor is applied. Sound levels are usually reported in A-weighted decibels, abbreviated dBA.

**Deed Restriction:** A limitation on the use or sale of the property written in the deed.

**Density.** A unit of measurement, specific to development, to be interpreted as the number of dwelling units per acre of land.

**Development.** Any activity or construction, excluding normal agricultural activities, that changes the existing character or use of the land.

**Development Agreement.** The agreement between the owner and the County which specifies the terms and conditions of the land use permit approval. This agreement implements the site specific development plan which establishes vested rights under Article 68 of Title 24, C.R.S.

**Direct Impact Area (Airport).** See Airport Impact Areas.

**Dwelling, Dwelling Unit.** One or more rooms designed to function as a single living facility and containing only one kitchen plus living, sanitary and sleeping facilities.

1. *Dwelling, multi-unit* means a building that contains three (3) or more dwelling units. The term “dwelling unit” does not include hotels, motels, fraternity houses and sorority houses and similar group accommodations.
2. *Dwelling, single-family unit, attached,* means two or more dwelling units, each with primary outside access on the ground floor; and that are attached to each other by legally divided party walls which do not have openings and do not provide for internal access between the dwelling units. This term includes townhomes and duplexes.

**Eating or Drinking Establishment.** An establishment for the sale and consumption of food and beverages on the premises, or with drive-thru accommodations.

**Educational Facility.** Buildings and uses for instruction or research activities associated with an academic institution which has curriculum for technical or vocational training, including but not limited to kindergarten, elementary, secondary, or higher education. Educational facilities include residential facilities for faculty, staff, and students.

**Electric Power Distribution Lines and Facilities.** Structures, lines and appurtenant facilities used for the distribution of electric energy in voltages less than 69,000 volts.

**Electric Power Generation Facility.** Any electric power generating facility and appurtenant facilities with generating capacity of ten (10) megawatts or more.

**Electric Power Transmission Line.** Any power line designed for or capable of transmitting electric energy in voltages of 69,000 volts or more, and which emanates from an electrical power plant or electric substation and terminates at a substation.

**Emergency Care Facility.** A health care facility that provides outpatient emergency diagnosis and treatment.

**Emergency Shelter.** A facility providing intermediate-term housing to people with limited financial resources, including people who are homeless or are abused mentally, physically, or emotionally and need to escape a threatening situation. Accommodations may also include food, counseling, transportation services, and service to support the personal care of the residents of the facility including medical care, dental care and hygiene.

**Employer, [County] Based.** An employer or business having a business office, store or facility located in [County] at which an employee reports to work or from which the employee is compensated whether or not the work is performed in [County].

**Equestrian Center.** A defined, improved area that may be covered or open, within which equestrian activities involving horse riding, training, practice, exhibition or driving occurs, and which may include boarding and includes rental or fee arrangements.

**Expansive Soil.** Rock or soil that shrinks or expands excessively with changes in moisture content.

**Excavation.** The removal of earth material by artificial means, also referred to as a cut.

**FAA.** The Federal Aviation Administration.

**Feedlot, Commercial.** A place of confinement by fences, pens, corals, or other structures serving as enclosures for cattle, swine, sheep, poultry, fur bearing animals or other livestock for the primary purpose of providing for the ultimate sale of products from the animals or the animals themselves. Educational agricultural projects are excepted from this definition.

**Fire Station.** A facility operated by a municipality, fire district, or department which houses fire equipment. The facility may be used for housing personnel and for associated meetings.

**Fish Farm.** A workplace where fish are hatched and raised for the purpose of harvesting and sale and including but not limited to production for consumption and private stock. Fish farms are exclusive of recreational fishing operations.

**Flood or Flooding.** A general and temporary condition of partial or complete inundation of normally dry land areas from either the overflow of watercourses, or the unusual and rapid accumulation or runoff of surface waters from any source.

**Flood Fringe.** Areas within the floodplain that constitute the low hazard areas between the outer boundary of the floodway and the outer limit of the floodplain. Within the flood fringe area, the depth and velocity of the flood waters do not present as serious a threat to life and property as that within the floodway.

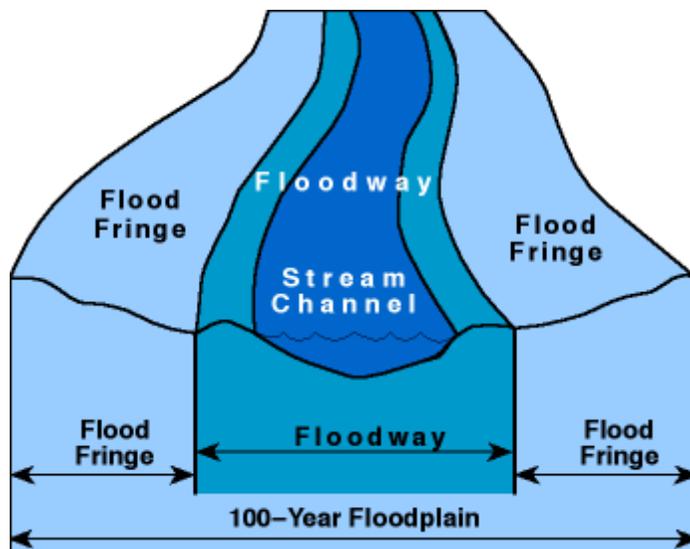
**Flood Insurance Rate Map (FIRM).** An official map of the Federal Emergency Management Agency (FEMA), on which the area subject to flooding by the base flood has been delineated either by approximate or detailed engineering study. These maps also delineate flood insurance rate zones and may include the delineation of water surface elevations and floodway boundaries.

