

CITY OF GREELEY, COLORADO

ORDINANCE NO. 32, 2018

AN ORDINANCE REPEALING SECTION 18.46.210 IN ITS ENTIRETY;
ADDING A NEW CHAPTER 18.60; AMENDING PORTIONS OF SECTIONS 18.30.070(j),
18.40.030, 18.46.050(b) AND (c), AND 18.46.190; AND AMENDING
APPENDIX 18-B OF THE GREELEY MUNICIPAL CODE ALL REGARDING
WIRELESS COMMUNICATION FACILITIES

WHEREAS, on April 18, 2017, House Bill 17-1193 was enacted concerning the installation of small wireless service infrastructure within a local government's jurisdiction; and

WHEREAS, currently the Greeley Municipal Code ("GMC") addresses satellite earth station antennae in Section 18.46.190, and wireless telecommunication facilities and equipment in Section 18.46.210; and

WHEREAS, in order to become compliant with HB 17-1193, it is in the best interest of the City to repeal Section 18.46.210, and incorporate Chapter 18.60 to the GMC in its entirety; and

WHEREAS, corresponding changes will be required in other related sections of the GMC, as noted in the title; and

WHEREAS, the Planning Commission reviewed the proposed Wireless Communication Facilities ordinance on July 10, 2018 and recommended that City Council approve the ordinance; and

WHEREAS, City Council believes that improved wireless communication within the City of Greeley provides economic and quality of life benefits to the citizens; and

WHEREAS, it is in the best interests of the citizens of the City of Greeley to repeal GMC Section 18.46.210, and incorporate Chapter 18.60 in its entirety; and

WHEREAS, it is in the best interests of the citizens of the City of Greeley to amend related sections of the GMC.

NOW THEREFORE, IT IS HEREBY ORDAINED BY THE CITY COUNCIL FOR THE CITY OF GREELEY, COLORADO, AS FOLLOWS:

Section 1. Section 18.46.210 of the Greeley Municipal Code is hereby repealed in its entirety.

Section 2. Chapter 18.60 shall be adopted as set forth on Exhibit A attached hereto and incorporated herein by this reference.

Section 3. Portions of Sections 18.30.070(j), 18.40.030, 18.46.050(b) and (c), and 18.46.190 of the Greeley Municipal Code are amended as shown on Exhibit B attached hereto and incorporated herein by this reference.

Section 4. Appendix 18-B of the Greeley Municipal Code is amended as shown on Exhibit C attached hereto and incorporated herein by this reference.

Section 5. Existing ordinances, for the information of Council, are attached hereto as Appendix 1 as required by Section 3-16 of the Greeley Municipal Charter.

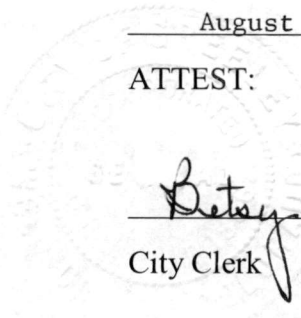
Section 6. This Ordinance shall become effective five days following its final publication, as provided by the Greeley Municipal Charter.

PASSED AND ADOPTED, SIGNED AND APPROVED THIS 7th DAY OF

August, 2018.

ATTEST:

CITY OF GREELEY, COLORADO


Betsy A. Holder
City Clerk

[Signature]
Mayor

REPEAL

18.46.210 - Wireless telecommunication facilities and equipment.

ADD

**Chapter 18.60
Wireless Communication Facilities (WCFs)**

18.60.010 Purpose and Intent.

In order to accommodate the communication need of residents and businesses while protecting the public, health, safety, and general welfare of the community, the City Council finds that these regulations are necessary to:

- (1) Provide for the managed development and installation, maintenance modification, and removal of wireless communications infrastructure in the City with the fewest number of wireless communications facilities (WCFs) to complete a network without unreasonably discriminating against wireless communications providers of functionally equivalent services, including all of those who install, maintain, operate, and remove WCFs;
- (2) Minimize adverse visual effects of WCFs through thoughtful design and siting, including but not limited to camouflage design techniques, appropriate and effective screening, and equipment undergrounding whenever possible;
- (3) Encourage the location of Towers in areas in a manner that minimizes the total number of Towers needed throughout the community;
- (4) Require the collocation of WCFs on new and Existing Sites wherever possible;
- (5) Encourage owners and users of WCFs to locate them, to the extent possible, in areas where the adverse impact to the community is minimized;
- (6) Enhance the ability of wireless communications service providers to provide such services to the community quickly, effectively, and efficiently;
- (7) Effectively manage WCFs in the public right-of-way;
- (8) Manage amateur radio facilities and over-the-air devices in the City.

18.60.020 Definitions.

Alternative Tower Structure shall mean man-made trees, clock towers, bell steeples, light poles, buildings, and similar alternative design mounting structures that are compatible with the natural setting and surrounding structures, and camouflages or conceals the presence of Antennas or Towers so as to make them architecturally compatible with the surrounding area pursuant to the requirements of this

Chapter. This term also includes any antenna or antenna array attached to an alternative tower structure. A stand-alone pole in the right-of-way, streetlight, or traffic signal that accommodates small Cell Facilities is considered an Alternative Tower Structure to the extent it meets the camouflage and concealment standards of this title.

Antenna shall mean any device used to transmit and/or receive radio or electromagnetic waves such as, but not limited to, panel Antennas, reflecting discs, microwave dishes, whip Antennas, directional and non-directional Antennas consisting of one or more elements, multiple antenna configurations, or other similar devices and configurations as well as exterior apparatus designed for telephone, radio, or television communications through the sending and/or receiving of wireless communications signals.

Base Station shall mean a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The definition of Base Station does not include or encompass a Tower as defined herein or any equipment associated with a Tower. Base Station does include, without limitation:

1. Equipment associated with wireless communications services such as private broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul that, at the time the relevant application is filed with the City under this Chapter, has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support; and
2. Radio transceivers, Antennas, coaxial or fiber-optic cable, regular and backup power supplied, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems ("DAS") and small-cell networks) that, at the time the relevant application is filed with the City under this Title, has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

The definition of Base Station does not include any structure that, at the time the relevant application is filed with the City, does not support or house equipment described in paragraphs 1 and 2 above.

Camouflage, Concealment, or Camouflage Design Techniques shall mean the designing of a WCF to alter its appearance in such a manner as to substantially integrate it into surrounding building designs and/or natural settings to minimize the visual impacts of the facility on the surrounding uses and ensure the facility is compatible with the environment in which it is located. A WCF site utilizes Camouflage Design Techniques when it (i) is integrated as an architectural feature of an existing structure such as a cupola, or (ii) is integrated in an outdoor fixture such as a utility tower, or (iii) uses a design which mimics and is consistent with the nearby natural or architectural features (such as a clock tower) or is incorporated into (including without limitation, being attached to the exterior of such facilities and painted to match it) or replaces existing permitted facilities (including without limitation, stop signs or other traffic signs or freestanding light standards) so that the presence of the WCF is not readily apparent.

Cell on Wheels (COW) shall mean a mobile cell site that consists of an antenna tower and electronic radio transceiver equipment on a truck or trailer, designed to boost reception as part of a larger cellular network and is temporary in nature.

Collocation shall mean the mounting or installation of transmission equipment on an Eligible Support Structure for the purpose of transmitting and /or receiving radio frequency signals for communications purposes.

Eligible Facilities Request shall mean any request for modification of an Existing Tower or Base Station that is not a Substantial Change.

Eligible Support Structure shall mean any Tower or Base Station as defined in this Chapter, provided that it is existing at the time the relevant application is filed with the City under this Chapter.

Existing Tower or Base Station shall mean a constructed Tower or Base Station that was reviewed, approved, and lawfully constructed in accordance with all requirements of applicable law as of the time it was built; for example, a Tower that exists as a legal, non-conforming use and was lawfully constructed is existing for purposes of this definition.

Micro Cell Facility shall mean a small wireless facility that is no larger than 24 inches in length, 15 inches in width, 12 inches in height, and that has an exterior antenna, if any, that is no more than eleven inches in length.

Monopole shall mean a single, freestanding pole-type structure supporting one or more Antennas.

Over the Air Receiving Device shall mean an antenna used to receive video programming from direct broadcast satellites, broadband radio services and television broadcast stations, but shall not include antennas used for AM/FM radio, amateur ("ham") radio, CB radio, Digital Audio Radio Services or antennas used as part of a hub to relay signals among multiple locations.

Pole-Mounted Small Cell Facility shall mean a Small Cell Facility with an antenna that is mounted and supported on an Alternative Tower Structure, which includes a Replacement Pole.

Public Property shall mean real property owned or controlled by the City, excluding the Public Right-of-Way.

Public Right-of-Way (ROW) shall mean any public street, way, alley, sidewalk, median, parkway, or boulevard that is dedicated to public use.

Radio Frequency Emissions Letter shall mean a letter from the applicant certifying, all WCFs that are the subject of the application shall comply with federal standards for radio frequency emissions.

Replacement Pole shall mean an Alternative Tower Structure that is a newly constructed and permitted traffic signal, utility pole, street light, flagpole, electric distribution, or other similar structure of proportions and of equal height or such other height that would not constitute a Substantial Change to a pre-existing pole or structure in order to support a WCF or Small Cell Facility or Micro Cell Facility or to accommodate Collocation, and replaces a pre-existing pole or structure.

Signal Non-Interference Letter shall mean a letter from the applicant certifying all WCFs that are the subject of the application shall be designed, sited and operated in accordance with applicable federal regulations addressing radio frequency interference.

Site for Towers (other than Towers in the Right-of-Way and Eligible Support Structures) shall mean the current boundaries of the leased or owned property surrounding the Tower or Eligible Support Structure and any access or utility easements currently related to the Site. A Site, for other Alternative Tower Structures, Base Stations, Micro Cell Facilities, and Small Cell Facilities in the Right-of-Way, is further restricted to that area comprising the base of the structure and to other related Accessory Equipment already deployed on the ground.

Small Cell Facility shall mean a WCF where each Antenna is located inside an enclosure of no more than three cubic feet in volume or, in the case of an Antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three cubic feet; and primary equipment enclosures are no larger than seventeen cubic feet in volume. The following associated equipment may be located outside of the primary equipment enclosure and, if so located, is not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation box, ground-based enclosure, back-up power systems, grounding equipment, power transfer switch and cut-off switch. Small cells may be attached to Alternate Tower Structures, Replacement Pole, and Base Stations. The definition of a Small Cell Facility shall also include a Micro Cell or Micro Cell Facility.

Substantial Change shall mean a modification that Substantially Changes the physical dimensions of an Eligible Support Structure if, after the modification, the structure meets any of the following criteria:

- (i) For Towers, other than Alternative Tower Structures or Towers in the Right-of-Way, it increases the height of the Tower by more than ten percent (10%) or by the height of one (1) additional antenna array, with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other Eligible Support Structures, it increases the height of the structure by more than ten percent (10%) or more than ten (10) feet, whichever is greater;
- (ii) For Towers, other than Towers in the Right-of-Way, it involves adding an appurtenance to the body of the Tower that would protrude from the Tower more than twenty (20) feet, or more than the width of the Tower Structure at the level of the appurtenance, whichever is greater; for Eligible Support Structures, it involves adding an appurtenance to the body of the structure that would protrude from the side of the structure by more than six (6) feet;
- (iii) For any Eligible Support Structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets;
- (iv) For Towers in the Right-of-Way and Base Stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten

percent (10%) larger in height or overall volume than any other existing, individual ground cabinet associated with the structure;

- (v) For any Eligible Support Structure, it entails any excavation or deployment outside the current Site;
- (vi) For any Eligible Support Structure, it would defeat the concealment elements of the Eligible Support Structure. For the purposes of this subsection (vi), a change that would undermine the concealment elements of this structure will be considered to defeat the concealment elements of the structure; or
- (vii) For any Eligible Support Structure, it does not comply with conditions associated with the siting approval of the construction or modification of the Eligible Support Structure equipment, unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that would not exceed the thresholds identified in paragraphs (i), (ii), and (iii) of this definition. For purposes of determining whether a Substantial Change exists, changes in height are measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height are measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to February 22, 2012.

Toll and Tolling shall mean to delay, suspend, or hold off on the imposition of a deadline, statute of limitations, or time limit.

Tower shall mean any structure that is designed and constructed primarily built for the sole or primary purpose of supporting one or more any FCC-licensed or authorized Antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. The term includes self-supporting lattice towers, guyed towers, monopole towers, radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, Alternative Tower Structures and the like.

Transmission Equipment shall mean equipment that facilitates transmission for any FCC licensed or authorized wireless communication service, including, but not limited to, radio transceivers, Antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

Unreasonable Interference shall mean any use of the right-of-way that disrupts or interferes with its use by the City, the general public, or other person authorized to use or be present upon the right-of-way, when there exists an alternative that would result in less disruption or interference. Unreasonable interference includes any use of the right-of-way that disrupts vehicular or pedestrian traffic, any

interference with public utilities, and any other activity that will present a hazard to public health, safety, or welfare.

Wireless Communications Facility or WCF shall mean a facility used to provide personal wireless services as defined at 47 U.S.C. Section 332 (c)(7)(C); or wireless information services provided to the public or to such classes of users as to be effectively available directly to the public via licensed or unlicensed frequencies; or wireless utility monitoring and control services. A WCF does not include a facility entirely enclosed within a permitted building where the installation does not require a modification of the exterior of the building; nor does it include a device attached to a building, used for serving that building only and that is otherwise permitted under other provisions of the Code. A WCF includes an Antenna or Antennas, Base Stations, support equipment, Alternative Tower Structures, and Towers. The term does not include mobile transmitting devices used by wireless service subscribers, such as vehicle or hand held radios/telephones and their associated transmitting Antennas, nor does it include other facilities specifically excluded from the coverage of this Title.

18.60.030 Application.

- (a) The requirements set forth in this Section shall apply to all Eligible Facilities Requests and WCF applications for Base Stations, Alternative Tower Structures, Towers, Micro Cells, and Small Cells as defined in Section 18.60.020 and further addressed herein.
- (b) The requirements set forth in this Section shall not apply to:
 - 1) Amateur radio antennas that are owned and operated by a federally licensed amateur radio station operator or are exclusively receive only antennas, provided that the requirement that the height be no more than the distance from the base of the antenna to the property line is met.
 - 2) Pre-existing WCFs. Any WCF for which a permit has been properly issued prior to June 17 2018, shall not be required to meet the requirements of this Chapter, other than the requirements of Section 18.60.040. Changes and additions to pre-existing WCFs (including trading out of Antennas for an equal number of Antennas) shall meet applicable requirements of Section 18.60.040. Notwithstanding the foregoing, any modifications qualifying as an Eligible Facility Request shall be evaluated under this section.
 - 3) Miscellaneous Antennas. Antennas used for reception of television, multi-channel video programming and radio such as Over-the-Air Receiving Device (OTARD) antennas, television broadcast band antennas, satellite earth station antennae and broadcast radio antennas, provided that any requirements related to Accessory Uses contained in Title 18 of this Code and the requirement that the height be no more than the distance from the base to the property line are met. The Community Development Department has the authority to approve modifications to the height restriction related to OTARD antennas and OTARD antenna structures, if in the reasonable discretion of the City, modifications are necessary to comply with federal law.

- 4) A WCF installed upon the declaration of a state of emergency by the federal, state, or local government, or a written determination of serving the general health, safety, and welfare of residents by the City, or reasonable ability to obtain such written determination within 72 hours.
- 5) A temporary WCF installed for the purpose of providing sufficient coverage for a special event, subject to administrative approval by the City.