**Flood Insurance Study.** The official report provided by the Federal Emergency Management Agency (FEMA) that includes flood profiles, the Flood Boundary Floodway Map, and the water surface elevation of the base flood.

**Floodplain.** An area including and adjacent to the stream channel, which is subject to flooding as the result of the occurrence of an intermediate regional flood and 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. Mainstream floodplains;
2. Debris-fan floodplains; and

3. Dry wash channels and dry wash floodplains.



**Floodplain Encroachment.** Any development, stockpile, refuse, or matter in, along, across, or projecting into any floodplain which might impede, retard, or change the direction of a flow of water, either by itself or by catching or collecting debris carried by such water. The term floodplain encroachment shall not include any device or structure reasonably necessary for flood control or prevention.

**Floodplain Regulations.** The Floodplain Overlay District Regulations set forth in this Land Use Code.

**Floodproofing.** Any combination of structural and non-structural additions, changes or adjustments to structures, moveable objects, or properties for the purpose of reducing or eliminating the potential for flood damage

**Floodway.** The areas within the floodplain which are required for the passage or conveyance of the base flood, in which waters will flow at significant depths or with significant velocities. These areas include the channel of a river or creek and any adjacent floodplain areas that must be kept free of development and other encroachments so the base flood can be conveyed without substantial increase in flood height. Specifically, the floodway is defined according to the following criteria:

1. Areas of the floodplain that must be kept free of development and other encroachments so the base flood is conveyed with no more than a one foot increase in the water surface elevations.

2. Where the floodway has not been identified, areas of the floodplain where floodwater from the base flood is eighteen (18) inches or greater in depth.
3. The area that comprises a minimum of twenty-five (25) feet from the banks of the river or creek, unless the bank consists of an impervious natural rock wall or cliff which is higher than the flood elevation.

**Floor Area.** Floor area, also called gross floor area, means the total square footage of the building measured along the outside walls of the building and including each floor level, but not including open balconies, garages or other enclosed automobile parking areas and basement storage areas, and not including one-half ( $\frac{1}{2}$ ) of all storage and display areas for durable goods.

**General Service Establishment.**

1. An establishment for services offered by building trade professionals including building contractor, electrical contractor, and plumbing contractor.
2. An establishment for trade services offered by blacksmiths, (other trades fitting in this group)
3. An establishment for service and repair of small appliances, equipment and machinery.

**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, unstable or potentially unstable soils, and unstable or potentially unstable slopes;
2. Seismic effects;
3. Radioactivity; and
4. Ground subsidence.

**Geologic Hazard Area.** An area that contains or is directly affected by a geologic hazard including avalanche, landslide area, mudflow debris area, radioactive area, and potentially unstable soils.

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

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

**Group Home Facilities.** A facility operated by a public, nonprofit, or private agency, which provides 24-hour care or supervision of persons who are not related by blood, marriage or adoption, to the facility's owner, operator, or manager.

**Guest House.** A detached building which is designed and used to house nonpaying visitors and guests of the occupants of the main building on the site. This use is accessory to the primary use.

**Hazard.** A natural or manmade phenomenon or condition which is a significant source of risk, danger or peril.

**Heliport.** A structure or area of land or water used or intended to be used by helicopters for takeoff and landing, and the appurtenant buildings and facilities, including: necessary passenger and cargo facilities, fueling and emergency service facilities

**Helistop.** A minimally developed heliport for landing and discharging passengers or cargo, and not intended for refueling or maintaining itinerant helicopters.

**Historic Site.** A structure or place of historical significance. Such structure or place may be designated a historic site by local, state, or federal government and given official status and protection.

**Horticultural.** Having to do with the growing of fruits, vegetables, flowers, or ornamental plants.

**Horizontal Surface.** See Airport Imaginary Surfaces.

**Hospital.** An institution providing health services for inpatient medical or surgical care for the sick or injured, including related facilities such as laboratories, outpatient departments, training and central services facilities and staff offices.

**Illumination, Direct.** Lighting by means of an unshielded light source which is effectively visible when the light travels directly from the source to the viewer's eye.

**Illumination, Indirect.** Lighting by means of a light source directed at a reflecting surface in a way that illuminates the sign from the front or a light source that is primarily designed to illuminate without direct travel from the source to the viewer's eye.

**Impact.** The direct or indirect effect or consequence resulting from a development upon land, the environment, the community or any part or segment thereof. The term shall include, but not be limited to, physical, environmental, economic, visual, auditory or social consequences or effects.

**Impervious Materials.** Materials that do not readily allow water to infiltrate into the ground. The term "Impervious Materials" shall include building roof surfaces and overhangs, concrete or asphalt pavement surfaces, and compacted gravel.

**Include.** Including without limitation.

**Individual Sewage Disposal System (ISDS).** An absorption system of any size or flow or a system or facility for treating, neutralizing, stabilizing or disposing of sewage that is not part of or connected to a sewage treatment works as that term is defined in Section 25-10-103 (20), C.R.S. as amended.

**Industrial Use or Activity.** Uses engaged in processing or manufacturing of materials from either extracted or raw materials or from previously prepared materials resulting in a new product designed for wholesale or retail sale.

1. *Extraction.* Extraction operations include, but are not limited to: petroleum and natural gas wells; shale and coal mines; gravel pits; timber cutting.
2. *Processing.* Processing operations include, but are not limited to: petroleum refining; oil shale crushing, retorting and refining; ore smelting; coal crushing and cleaning; saw mills; alfalfa pellet mills; food canning or packing; creation of glass, ceramic or plastic materials; gravel crushing; cement manufacture; and concrete batch plants.

3. *Fabrication.* Fabrication operations include, but are not limited to: manufacture of equipment, vehicles and consumer goods from processed materials; wood and metal working operations; and batch plants.
4. *Repair.* Industrial repair operations include, but are not limited to: automobile and heavy equipment repair; and appliance repair.
5. *Material handling.* Material handling operations include, but are not limited to: a transfer station for construction waste such as wood, drywall, metals, paper, plastic and other types of construction materials.

**Junk.** Any material unfit for its original intended use, discarded, worn out, dismantled, or deteriorated to such condition that it is not useable, safe or fit for human use or habitation.

**Junk Yard.** A building, structure, or parcel of land used for the collecting, storage, dismantling, salvage, recycling, demolition or sale of junk.

**Kennel.** An establishment other than a pet shop or veterinary clinic, in which more than four (4) adult dogs or domesticated animals are housed, groomed, bred, boarded, or trained, with or without fees being charged for services and no more than two litter of dogs or domesticated animals are bred in any one calendar year. Dogs used as a part of a legitimate agricultural activity are not included in this definition.

**Landing Strip.** A minimally developed airport for landing and discharging passengers or cargo, and not intended for refueling or maintaining itinerant aircraft.

**Land Use Change.** Any land use or development activity that changes the basic character, configuration or use of land or buildings and structures after the enactment of this Land Use Code.

**Land Use Change Permit.** Approval by the County for any land use change subject to County review by this Land Use Code.

**Land Use Code.** The *[title of County land use code]*. The terms "Code" and "Regulations" also refer to the *[title of County land use code]*.

**Laundromat, Laundry or Dry-Cleaning Facility – Individual Service.** A retail business that provides laundry services to individual customers.

**Laundry and Dry-Cleaning Plant, Commercial.** A facility for cleaning or laundering of garments, fabrics, rugs, draperies, or other similar items on a commercial or bulk basis.

**Ldn.** Day Night Level (DNL/LDN). A 24-hour average noise level with a 10-decibel (dB) penalty for nighttime.

**Limited Impact Review.** A shortened land use change permit application and review process, described in Article 4, Section 4-202, *Limited Impact Review Process* of this Land Use Code, by which the Board of County Commissioners approve permits for uses being allowed on the basis of their limited impact with regard to compatibility with the site and surrounding land and uses, and the adequacy of required services.

**Livestock.** Domestic animals that are used for food for human or animal consumption, breeding, draft or profit.

**Lodging Establishments.** Lodging establishments exclude seasonal employee housing on premises, or contracted employee housing off premises, or a Rooming and Boarding House. Lodging establishments exclude the seasonal rental of homes, or lock-outs or portions of homes, whether or not the rental unit is managed by a lodging management agency.

1. *Minor Lodging Establishment.* A facility catering to a maximum of ten (10) guests without on-site recreational amenities.
2. *Major Lodging Establishment.* A facility catering to a more than ten (10) guests or having more than five (5) bedrooms without on-site recreational amenities.

**Lot Coverage.** The portion of a lot which is covered or occupied by buildings, structures, parking and drives or any other impervious surface.

**Lot Double Frontage.** Lots which front on one public street with a side or a back lot line fronting another public street.

**Lot Line.** The external boundary of a lot.

**Lot Line, Front.** The boundary of a lot dividing it from the adjacent street.

**Lot Line, Rear.** The boundary of a lot opposite the front line lot.

**Lot Line, Side.** Any boundary of a lot other than the front or rear lot line.

**Lot Size or Area.** The total horizontal area within the lot lines.

**Machine Shop.** A facility where material is processed or treated by machining, cutting, grinding, welding, or similar processes.