18.60.040 Operational Standards.

- (a) **Federal Requirements.** All WCFs shall meet the current standards and regulations of the Federal Aviation Administration (FAA), the FCC and any other federal government agency with the authority to regulate WCFs. If such standards and regulations are changed, then the owners of the WCF shall bring such facility into compliance with such revised standards and regulations within the time period mandated by the controlling federal agency. Unless preempted by federal law, failure to meet such revised standards and regulations within 30 days of the City's determination of such failure shall constitute grounds for the removal of the WCF by the City or owner at the WCF owner's expense.
- (b) **Permission to Use Public Right-of-Way or Public Property.** Prior to WCFs being sited in the ROW, the Applicant shall have an executed license agreement with the City, granting a non-exclusive license to use the ROW. Attachment of WCFs on an existing traffic signal, street light pole, or similar structure shall require written evidence of a license, or other legal right or approval, to use such structure by its owner. The applicant shall remain the owner of, and solely responsible for, any WCF installed in the ROW. Prior to, or concurrently with, seeking land use approval for a WCF on Public Property, the applicant shall execute a lease agreement with the City.
- (c) **Operation and Maintenance.** To ensure the structural integrity of WCFs, the owner of a WCF shall ensure that it is maintained in compliance with the standards contained in applicable local building and safety codes. If upon inspection, the City concludes that a WCF fails to comply with such codes and constitutes a danger to persons or property, then, upon written notice being provided to the owner of the WCF, the owner shall have 30 days from the date of notice to bring the WCF into compliance. Upon good cause shown by the owner and meeting reasonable safety considerations, the City's Chief Building Official may extend such compliance period, not to exceed 90 days from the date of said notice. If the owner fails to bring such WCF into compliance within said time period, the City may remove such WCF at the owner's expense.
- (d) **Abandonment and Removal.** After the WCF is constructed, if a WCF has not been in use for a period of three (3) months, the owner of the WCF shall notify the City of the non-use and shall indicate whether re-use is expected within the ensuing three months. Any WCF that is contracted and is not operated for a continuous period of six (6) months shall be considered abandoned. The City, in its sole discretion, may require an abandoned WCF to be removed. The owner of such WCF shall remove the same within 30 days of receipt of written notice form

the City. If such WCF is not removed within said 30 days, the City may remove it at the owner's expense and any approved permits for the WCF shall be deemed to have expired. Additionally, the City, in its sole discretion, may not approve any new WCF application until the Applicant who is also the owner or operator of any such abandoned WCF has removed such WCF or payment for such removal has been made to the City.

- (e) Hazardous Materials. No hazardous materials shall be permitted in association with WCFs, except those necessary for the operations of the WCF and only in accordance with all applicable laws governing such materials.
- (f) Collocation. No WCF owner or operator shall unreasonably exclude a telecommunications competitor from using the same facility or location. Upon request by the Community Development Department, the owner or operator shall provide evidence explaining why Collocation is not possible at a particular facility or site

18.60.050 Review Procedures and Requirements.

- (a) No new WCF shall be constructed and no Collocation or modification to any WCF may occur except after a written request from an applicant, reviewed and approved by the City in accordance with this Chapter. All WCFs except Eligible Facilities Requests which are reviewed under subsection (a)(3) of this Section, shall be reviewed pursuant to the following procedures.
 - 1) Review Procedures for certain WCFs, including Base Stations, Alternative Tower Structures, Small Cell Facilities, and Alternative Tower Structures within Public Rights-of-Way. Applications for these WCF facilities shall be reviewed by the Community Development Department for conformance to this Section and using the Design Review procedures set forth in Section 18.20.030. For WCFs in the rights-of-way that are found to have a significant visual impact (i.e. proximity to historical sites), be incompatible with the structure or surrounding area, or not meet the intent of these provisions, the Community Development Department may refer the application to Planning Commission for a Use by Special Review determination
 - 2) Review Procedures for certain WCFs, including Towers. Towers, other than those defined or excepted in (1) above, must apply for Use by Special Review approval. These WCFs shall be reviewed for conformance using the procedures set forth in Section 18.20.080. All applications for Towers shall demonstrate that other alternative design options, such as using Base Stations or Alternative Tower Structures, are not viable options as determined by the City.
 - 3) Review Procedures for Eligible Facilities Requests.
 - a. Eligible Facilities Requests shall be considered a permitted use, subject to administrative review. The City shall prepare, and from time to time revise, and make publicly available, an application form which shall require submittal of information necessary for the City to consider whether an application is an

Eligible Facilities Request. Such required information shall include, without limitation, whether the project:

- 1) Constitutes a Substantial Change;
- 2) Violates a generally applicable law, regulation, or other rule codifying objective standards reasonably related to public health and safety.

The application shall not require the applicant to demonstrate a need or business case for the proposed modification or Collocation.

- (b) Upon receipt of an application for an Eligible Facilities Request pursuant to this Section, the Community Development Department shall review such application to determine whether the application so qualifies.
- (c) Timeframe for Review. Subject to the tolling provisions of subparagraph d. below, within 60 calendar days of the date on which an applicant submits an application seeking approval under this Section, the City shall approve the application unless it determines that the application is not covered by this Subsection, or otherwise in non-conformance with applicable codes.
- (d) Tolling of the Timeframe for Review. The 60-day review period begins to run when the application is filed, and may be tolled only by mutual agreement of the City and the applicant, or in cases where the Community Development Department determines that the application is incomplete:
 - 1) To toll the timeframe for incompleteness, the City must provide written notice to the applicant within 30 business days of receipt of the application, specifically delineating all missing documents or information required in the application;
 - 2) The timeframe for review begins running again the following business day after the applicant makes a supplemental written submission in response to the City's notice of incompleteness; and
 - 3) Following a supplemental submission, the City will notify the applicant within ten (10) business days if the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in paragraph (d)(1). In the case of a second or subsequent notice of incompleteness, the City may not specify missing information or documents that were not delineated in the original notice of incompleteness.
- (e) Failure to Act. In the event the City fails to act on a request seeking approval for

an Eligible Facilities Request under this Section within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The request becomes effective when the applicant notifies the City in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

- (f) Interaction with Telecommunications Act Section 332(c)(7). If the City determines that the applicant's request is not an Eligible Facilities Request as delineated in this Chapter, the presumptively reasonable timeframe under Section 332(c)(7) of the Telecommunication Act, as prescribed by the FCC's Shot Clock order, will begin to run from the issuance of the City's decision that the application is not a covered request. To the extent such information is necessary, the City may request additional information from the applicant to evaluate the application under Section 332(c)(7) reviews.

4) Review Procedures for Small Cell Facilities in the Right-of-Way.

The City shall prepare, and from time to time revise, and make publicly available, an application form which shall require submittal of information necessary for the City to consider whether a project is eligible as a Small Cell Facility in the Right-of-Way, meeting certain criteria. The application shall not require the applicant to demonstrate a need or business case for any proposed modification or Collocation.

- b. Upon receipt of an application for an Small Cell Facility in the Right-of-Way pursuant to this Section, the Community Development Department shall review such application to determine whether the application so qualifies.
- c. Timeframe for Review. Subject to the tolling provisions of subparagraph d. below, within 60 calendar days of the date on which an applicant submits an application seeking approval under this Section, the City shall approve the application unless it determines that the application is not covered by this Subsection, or otherwise in non-conformance with applicable codes.

(b) Submittal Requirements.

- 1) In addition to submittal requirements of Chapter 18.16 the following supplemental items are required for all WCFs applications.
 - a. Signal Non-Interference Letter;
 - b. Radio Frequency Emissions Letter;
 - c. Photo simulations showing before and after conditions;

- d. Inventory of Sites. Each applicant for a WCF shall provide to the Community Development Department a narrative description and a map of the applicant's existing and currently proposed WCFs within the City, and outside of the City within one half-mile of its boundaries. In addition, the applicant shall inform the City generally of the areas in which it believes WCFs may need to be located within the next three (3) years. The inventory list should identify the site name, address, and a general description of the Facility (i.e., rooftop Antennas and ground-mounted equipment). This provision is not intended to be a requirement that the applicant submit its business plan, proprietary information, or make commitments regarding locations of WCFs within the City. This information will be used to assist in the City's comprehensive planning process, and promote Collocation by identifying areas in which WCFs might be appropriately constructed for multiple users.