**Major Electrical or Natural Gas Facilities.** Major electrical or natural gas facilities include one or more of the following:

1. Electric power generation.
2. Substations used for switching, regulating, transforming, or otherwise modifying the characteristics of electricity.
3. Transmission lines operated at a nominal voltage of sixty-nine thousand volts or above.
4. Structures and equipment associated with such electrical generating facilities, substations, or transmission lines.
5. Structures and equipment utilized for the local distribution of natural gas service including, but not limited to, compressors, gas mains, and gas laterals.

**Manufactured Home.**

1. A structure, transportable in one or more sections, which when erected on site is 320 or more square feet, and which is built on a permanent chassis. These homes are designed to be used for residential purposes, with or without a permanent foundation when connected to the required utilities, and contain the necessary plumbing, heating, air-conditioning, and electrical systems. A home which does not meet the minimum size requirements stated above, is a manufactured home if: (i) it is certified as such by HUD pursuant to the federal Manufactured Home Construction and Safety Standards Act, 41 U.S.C. 778 5401, et seq., as amended; or, (ii) it complies with the NFPA 501b/ANSI a119.1 (1973, 1974 and 1975 editions).

2. The term “manufactured home” also means a residential building which, whether or not a manufactured home as defined in paragraph 1 above (and which under the County’s prior regulations may have been defined as a mobile home), is either:
  - a. located in a legally existing manufactured home park in the unincorporated County on the effective date of these Regulations; or
  - b. proposed to be relocated onto a legal manufactured home space in a manufactured home park; predates the certification requirements of the Federal Manufactured Home Construction and Safety Standards Act and NFPA 501b/ANSI a119.1 (1973 through 1975 editions); and is inspected by the [*chief building official*] and determined to be in a safe, sound physical condition and to meet any other requirements for such homes as may be specified in the County’s Building Code.
3. The term manufactured home shall not include travel trailers, camper trailers, campers or self-contained motor homes or camper buses.

**Manufactured Home Park.** A parcel upon which two or more manufactured homes, occupied or intended to be occupied for dwelling purposes, are located.

**Manufactured Home Space.** A portion of ground within a manufactured home park designated for the permanent location of one manufactured home.

**Mass Transit Facility.** A station or terminal constructed to provide and facilitate passenger access and egress to: a rapid or mass transit system; fixed guideways; dedicated highway lanes restricted to use by only mass transit vehicles; restricted dedicated flyovers and restricted dedicated access to terminals or stations; or highway access and egress facilities restricted to use only by mass transit vehicles.

**Mineral Estate.** A mineral interest in real property that may be severed from the surface estate of the subject real property; which if severed, is shown in the real estate records of the county in which the real property is situated; and which is not owned as part of the full fee title to the real property. [24-65.5-102, C.R.S.]

**Mining, Mine.** Any area of land from which minerals are extracted in nonliquid form or are extracted in a liquid form while workers are underground, and including any accessory support facilities; ways and roads appurtenant to such area; and lands, excavations, underground passageways, shafts, slopes, tunnels and workings, structures, facilities, equipment, machines, tools, or other property, including impoundments, retention dams, and tailing ponds, on the surface or underground, used in, or to be used in, or resulting from the work of extracting such minerals from their natural deposits in nonliquid form or, if in liquid form, used by workers underground or used or to be used in the milling of such minerals or the work of preparing coal or other minerals.

**Mitigation.** An action which will have one or more of the following effects:

1. Avoiding an impact by not taking a certain action or parts of an action;
2. Minimizing an impact by limiting the degree or magnitude of the action or its implementation;
3. Rectifying an impact by repairing, rehabilitating, or restoring the impact area, facility or service;
4. Reducing or eliminating an impact over time by preservation and maintenance operations; and
5. Compensating for an impact by replacing or providing suitable biological and physical conditions; and by replacing or providing suitable services and facilities.

**Municipality.** An incorporated city or town.

**Natural Hazards.** Mudslides, subsidence areas, floodplains, seismic faults, rockslides, erosion and other naturally occurring phenomena that can pose hazards to life or property.

**Nonconforming Use.** A building, structure, or use of land legally existing at the time of enactment of this land use code or lawful amendments to this Code and which does not conform to the regulations of the zoning district in which it is situated or used.

**Nursing Facility.** A facility, or a distinct part of a facility certified under state and federal regulations to provide care and treatment for inpatients under the

direction of a physician. "Nursing facility" includes private, nonprofit, or proprietary intermediate nursing facilities for the mentally retarded or developmentally disabled.

**Obstruction (Airport Imaginary Surface).** Any structure or tree, plant or other object of natural growth that penetrates an imaginary surface.

**Oil and Gas Drilling and Production.** Any operation utilizing equipment which advances a borehole into substrata for the purpose of discovery, development and/or production of oil or gas.

**Open Space.** Any land or water area which serves the specific use of: providing park and recreation opportunities, conserving natural areas and environmental resources, or protecting areas of agricultural, archeological or historical significance. Open space shall not be considered synonymous with vacant or unused land or yards as part of a platted lot.

**Outdoor Recreation** An area or facility which offers entertainment, recreation, or games of skill for a fee, where any portion of the activity takes place outside and may include lighted areas for use after dusk. This includes but is not limited to a golf driving range, boating facility, tennis facility, or a miniature golf course.

**Overnight Shelter.** A facility providing short-term overnight accommodations, on a day to day basis, without charge or at a nominal charge to people with limited financial resources, including people who are homeless. Accommodations may also include food, counseling, transportation services, and service to support the personal care of the residents of the facility including medical care, dental care and hygiene.

**Parks, Public.** Land retained for public recreational use, that may be improved with playground apparatus, public tennis courts, public golf courses (with or without a clubhouse), picnic areas, shelters, riding, biking or hiking trails, skateboard areas, other game courts or pits, art, memorials and historic structures. Public Parks may include greenways and natural areas and features that are subject to minimal maintenance, generally open to the public, and subject to seasonal closure.

**Parks, Private.** Land retained for recreational use, designed and maintained to meet the needs of the residents of a defined area and/or membership, where general public access is denied or only offered on a limited basis. Ownership and maintenance is assumed by a property owner's and/or membership association.

**Peak Hour.** A term used in traffic engineering and analysis that identifies the 60-minute period where a segment of road or intersection experiences, or is projected to experience, the greatest number of through and turning vehicles in an average 24-hour period.

**Person.** Any individual, corporation, governmental entity, estate, trust, partnership, association, or other legal entity.

**Personal Service Facility.** See Retail or Personal Service Facility.

**Pipeline.** Any conduit and appurtenant facilities designed for, or capable of, transporting natural gas, other petroleum derivatives or other liquid.

**Plat.** A map and supporting materials of certain described land prepared in accordance with subdivision regulations as an instrument for recording of real estate interests with the county clerk and recorder. ( CRS 30-28-101 (5))

**Primary Surface (Airport).** See Airport Imaginary Surfaces.

**Principal Use.** The primary purpose or function for which the land, building or structure is used.

**Professional Office.** Examples of a professional office use include physicians and medical clinics, dentists, lawyers, realtors, architects, engineers, musicians, designers and accountants. A professional office use does not include storage or sale of merchandise.

**Public Assembly Facility.** A permanent or temporary structure or facility, place or activity where concentrations of people gather in reasonably close quarters for purposes such as deliberation, education, worship, shopping, employment, entertainment, recreation, sporting events, or similar activities. Public assembly facilities include, but are not limited to, schools, churches, conference or convention facilities, employment and shopping centers, arenas, athletic fields, stadiums, clubhouses, museums, and similar facilities and places, but do not include parks, golf courses or similar facilities unless used in a manner where people are concentrated in reasonably close quarters. Public assembly facilities also do not include air shows, structures or uses approved by the FAA in an adopted airport master plan, or places where people congregate for short periods of time such as parking lots or bus stops.

**Public Gatherings.** Any group of 25 or more persons assembled for a meeting, festival, social gathering, or other similar purpose for a period of time which exceeds 10 hours.

1. Major Public Gathering - An assembly of people, where attendance is likely to exceed 200 persons at any point in time.

**Public Hearing.** A meeting called by a public body, for which public notice has been given in compliance with the provisions of this Code and which is held in a place where the general public may attend, with the principal purpose of receiving testimony or public comment on a specific application or issue.

**Public Improvement.** Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, landscaped open space, off-street parking area, lot improvement or other facility which benefits the public.

**Public Utilities.** Electricity, natural gas, water and wastewater service, wire telephone service, and similar public services. The term “public utilities” does not include wireless telecommunication facilities.

**Recreational Vehicle (RV).** A vehicle primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. Examples of recreational vehicles include, but are not limited to: camping trailer or tent trailer; motorized camper, motor home, recreational conversion van or bus; pick-up camper; tent; travel trailer.

1. Camping trailer or tent trailer means a folding structure constructed of canvas, plastic or similar water repellent material, designed to be mounted on wheels and to be used as a temporary shelter for travel and recreation purposes.
2. Motorized camper, motor home, recreational conversion van or bus means a self-propelled vehicle consisting of a portable, temporary shelter to be used for travel and recreation purposes.
3. Pick-up camper means a structure designed to be mounted on or loaded into a pick-up truck chassis for use as a temporary shelter for travel and recreation purposes.

4. Tent means a portable, temporary cover or shelter made of canvas, plastic or similar materials supported by poles, with or without side panels, used for travel and recreation purposes.
5. Travel trailer means a towed vehicle designed as a temporary shelter used for travel and recreation purposes.