The Community Development Department may share such information with other applicants applying for administrative approvals or conditional permits under this section or other organizations seeking to locate WCFs within the jurisdiction of the City, provided however, that the Community Development Department, is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

- e. Abandonment and Removal. Affidavits shall be required from the owner of the property and from the applicant acknowledging that each is responsible for the removal of a WCF that is abandoned or is unused for a period of six (6) months.
- (c) Decision. Any decision to approve, approve with conditions, or deny an application for a WCF, shall be in writing and supported by substantial evidence in a written record. The applicant shall receive a copy of the decision.
- (d) Compliance with Applicable Law. Notwithstanding the approval of an application for new WCFs or Eligible Facilities Request as described herein, all work done pursuant to WCF applications must be completed in accordance with all applicable building, structural, electrical, and safety requirements as set forth in the Municipal Code and any other applicable laws or regulations. In addition, all WCF applications shall comply with the following:
- 1) Comply with any permit or license issued by a local, state, or federal agency with jurisdiction of the WCF;
 - 2) Comply with easements, covenants, conditions and/or restrictions on or applicable to the underlying real property;
 - 3) Be maintained in good working condition and to the standards established at the time of application approval; and
 - 4) Remain free from trash, debris, litter, graffiti, and other forms of vandalism. Any

damage shall be repaired as soon as practicable, and in no instance more than ten calendar days from the time of notification by the City or after discovery by the owner or operator of the Site. Notwithstanding the foregoing, any graffiti on WCFs located in the Public Rights-of-Way or on Public Property may be removed by the City at its discretion, and the owner and/or operator of the WCF shall pay all costs of such removal within 30 days after receipt of an invoice from the City.

18.60.060 Design Standards.

- (a) The requirements set forth in this Section shall apply to the location and design of all WCFs governed by this Chapter as specified below; provided, however, that the City may waive these requirements if it determines that the goals of this Chapter are better served thereby. To that end, WCFs shall be designed and located to minimize the impact on the surrounding neighborhood and to maintain the character and appearance of the City, consistent with other provisions of this Code.
 - 1) Camouflage/Concealment. All WCFs and any Transmission Equipment shall, to the extent possible, use Camouflage Design Techniques including, but not limited to the use of materials, colors, textures, screening, undergrounding, landscaping, or other design options that will blend the WCF into the surrounding natural setting and built environment.
 - a. Camouflage design may be of heightened importance where findings of particular sensitivity are made (e.g. proximity to historic, natural, or aesthetically significant structures or areas, views, and/or community features or facilities). In such instances where WCFs are located in areas of high visibility, they shall (where possible) be designed (e.g., placed underground, depressed, or located behind earth berms) to minimize their profile.
 - b. The camouflage design may include the use of Alternative Tower Structures should the Community Development Department determine that such design meets the intent of this Code and the community is better served thereby.
 - c. All WCFs, such as Antennas, vaults, equipment rooms, equipment enclosures, and tower structures shall be constructed out of non-reflective materials (visible exterior surfaces only).
 - 2) Collocation. WCFs shall be designed and constructed to permit the facility to accommodate WCFs from at least two (2) wireless service providers on the same WCF, to the extent it is reasonably feasible based upon construction, engineering and design standards, except where such collocation would materially compromise the design intent of the WCF, particularly visually.
 - 3) Lighting. WCFs shall not be artificially lighted, unless required by the FAA or other applicable governmental authority, or the WCF is mounted on a light pole or other

similar structure primarily used for lighting purposes. If lighting is required, it shall conform to lighting standards of Section 18.40.110.

- a. All exterior lighting within equipment yards shall be mounted on poles or on the building wall below the height of the screen wall or fence.
- 4) Noise. Noise generated on the site must not create any noise emitted at levels described in Chapter 9.24 of the Municipal Code, except that a WCF owner or operator shall be permitted to exceed such noise standards for a reasonable period of time during repairs, not to exceed two (2) hours without prior authorization from the City.
 - 5) Landscaping Requirements.
 - a. WCFs shall be sited in a manner that does not reduce the landscaped areas for the other principal uses on the parcel.
 - b. WCFs, including small cells unless an exception is granted by the Community Development Department, shall be landscaped with a buffer of plant materials that effectively screen the view of the WCF from Rights-of-Way and adjacent properties. All said landscape buffers shall adhere to buffer yard and screening standards of Section 18.44.110. Where the City has requested additional landscaping, the City may require irrigation requirements for the landscaping.
 - 6) Screening Requirements.
 - a. All equipment, not located within the public right of way and not otherwise defined, shall be fully screened within a walled yard or placed in an enclosed building except in cases where a better design alternative exists. The yard shall be enclosed by a solid fence or wall of sufficient height to screen all miscellaneous equipment from view from the public Right-of-Way or adjacent properties and to provide security. Where fencing is required, it must adhere to fence and wall standards of Section 18.52.035.
 - b. All structures and improvements associated with the WCF shall be provided with adequate safety equipment and aesthetic treatments, including incorporating landscape screening noted in subsection (a)(5), to be visually compatible with uses in the surrounding area.
 - c. Roof-top mounted equipment shall be screened from off-site views to the extent practical by solid screen walls or the building's parapet.
 - 7) WCFs Adjacent to Single Family Residential Uses. WCFs shall be sited in a manner that evaluates the proximity of the facility relative to residential structures, neighborhoods, and residential zoning boundaries in order to minimize the visual impacts of WCFs on residential areas.

- a. When placed near residential property, the WCF shall be placed in close proximity to a common property line between adjoining residential properties, such that the WCF minimizes visual impacts equitably among adjacent and nearby properties.
 - b. For a corner lot, the WCF may be placed adjacent to a common property line between adjoining residential properties, or on the corner formed by two intersecting streets.
 - c. If these siting requirements are not reasonably feasible from a construction, engineering, or design perspective, the applicant may submit a written statement to the Community Development Department requesting the WCF be exempt from these requirements, and offer alternative locations reasonably meeting the intent of this section
- 8) Design requirements specific to various types of WCFs.
- a. Base Stations.
 1. If an Antenna and/or accessory equipment is installed on a Base Station it shall be of a neutral, non-reflective color that is identical to, or closely compatible with, the color of the Base Station, or uses other Camouflage or Concealment Design Techniques so as to make the Antenna and related facilities as visually unobtrusive as possible, including for example, without limitation, painting the Antennas and accessory equipment to match the structure.
 2. Ground mounted equipment shall be located in a manner necessary to address both public safety and aesthetic concerns. Where appropriate and to the extent it is reasonably feasible based upon construction, engineering and design standards, the Community Development Department may require a flush-to-grade underground equipment vault.
 - b. Alternative Tower Structures, not in the Public Right-of-Way shall;
 1. Be designed and constructed to look like a building, facility, structure, or other commonplace item, such as but not limited to a tree, public art, or clock tower, typically found in the area.
 2. Be camouflaged/concealed consistent with other existing natural or manmade features in or near the location where the Alternative Tower Structure will be located.
 3. Be compatible with the surrounding area, including architecture, topography,

and/or landscaped environment.

4. Be the minimum size needed to obtain coverage objectives. Height or size of the proposed alternative tower structure should be minimized as much as possible.
 5. Be sited in a manner that is sensitive to the proximity of the facility to residential structures, neighborhoods, and residential zoning district boundaries.
 6. Take into consideration the uses on adjacent and nearby properties and the compatibility of the facility to these uses.
- c. Alternative Tower Structures, in the Public Right-of-Way.
1. Such facilities shall be subject to the Alternative Tower Structures standards of approval noted in subsection 9.b, and subject to these additional design criteria.
 2. Alternative Tower Structures and associated Small Cells, or Micro Cells may be deployed in the Public Right-of-Way through the utilization of a street light pole, distribution lines, utility poles, traffic signal or similar structure.
 3. To the extent that an Alternative Tower Structure is a vertical structure located in the Public Right-of-Way, its pole-mounted components shall be located on or within an existing utility pole serving another utility.
 4. With respect to its pole components, such components shall be located on or within a new utility pole where
 - a. other utility distribution lines are aerial, and
 - b. there are no reasonable alternatives, and
 - c. the applicant is authorized to construct the new utility poles; or
 5. Alternative Tower Structures shall be consistent with the size and shape of similar pole-mounted equipment installed by communications companies on utility poles in the Right-of-Way near the proposed Alternative Tower Structure.
 6. Alternative Tower Structures shall be designed such that antenna installations on traffic signal standards are placed in a manner so that the size, appearance, and function of the signal will not be considerably or functionally altered.

7. Alternative Tower Structures shall be sized to minimize the negative aesthetic impacts to the Right-of-Way and adjacent properties.
 8. Ground mounted equipment shall be located in a manner necessary to address both public safety and aesthetic concerns in the reasonable discretion of the Community Development Department, and may, where appropriate and to the extent it is reasonably feasible based upon construction, engineering and design standards, require a flush-to-grade underground equipment vault.
 9. Alternative Tower Structures shall not alter vehicular circulation or parking within the Right-of-Way or impede vehicular, bicycle, or pedestrian access or visibility along the Right-of-Way. The Alternative Tower Structure must comply with the Americans with Disabilities Act and every other local, state, and federal law and regulation. No Alternative Tower Structure may be located or maintained in a manner that causes Unreasonable Interference.
 10. Alternative Tower Structures may not be more than five (5) feet taller (as measured from the ground to the top of the pole) than any existing utility or traffic signal pole within a radius of 600 feet of the pole or structure. A new or freestanding Alternative Tower Structure may not be higher than 30 feet. Alternative Tower Structures located on any existing or replacement pole may not be higher than the height of the existing pole.
 11. Alternative Tower Structures in the Right-of-way shall not exceed 18 inches in diameter.
 12. Alternative Tower Structures shall be separated from any other Wireless Communication Facility located in the Right-of-Way by a distance of at least 600 feet unless deployed as an existing Base Station in the Right-of-Way.
 13. Collocations are strongly encouraged to limit the number of poles within the Right-of-Way to the extent reasonably feasible from a construction, design and engineering perspective.
 14. Equipment enclosures shall be located out of view to the extent possible, and shall comply with all applicable City criteria.
- d. Towers.
1. Towers shall either maintain a galvanized steel finish, or, subject to any applicable FAA standards and City design approval processes, be painted a

neutral color so as to reduce visual obtrusiveness.

2. Wherever possible, Towers shall locate to utilize existing landforms, vegetation, and structures to aid in screening the facility from view, or otherwise blending in with the surrounding built and natural environment.
 3. Monopole support structures shall taper from the base to the tip.
 4. All Towers, excluding Alternative Tower Structures in the Right-of-Way, shall be enclosed by security fencing or wall and shall also be equipped with an appropriate anti-climbing device.
 5. Towers shall be subject to the height restrictions of each zoning district. Notwithstanding anything in this Chapter to the contrary, Towers located in the Right-of-Way shall not exceed 30 feet in height.
- e. Base Stations.
1. Antennas and other proposed equipment shall be architecturally compatible with the Base Station and, when appropriate, colored or otherwise camouflaged to integrate with the Base Station to which they are attached.
 2. Facilities mounted on a Base Station shall be installed as flush to the wall as technically practical. The maximum protrusion of such facilities from the building or structure face to which they are attached shall be six (6) feet.
- f. Roof mounted WCFs.
1. Roof-mounted WCFs may be approved only where an applicant sufficiently demonstrates that a wall mounted WCF is inadequate to provide service. By filing an application for a roof-mounted WCF, an applicant is certifying agreement to the City's determination that the height extensions described in subsections 2 and 3 below are the maximum heights that will allow the WCF to be Camouflaged, and that any additional increase in height will undermine the Camouflage nature of the site.
 2. Roof mounted Antennas shall extend no more than ten (10) feet above the parapet of any flat roof or ridge of a sloped roof to which they are attached.
 3. Other roof mounted Transmission Equipment shall extend no more than ten (10) feet above any parapet of a flat roof upon which they may be placed, and shall not be permitted on a sloped roof.
 4. All rooftop equipment and antennas must be adequately screened, per Section 18.40.070.

- g. Related Accessory Equipment.
 - 1. All buildings, shelter, cabinets, and other accessory components shall be grouped as closely together as technically possible.
 - 2. The total footprint coverage area of the WCF's accessory equipment shall not exceed 350 square feet.
 - 3. No related accessory equipment or accessory structure shall exceed 12 feet in height.
 - 4. Related accessory equipment, including but not limited to remote radio units, shall be located out of sight whenever possible by locating behind parapet walls or within equipment enclosures. Where such alternate locations are not available, the accessory equipment shall use Camouflage Design Techniques.

18.60.070 Standards for Approval.

- (a) It is the intent of the City to provide for approval of WCFs administratively in cases where visual impacts are minimized, view corridors are protected, appropriate Camouflage and Concealment Design Techniques are employed to avoid adverse impacts on the surrounding area, and they are designed, maintained, and operated at all times to comply with the provisions of this Chapter and all applicable laws. Notwithstanding the approval of an application for Eligible Facilities Request as described herein, all work done pursuant to WCF applications must be completed in accordance with all applicable building and safety requirements as set forth in municipal code and any other applicable regulations.
 - 1. Use by Special Review. Any application for a WCF which does not comply with the provisions of this Chapter may seek Use by Special Review approval by submitting an application to Planning Commission.
 - 2. Collocation and Separation Required. No new Towers, excepting Small Cell Facilities in the Right-of-Way, shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the City that no existing WCFs can accommodate the needs that the applicant proposes to address with its Tower application, and sufficient separation of Towers is achieved. Evidence may consist of the following:
 - a. No existing WCFs with a suitable height are located within the geographic area required to meet the applicant's engineering requirements;
 - b. Existing WCFs do not have sufficient structural strength to support applicant's proposed WCF;

- c. The applicant's proposed WCFs would cause electromagnetic interference with the existing WCFs or the existing WCF would cause interference with the applicant's proposed WCF; and
 - d. The applicant demonstrates that there are other limiting factors that render existing WCFs unsuitable for Collocation.
 - e. Towers over 90 feet in height shall not be located within one-quarter mile from any existing tower that is over 90 feet in height, unless the applicant has shown to the satisfaction of the City that there are no reasonably suitable alternative sites in the required geographic area which can meet the applicant's needs.
3. Setbacks. The following minimum setback requirements shall apply to all WCFs, except for Alternative Tower Structures in the Right-of-Way; provided, however, that the City may reduce standard setbacks requirements if the applicant demonstrates that the goals of this Section can be met through Performance Options or through Alternative Compliance, or through a Variance process. A Tower shall meet the greater of the following minimum setbacks from all property lines:
- a. The setback for a principal building within the applicable zoning district; or
 - b. Twenty-five percent (25%) of the facility height, including WCFs and Related Accessory Equipment; or
 - c. For sites within 100 feet of residential uses, facilities over 30 feet in height shall have a minimum setback from all adjacent residential property lines of one (1) foot for every foot in height.

18.30.070- Table of Principal Land Uses.