**Recyclable Materials.** Reusable materials including, but not limited to, metals, glass, plastic, wood, and paper which are intended for remanufacturing or reconstitution. Recyclable materials do not include junk, rubbish, refuse, or hazardous waste.

**Recycling Collection Center.** A center for the acceptance and temporary storage of either recyclable or organic materials to be transferred to a processing or composting facility.

1. **Recycling Collection Center, Small.** A center for the acceptance and temporary storage of either recyclable or organic materials to be transferred to a processing facility. Small Recycling Collection Centers shall involve no more than [3] collection containers up to [40] total cubic yards in size
2. **Recycling Collection Center, Large.** A center for the acceptance and temporary storage of either recyclable or organic materials to be transferred to a processing or composting facility.

**Recycling Processing Facility.** A facility where recyclable and organic materials are collected and processed. Processing includes but is not limited to baling, briquetting, compacting, flattening, crushing, mechanical sorting, shredding, and cleaning.

**Repeater, Low Power Mobile Radio Service Telecommunications Facility.** A telecommunications facility that extends coverage of a cell to areas not covered by the originating cell.

**Resort, Lodge, Conference Center or Guest Ranch.** Dude ranch, boating base camp, hunting or fishing camp, cross-country or trail skiing lodge or other similar facility for the purpose of recreation which provides lodging, recreational activities, dining facilities, parking, storage facilities and restrooms or other needs operated on the site for guests or members.

**Restaurant.** A commercial establishment designed primarily to serve prepared food to customers.

**Retail or Personal Service Facility .** An establishment for the retail sale of merchandise to the general public or the provision of personal services to the public.

1. A Retail Facility includes antique shop, art gallery; grocery store, clothing and dry good stores, shoe store, sporting goods store, hardware and paint stores, drugstore, florist, furniture store, gift shop, hobby and office supply stores, package liquor, pet stores, feed stores, toy stores, book stores, music and video stores.
2. A Personal Service facility includes barber or beauty shop, optometrist shop, photographic studio, and travel bureau.

**Riparian/Riparian Areas.** Related to, living or located on the bank of a natural watercourse or lake. Riparian areas include groups of plants, animals and aquatic communities whose presence is either directly or indirectly attributed to water-influenced or water-related factors. Areas exempt from this definition are manmade agricultural structures and devices including irrigation ditches, sprinklers and artificial ponds.

**Rubbish.** Garbage and trash, including but not limited to: unwanted or discarded household items; waste from building construction, remodeling and repair including used lumber and building materials; tree branches, grass and shrub clippings, leaves or other general yard and garden waste; newspapers, magazines, packaging materials, waste paper or cardboard, boxes and crates, rags; dead animal carcasses; and any other unsightly or discarded material including scrap metal, scrap material, bottles and tin cans, which causes or is likely to cause a public hazard or nuisance, or is unacceptably offensive in light of community standards of cleanliness or generally accepted neighborhood aesthetics.

**Runway.** A defined area on an airport prepared for landing and takeoff of aircraft along its length.

**Runway Protection Zone (RPZ).** See Airport Imaginary Surfaces.

**Salvage Yard.** A building, structure, or parcel of land used for the collecting, storage, dismantling, salvage, recycling, demolition or sale of material that is unfit for its original intended use, discarded, worn out, dismantled, or deteriorated in

such condition that it is not useable or not safe or fit for human use or habitation.

**Saw Mill.** A facility for the storage, sales, cutting and milling of forest products.

**Secondary Impact Area (Airport).** See Airport Impact Areas.

**Setback.** The required minimum distance between the point that the facing wall intersects with the finished grade of the building and the related front, side, or rear lot line.

**Sign Area.** The sum area of the surface of each plane of the sign, within the outermost edge or border of the plane. The sign area of freestanding letters not attached to a surface or plane shall be the area enclosed within the smallest geometric figure needed to completely encompass all of the letters, words, insignias or symbols.

**Sign Face.** The surface of a sign upon, against, or through which the message is displayed or illustrated.

**Sign – Identification Sign.** Identification signs include name plates, signs or symbols establishing the identity of a building; combination of name and street addresses; landmark or natural features; plaques that are an integral part of the structure.

**Sign – Ideological Sign.** A sign expressing philosophical concepts, including religious and political signs.

**Sign – Joint Identification Sign.** A sign that provides common or collective identification for two or more businesses or industrial uses.

**Sign – Real Estate Sign.** A sign indicating the availability for sale, rent or lease of a specific lot or building.

**Sign, Freestanding.** A sign that is supported by one or more columns, uprights or poles extended from the ground or from an object on the ground, or a sign that is erected on the ground.

**Sign, Ground.** A type of freestanding sign which is erected on the ground and which contains no unrestricted space or open space between the ground and the top of the sign.

**Sign, Off-Premises.** Any sign which contains a message unrelated to the business conducted or to a commodity, service or entertainment sold or offered on the premises upon which the sign is located.