(j) The following is an alphabetical listing and index of all land uses included on the Table of Principal Land Uses:

Satellite earth station antenna	80

Wireless telecommunication <u>COMMUNICATION FACILITIES</u>	80

TABLE OF PRINCIPAL LAND USES

See Chapter 18.38 for further information on Zoning District Development Standards
 Infill sites require review of all land uses as Design Review Uses

<i>Uses/Districts</i>	<i>R- L, R- E</i>	<i>R- MH</i>	<i>R- M</i>	<i>R- H</i>	<i>C- L</i>	<i>C- H</i>	<i>I- L</i>	<i>I- M</i>	<i>I- H</i>	<i>H- A</i>	<i>C- D</i>	<i>PUD*</i>
<i>P = permitted uses; D = design review uses; S = use by special review; -- means use prohibited in district * Permit uses subject to PUD approval.</i>												

<u>Industrial</u>												

telecomm. uses												
- satellite earth station antennas over 3 feet in diameter	D	D	D	D	D	D	D	D	D	--	--	*
- utility, comm. TRANSMISSION towers and cabinets less than building height permitted by zone	D	D	D	D	D	D	D	D	D	--	--	*

- utility, comm- TRANSMISSION towers and cabinets over building height permitted by zone	S	S	S	S	S	S	S	S	S	S	--	--	*

wireless telecomm. **													
-co-location (on existing tower) **	P	P	P	P	P	P	P	P	P	P	--	--	*
-stealth design **	P	D	D	D	D	D	P	P	P	--	--		*
-roof top mounted	D	D	D	D	D	D	P	P	P	--	--		*
-freestanding (non-stealth) **	S	S		S	S	S	D	D	D	--	--		*
<u>WIRELESS COMM. FACILITIES</u>													
- <u>ELIGIBLE FACILITIES REQUESTS</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>S</u>	<u>S</u>	<u>P</u>
- <u>SMALL CELL FACILITIES, IN THE RIGHT-OF-WAY</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
- <u>SMALL CELL FACILITIES</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
- <u>BASE STATIONS</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>
- <u>ALTERNATIVE TOWER STRUCTURES</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>
- <u>ALTERNATIVE TOWER STRUCTURES, IN THE RIGHT-OF-WAY</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>
- <u>TOWERS, OTHER</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>

* Permit uses subject to PUD approval.

** ~~As long as tower or building height is not increased.~~

Note— Infill locations require design review for all land uses.

18.40.030 – Definitions.

~~Stealth design means using existing structures and/or land features that are compatible with the existing setting or structure and camouflage or partially conceal the presence of antennas or towers.~~

18.46.050 - Specific use design standards.

(b) The following land uses are included in this section:

~~(22) Wireless telecommunication facilities and equipment.~~

(c) The following terms as use in this Chapter shall have the following meanings:

~~Co-location shall mean the use of a wireless telecommunication support facility by more than one (1) wireless telecommunication provider.~~

~~Stealth design shall mean existing structures and/or land features that are compatible with the existing setting or structures, and camouflage or partially conceal the presence of antennas or towers.~~

~~Wireless telecommunication facility shall mean a pole, tower or antenna for the purposes of transmitting and receiving communication signals and shall include, but not be limited to, monopoles and towers with attached appurtenances such as microwave dishes and antennae, rooftop, wall and ground-mounted microwave dishes and antennae.~~

18.46.190- Satellite earth station antennae.

(a) The following provisions shall apply to the installation of those devices and structures used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses, including, but not limited to, satellite earth stations, television reception only satellite dish antennas and satellite microwave antennas, except residential satellite dish installations which are three (3) feet or less in diameter, residential single-pole or tower roof or ground-mounted television, or amateur radio antennae:

- (1) The subject location shall conform to all standards of the zoning district and overlay district, as applicable, in which it is proposed, and shall not be located in any required setback or on any structure unless architecturally screened.
- (2) The maximum overall height for a ground-mounted antenna shall be as established for building height in the applicable zoning district. The height of a roof-mounted antenna, combined with the building height, shall not exceed the maximum building height in the applicable zoning district.
- (3) The operation of the antenna shall not cause interference with any electrical equipment in the surrounding neighborhood, such as television, radio, telephone or computers unless exempted by federal regulation.
- (4) The antenna shall be a single, nonreflective color.
- (5) The antenna shall be sited to assure compatibility with surrounding development and not adversely impact the neighborhood.
- (6) The antenna shall be accessory to the principal use of the lot or site.

(b) THIS SECTION SHALL NOT BE CONSTRUED TO APPLY TO ANY USES OR STRUCTURES THAT ARE OTHERWISE REGULATED BY CHAPTER 18.60, WIRELESS COMMUNICATION FACILITIES.

APPENDIX 18-B - Definitions

The following words, terms and phrases, when used in this Code, shall have the meanings defined as follows:

100-year flood shall mean a flood having a recurrence interval that has a one-percent chance of being equaled or exceeded during any given year (one-percent-annual-chance flood). The terms *one-hundred-year flood* and *one-percent-chance flood* are synonymous with the term *100-year flood*.

100-year floodplain shall mean the area of land susceptible to being inundated as a result of the occurrence of a one-hundred-year flood.

500-year flood shall mean a flood having a recurrence interval that has a two-tenths-percent chance of being equaled or exceeded during any given year (two-tenths-percent-chance-annual flood).

Abandoned sign:

- a. A sign or sign structure and components, for which no legal owner can be found; and/or
- b. A sign and structure which are used to identify or advertise a business, tenant, owner, product, service, use, event or activity that has not been located on the premises for a period of ninety (90) consecutive days or longer.

Accessory building or structure shall mean a detached building or structure located upon the same lot as the principal building or structure to which it is related, which is incidental to and customarily found in connection with such principal building or structure and which is not to be used for human habitation.

Accessory use shall mean a use customarily incidental, related and subordinate to the main use of the lot, building or structure which does not alter the principal use.

Act, as used in Chapter 18.56, shall mean the Oil and Gas Conservation Act of the State of Colorado.

Addition shall mean an extension to an existing structure after completion of the original structure. For the purposes of this Title, such additions and the point of attachment thereof shall be habitable space as defined in the Uniform Building Code, as may be amended from time to time, and the dimension of the point of attachment shall constitute a minimum of twenty percent (20%) of the circumference of the exterior walls of the addition.

Address sign shall mean signs that give the address or name of a building or residence without reference to, or inclusion of, the name or logo of a product sold, or service performed on the lot or in a building or structure, or name of the business enterprise occupying the property.

Adjacent shall mean land which shares a boundary line with the lot in question or which would share a boundary line if not for the separation caused by a street, alley, sidewalk, railroad right-of-way, utility line, trail or irrigation ditch.

Adjacent uphill lot shall mean an adjacent lot, whether or not separated by streets, easements or the like, which has an average ground level higher than the average ground level of the subject lot.

Administrative Official shall mean an individual appointed by the City Manager to administer and enforce the provisions of this Title.

Administrative Review Team (ART) shall mean the City staff review team consisting of representatives of City departments involved with development and land use activities within the City and its long-range planning areas.

Adult business shall mean any store, establishment, tavern, club or theater having a substantial portion of its stock in trade, books, magazines or other periodicals; video movies, films, slides or photographs; instruments, devices or paraphernalia; or live performances, which are characterized by their emphasis on matters depicting, describing, or related to *specified anatomical areas* or *specified sexual activities*. For the purposes of this definition, a business shall not be considered an *adult business* if it carries less than twenty percent (20%) of its stock in adult materials and it

prevents the public from viewing or observing merchandise or products that depict *specified anatomical areas* or *specific sexual activities*, as may be displayed by the products or on the packaging.

a. *Specified anatomical areas* means:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks and female breast above or below a point which would expose any portion of the areola; and
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

b. *Specified sexual activities* means:

1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breast;
2. Human genitals in a state of sexual stimulation or arousal;
3. Sex acts, actual or simulated, including intercourse, oral copulation or sodomy;
4. Masturbation, actual or simulated; or
5. Excretory functions as part of or in connection with any of the activities set forth in Paragraphs 1 through 4 above.

Advertise shall mean to attract attention to a business, product, service, use or event with a sign, display item or other device, such as flags, pennants, air driver devices and lights.

Airport shall mean the Greeley-Weld County Airport, located in Sections 2 and 3 and Sections 26 and 35, T5N, R65W of the 6th P.M., Weld County, Colorado.

Airport elevation shall mean the established elevation of the highest point on the usable landing area (four thousand six hundred ninety [4,690] feet above sea level).

Airport reference point shall mean the point established as the geographic center of the airport landing area. The reference point at Greeley-Weld County Airport is a point which geographical coordinates are Latitude forty (40) degrees, twenty-six (26) minutes, eight (8) seconds north and Longitude one hundred four (104) degrees, thirty-seven (37) minutes, fifty-five (55) seconds west.

Alley shall mean a minor way used primarily for vehicular access to the back of properties adjacent to a street and which is not intended to be used for primary access to a property. An alley shall not be considered a street.

ALTERNATIVE TOWER STRUCTURE SHALL MEAN MAN-MADE TREES, CLOCK TOWERS, BELL STEEPLES, LIGHT POLES, BUILDINGS, AND SIMILAR ALTERNATIVE DESIGN MOUNTING STRUCTURES THAT ARE COMPATIBLE WITH THE NATURAL SETTING AND SURROUNDING STRUCTURES, AND CAMOUFLAGES OR CONCEALS THE PRESENCE OF ANTENNAS OR TOWERS SO AS TO MAKE THEM ARCHITECTURALLY COMPATIBLE WITH THE SURROUNDING AREA PURSUANT TO THE REQUIREMENTS OF THIS CHAPTER. THIS TERM ALSO INCLUDES ANY ANTENNA OR ANTENNA ARRAY ATTACHED TO AN ALTERNATIVE TOWER STRUCTURE. A STAND-ALONE POLE IN THE RIGHT-OF-WAY, STREETLIGHT, OR TRAFFIC SIGNAL THAT ACCOMMODATES SMALL CELL FACILITIES IS CONSIDERED AN ALTERNATIVE TOWER STRUCTURE TO THE EXTENT IT MEETS THE CAMOUFLAGE AND CONCEALMENT STANDARDS OF THIS TITLE.

Amortization shall mean the prohibition and removal of a nonconforming use after the expiration of a reasonable period of time.

Amortization period shall mean a reasonable period of time to recoup a return on the investment in an animal confinement use, but which in no event shall exceed nine (9) years from the effective date of this Code, or from the date the use became nonconforming, whichever is later.

Animal confinement use shall mean a place for confinement of livestock for the purposes of commercial food production, where feeding of the livestock is other than grazing and where the capacity at any one (1) time is greater than permitted on the Animal Equivalency Chart for the zoning district in which it is located. Such animal confinement uses may include dairies, feedlots, poultry and swine production facilities.

Animal unit shall mean a unit of measurement used to determine the animal capacity of a particular site or parcel of land and to establish an equivalency for various species of livestock. The animal unit capacity is determined by multiplying the number of animals of each species by the appropriate equivalency factor from the Animal Unit Equivalency Chart in Section 18.52.035 and summing the resulting totals for all animal species contained on a site or parcel of land. The number of animals allowed per acre on a site or parcel of land is based on area requirements for each species, and the resulting acreages are also summed. If the maximum number of permitted animal units as provided on the Animal Unit Equivalency Chart is exceeded for a property that does not contain an animal confinement use as of the effective date of this Code, the property and use contained on said property shall be determined to be a nonconforming use and subject to the provisions in Chapter 18.58.

Animated sign (see *Flashing or animated or Imitating sign*).

Antenna shall mean a device used to transmit and/or receive radio, television or any other transmitted signal and which may be roof-top, wall or ground-mounted. **ANY DEVICE USED TO TRANSMIT AND/OR RECEIVE RADIO OR ELECTROMAGNETIC WAVES SUCH AS, BUT NOT LIMITED TO, PANEL ANTENNAS, REFLECTING DISCS, MICROWAVE DISHES, WHIP ANTENNAS, DIRECTIONAL AND NON-DIRECTIONAL ANTENNAS CONSISTING OF ONE OR MORE ELEMENTS, MULTIPLE ANTENNA CONFIGURATIONS, OR OTHER SIMILAR DEVICES AND CONFIGURATIONS AS WELL AS EXTERIOR APPARATUS DESIGNED FOR TELEPHONE, RADIO, OR TELEVISION COMMUNICATIONS THROUGH THE SENDING AND/OR RECEIVING OF WIRELESS COMMUNICATIONS SIGNALS.**

Apex shall mean the uppermost or highest point.

Appeal shall mean a review of a final decision by a higher authority.

Applicant shall mean the owners or lessees of property, their agent, or persons who have contracted to purchase property, or the City or other quasi-governmental entity that is proposing an action requiring review and approval by one (1) or more of the sections in this Title. An applicant may subsequently become the developer once approval is granted and, in this case, the terms shall be interchangeable.

Approach surface shall mean a surface longitudinally centered on the extended runway center line, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Chapter 18.34. In plan view, the perimeter of the approach surface coincides with the perimeter of the approach zone.

Appurtenances shall mean the visible, functional objects accessory to and part of buildings or structures and which may extend above the height of the roof.

Area of shallow flooding shall mean a designated Zone AO or AH on a community's Flood Insurance Rate Map (FIRM) with a one-percent or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard shall mean the land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year.

Art shall mean all forms of original creations of visual art, including but not limited to, sculpture; mosaics; painting, whether portable or permanently fixed, as in the case of murals; photographs; crafts made from clay; fiber and textiles; wood; glass; metal; plastics; or any other material or any combination thereof; calligraphy; mixed media composed of any combination of forms or media; unique architectural styling or embellishment, including architectural crafts, environmental landscaping; or restoration or renovation of existing works of art of historical significance. Works of art are not intended to be used for commercial advertising purposes.

Arterial street (see *Street*).

Articulation shall mean using architectural elements such as windows, balconies, entries, etc., to visually break the appearance of large buildings or walls into smaller, identifiable pieces.

Assembly building, as used in Chapter 18.56, shall mean any building or portion of building or structure used for the regular gathering of fifty (50) or more persons for such purposes as deliberation, education, instruction, worship, entertainment, amusement, drinking, dining or awaiting transport.

Assisted living unit shall mean a residential facility that provides rooms, meals, personal care and supervision of self-administered medication, as well as other services, including recreational activities and transportation, to individuals who do not have an illness, injury or disability for which regular medical care or twenty-four-hour nursing services are required. An assisted living unit shall not be considered a board and care home or a nursing home.

Automobile wrecking yard (see *Junkyard*).

Awning shall mean a framed exterior architectural feature, attached to and supported from the wall of a building and/or held up by its own supports, which provides or has the appearance of providing shelter from the elements to pedestrians, vehicles, property or buildings.

Awning, internally illuminated shall mean any transparent backlit awning or awning lettering which transmits light from within the awning to the outside surface of the awning.

Awning sign shall mean a sign that is mounted or painted on or attached to an awning.

Backing shall mean the background area of a sign, which differentiates the total sign display from the background against which it is placed.

Banner shall mean a sign applied to flexible materials (e.g., cloth, paper or fabric of any kind) with no enclosing framework.

Bare tube neon shall mean a bare tube neon light attached to a building that is used to light or accent the building and/or its architecture.

Base Flood Elevation (BFE) shall mean the elevation shown on a FEMA Flood Insurance Rate Map that indicates the water surface elevation resulting from a flood that has a one-percent chance of equaling or exceeding that level in any given year.

BASE STATION SHALL MEAN A STRUCTURE OR EQUIPMENT AT A FIXED LOCATION THAT ENABLES FCC-LICENSED OR AUTHORIZED WIRELESS COMMUNICATIONS BETWEEN USER EQUIPMENT AND A COMMUNICATIONS NETWORK. THE DEFINITION OF BASE STATION DOES NOT INCLUDE OR ENCOMPASS A TOWER AS DEFINED HEREIN OR ANY EQUIPMENT ASSOCIATED WITH A TOWER. BASE STATION DOES INCLUDE, WITHOUT LIMITATION:

1. EQUIPMENT ASSOCIATED WITH WIRELESS COMMUNICATIONS SERVICES SUCH AS PRIVATE BROADCAST, AND PUBLIC SAFETY SERVICES, AS WELL AS UNLICENSED WIRELESS SERVICES AND FIXED WIRELESS SERVICES SUCH AS MICROWAVE BACKHAUL THAT, AT THE TIME THE RELEVANT APPLICATION IS FILED WITH THE CITY UNDER THIS CHAPTER, HAS BEEN REVIEWED AND APPROVED UNDER THE APPLICABLE ZONING OR SITING PROCESS, OR UNDER ANOTHER STATE OR LOCAL REGULATORY REVIEW PROCESS, EVEN IF THE STRUCTURE WAS NOT BUILT FOR THE SOLE OR PRIMARY PURPOSE OF PROVIDING SUCH SUPPORT; AND

2. RADIO TRANSCEIVERS, ANTENNAS, COAXIAL OR FIBER-OPTIC CABLE, REGULAR AND BACKUP POWER SUPPLIED, AND COMPARABLE EQUIPMENT, REGARDLESS OF TECHNOLOGICAL CONFIGURATION (INCLUDING DISTRIBUTED ANTENNA SYSTEMS ("DAS") AND SMALL-CELL NETWORKS) THAT, AT THE TIME THE RELEVANT APPLICATION IS FILED WITH THE CITY UNDER THIS TITLE, HAS BEEN REVIEWED AND APPROVED UNDER THE APPLICABLE ZONING OR SITING PROCESS, OR UNDER ANOTHER STATE OR LOCAL REGULATORY REVIEW PROCESS, EVEN IF THE STRUCTURE WAS NOT BUILT FOR THE SOLE OR PRIMARY PURPOSE OF PROVIDING SUCH SUPPORT.