**Sign, On-Premises.** Any sign which contains a message directly pertaining to the business conducted or to a commodity, service or entertainment sold or offered on the premises upon which the sign is located.

**Sign, Portable.** Any sign not permanently attached to the ground or to any structure.

**Sign, Projecting.** A sign attached to a building and extending in whole or in part fifteen inches or more horizontally beyond the surface of the building to which the sign is attached.

**Sign, Suspended.** A sign suspended from the ceiling of an arcade, marquee or canopy.

**Sign, Temporary.** Any sign, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard, or other light materials, with or without frames, intended to be displayed for a limited period of time only.

**Significant:** Deserving to be considered; important; notable and not trifling

**Significantly Degrade.** To lower in grade or desirability to a significant, as opposed to a trifling, degree.

**Significantly Deteriorate.** To make inferior in quality or value to a significant, as opposed to a trifling, degree

**Site Specific Development Plan.** The approved plan which has been submitted to the County to establish a vested right pursuant to Title 24, Article 68, C.R.S., as amended, and set forth in Section 1-202B of this Code.

**Ski Area.** An area developed for the purpose of alpine and Nordic skiing, including: ski trails, lifts, operational and maintenance facilities, equipment storage, snowmaking facilities, restaurants, warming huts and ski schools. A ski area may be part of a ski resort that provides base area facilities, including: hotels, motels and dwellings, retail establishments and year-round recreational uses.

**Slope.** Change in vertical elevation of a property over a specified horizontal distance, measured between contour intervals.

**Solar Access.** The ability to receive sunlight across real property.

**Solar Energy Device.** A device which converts the sun's radiant energy into thermal, chemical, mechanical, or electric energy.

**Solar Energy System.** A system composed of a solar energy collector, an energy storage facility, and components for the distribution of transformed energy, which may be attached to a residence or other structures.

**Solid Waste.** The term "solid waste" includes: garbage or refuse; sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility; solid, liquid, semisolid, or contained gaseous material discarded from industrial operations, commercial operations or community activities. "Solid waste" does not include: any solid or dissolved materials in domestic sewage; agricultural wastes; solid or dissolved materials in irrigation return flows; industrial discharges which are point sources subject to permits under the provisions of the Colorado Water Quality Control Act, Title 25, Article 8, C.R.S.; materials handled at facilities licensed pursuant to the regulatory provisions under the Radiation Control Act, Title 25, Article 11, C.R.S; and scrap metal that is being recycled or shredded circuit boards that are being recycled.

**Solid Waste Disposal.** The storage, treatment, utilization, processing, or final disposal of solid wastes.

**Solid Waste Disposal Site or Facility.** The location and/or facility at which the deposit and final treatment of solid wastes occur.

**Structure.** The term "structure" includes: buildings, decks, fences, retaining walls, signs, towers, antennas, smokestacks, and overhead transmission lines.

1. *Permanent structure.* A permanent structure is constructed in a manner which would be expected to have a lengthy useful life, for a purpose expected to be long-term in duration.
2. *Temporary structure.* A temporary structure is constructed in a manner which would be expected to have a relatively short useful life, for a purpose expected to be short-term in duration.

**Structural Alterations.** Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders; any substantial change in the roof or in the exterior walls. For purposes of these Regulations, “structural alterations” do not include alterations required for public safety.

**Subdivision or Subdivided Land.** The division of land into two (2) or more lots, tracts, sites, parcels, separate interests or interests in common, unless exempted from the term subdivision by Section 30-28-110, C.R.S., or by regulatory provisions of this Code.

**Substantial Change.** A change in land use resulting in one or more of the following:

1. A change in site design that:
  - a. increases or decreases the number of dwelling units;
  - b. increases or decreases the number of structures which, by size or nature of use, require a building permit;
  - c. increases or decreases the minimum square footage of structures if a minimum or maximum square footage has been specified in the permit or approval;
  - d. increases the projected traffic such that a highway access permit or an amendment to a highway access permit is required as a result of the change;
  - e. increases or decreases the area of land which is the subject of the permit or approval.
2. A change that creates, increases or decreases incompatibility or nonconformity.

**Substantial Improvement.**

1. Any repair, reconstruction or improvement of a building or other structure, the market value of which equals or exceeds fifty percent (50%) of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred.

2. The term substantial improvement does not include:
  - a. Any improvement of a structure to comply with existing state or local health, sanitation, safety, or building code specifications which are solely necessary to assure safe living conditions.
  - b. Any alteration of a structure listed on the National Register of Historic Places or on the Colorado State Historical Society's list of historic places.

**Telecommunication Facility.** All devices, equipment, machinery, structures or supporting elements necessary to produce non-ionizing electromagnetic radiation within the range of frequencies from 100 KHz to 300 GHz and operating as a discrete unit to produce a signal or message. Facilities may be self supporting, guyed or mounted on poles, other structures or buildings. Telecommunication facilities include radio, television, telephone and microwave towers or antennas for commercial transmission to consumers.

**Telecommunication Facility, Public Safety.** A facility owned and/or operated by a governmental agency and utilized for the transmission and reception of electromagnetic or electro-optic information for public safety communication uses.

**Telecommunication Facility, Noncommercial.** A facility or facilities utilized for the transmission or reception of electromagnetic or electro-optic information, which is accessory to a residential use and not commercial in nature.

**Trailhead.** An area set aside with parking, staging areas and appropriate structures including, but not limited to: parking areas; corrals for horses and stock; parking for trailered vehicles such as snowmobiles and ATV's; restroom facilities, or space for portable toilets; interpretive and informational signage; and trash collection bins.

**Transfer Station.** A facility at which refuse, awaiting transport to a disposal site, is transferred from one type of containerized collection receptacle into another or is processed for compaction.

**Transitional Housing.** A facility providing long-term housing in multi-family dwelling units, in conjunction with programs that assist tenants in working towards independence from financial, emotional, or medical conditions that limit their ability to obtain independent housing for themselves. Participation in a

program of supportive services is required as a condition of residency.

**Transitional Surface (Airport).** See Airport Imaginary Surfaces.

**Unsafe Structure.** A structure or building which is determined to present a substantial danger or hazard to the general public health and safety, including:

1. A structure or building which is dilapidated, unused or uninhabited because of deterioration or decay;
2. A structure or building that constitutes a fire hazard;
3. A structure or building that subjects adjacent or adjoining properties to a danger of property damage by storms, soil erosion or rodent infestation, or is a place frequented by trespassers and transients seeking a temporary shelter.

**Utility Substation.** Any facility designed to provide switching, voltage transformation or voltage control required for the transmission of electricity at levels of sixty-nine (69) kilovolts or greater.

**Utility Storage Area.** Any surface facility designed to store 50 million cubic feet or more of natural gas; or, 35,000 barrels or more of petroleum derivatives.

**Vehicle Service Center.** A facility for the retail sale of gasoline and other petroleum products and/or where light maintenance activities such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning are conducted.

**Vested Property Right.** The right to undertake and complete the development and use of property under the terms and conditions of a County-approved site specific development plan, as defined in Section 24-68-102(5), C.R.S.

**Warehouse and Distribution Center.** A building used primarily for the inside storage and distribution of goods and materials. This term includes land and buildings used as a relay station for the transfer of goods from one vehicle or party to another, and the parking and storage of tractor and/or other trailer units.

**Water and Sewer Projects.** The Site Selection and Construction of Major New Domestic Water and Wastewater Treatment Systems, Major Extensions of Existing Domestic Water and Wastewater Treatment Systems, and Efficient Utilization of Municipal and Industrial Water Projects, including any proposed land development directly related to such Project if such development is to be

located wholly or partially within this County and if such development specifically generates the need for the Project.

**Water Impoundment.** Detention or retention of water in wastewater treatment settling ponds, surface mining ponds, detention and retention ponds, artificial lakes and ponds or other similar water features, and characterized as follows:

1. A single impoundment designed for a capacity of at least one (1) acre foot but less than ten (10) acre feet; or a number of smaller impoundments on one lot with an aggregate capacity of at least one (1) acre foot, but less than ten (10) acre feet
2. Impoundment of: surface runoff, streamflow, and extracted groundwater; water that is a by-product of extraction or processing of mineral resources; water that is a by-product of energy generation, agricultural water supply, municipal or industrial water supply; and water that is a by-product of a sewage treatment installation.

**Water Storage Facility.** Any enclosed structure that is used to store water either above or below ground for public consumption or fire protection, with a storage capacity of five thousand (5,000) gallons of water or more.

**Water Treatment Facility.** A facility, excluding community cisterns, designed to provide and hold a potable water supply, at a capacity of five thousand (5,000) gallons per day or more.

**Watercourse.** A natural or artificial channel, depression, slough, dry wash, gulch, arroyo, stream, creek, drainage way, pond, reservoir, or lake in which water flows either continuously, intermittently, or periodically.

**Weeds and Brush.** Any underbrush, brush, shrub or plant material greater than twelve (12) inches in height which:

1. Ordinarily grows without cultivation; not in planting beds or otherwise in a controlled manner; or not for the purpose of food production; and
2. Is allowed to grow in such a manner or extent that it causes or is likely to cause a public hazard or nuisance, or is unacceptably offensive in light of community standards of cleanliness or generally accepted neighborhood aesthetics; and

3. Is not an undesirable plant designated under the County's Noxious Weed Management Plan, pursuant to the "Colorado Noxious Weed Act" the removal of which shall be governed by that Plan and not this Article.

**Wildlife Habitat.** That natural or man-made environment which contains the elements of food, shelter, water and land area in a combination and quantity necessary for the survival of one or more wildlife species.