THE DEFINITION OF BASE STATION DOES NOT INCLUDE ANY STRUCTURE THAT, AT THE TIME THE RELEVANT APPLICATION IS FILED WITH THE CITY, DOES NOT SUPPORT OR HOUSE EQUIPMENT DESCRIBED IN PARAGRAPHS 1 AND 2 ABOVE.

Basement shall mean any level of a building where more than one-half (1/2) of the vertical distance between floor and ceiling is below the grade of the site.

Beacon (see *Searchlight, strobe light or beacon*).

Bed and breakfast shall mean a building, or portion thereof, of residential character, offering temporary lodging for compensation and at least one (1) meal daily for guests and having a manager residing on the premises. Rooms in a bed and breakfast shall not be rented more than twice during any twenty-four-hour period.

Bedroom shall mean any room intended and used principally for sleeping purposes.

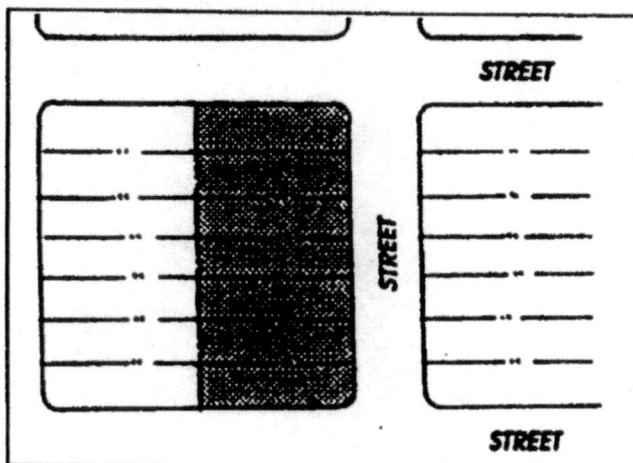
Berm shall mean a mound of earth, higher than grade, used for screening, definition of space, noise attenuation and decoration in landscaping.

Bicycle parking space shall mean a space for one (1) standard bicycle, located in a secure bicycle rack on the same lot as the structure for which the bicycle parking is intended to serve.

Billboards and bus bench/shelter sign (see *Off-premises advertising device*).

Block shall mean a group of lots within defined and fixed boundaries of a subdivision and usually being an area surrounded by streets or other features such as parks, railroad rights-of-way or municipal boundary lines.

Block face shall mean all lots on one (1) side of a block.



Block face

Board and care home shall mean a residential facility providing room and board to one (1) or two (2) individuals who are not related to the owner or principal occupant and who, because of

impaired capacity for independent living, elect protective oversight, personal services and social care, but do not require regular twenty-four-hour medical or nursing care. A board and care home shall not be considered an assisted living unit or nursing home.

Boarding and rooming house shall mean a building or portion thereof which is used to accommodate boarders or roomers, not including members of the occupant's immediate family who might be occupying such building, and whose occupants shall have common access to kitchen, bathroom and dining areas. Boarding and rooming houses shall not include hotels, motels and lodges.

Brewpub shall mean a business for the brewing, sale and consumption of alcoholic beverages on the premises and which may also prepare and sell food on the premises.

Buffer shall mean to promote separation and compatibility between land uses of different intensities within or adjacent to a development, or along roadways or other public areas through the use of setbacks, natural vegetation, berms, fences, walls or a combination thereof. The term *buffer* may also be used to describe the methods used to promote compatibility such as a landscape buffer.

Buffer yard shall mean that area intended to provide buffering between land uses of different intensities or along roadways or other public rights-of-way.

Building shall mean any structure built for the shelter or enclosure of persons, animals or property of any kind, excluding fences or walls.

Building appurtenance shall mean the visible, functional or ornamental object accessory to and part of a building.

Building Code shall mean any law, ordinance or code which is in force in the City and which pertains to the design and construction of buildings and other structures, or to any components thereof, such as cooling and heating, plumbing, electricity and the like.

Building envelope shall mean the area in which a building or structure is constructed or placed in a development and in which the land area beyond the envelope is under the common ownership of all property owners within the development.

Building footprint shall mean the outline of the total area which is covered by a building's perimeter at the ground level.

Building frontage shall mean the horizontal linear dimension which is designated as the primary facade of that portion of a building occupied by a single use or occupancy. Corner tenants will be permitted to use their secondary facade to determine their *building frontage*.

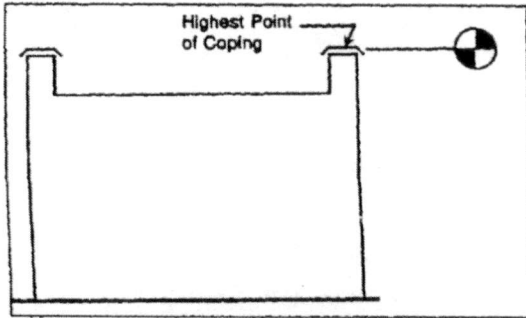
Building frontage, principal shall mean the horizontal linear dimension which is designated as the primary façade of that portion of a building occupied by a single use or occupancy.

Building frontage, secondary shall mean that dimension of a building abutting a public right-of-way other than the principal building frontage.

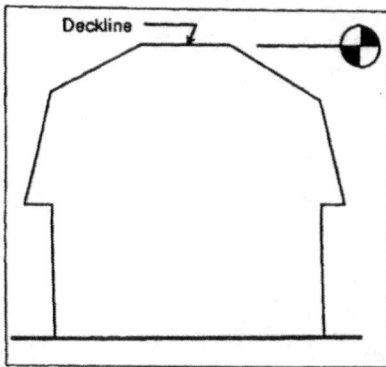
Building or structure height shall mean the vertical distance from grade at an exterior wall of a building or structure to the highest point of the coping of a flat roof, to the average height of the highest gable of a hipped roof, or a monitor roof, or to the highest point of a curved roof. For the purposes of measuring the setback and height performance options in Section 18.38.100 of this Title, setback increases shall only be required for that portion of the building for which a height increase is sought. This measurement shall be exclusive of church spires, cupulas, chimneys, ventilators, pipes and similar appurtenances. For purposes of this definition, *grade* as a point of measure shall mean either of the following, whichever yields a greater height of building or structure:

- a. The elevation of the highest ground surface within a five-foot horizontal distance from the exterior wall of the building, when there is less than a ten-foot difference between the highest and lowest ground surface within a five-foot horizontal distance from said wall.
- b. An elevation ten (10) feet higher than the lowest ground surface within a five-foot horizontal distance from the exterior wall of the building, when there is greater than a ten-foot difference between the highest and lowest ground surface within a five-foot horizontal distance from said wall.

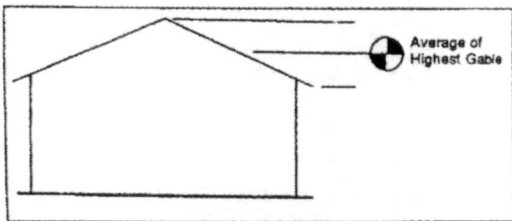
The height of the building is the vertical distance above a reference datum measured to:



Building with flat roof (measured to highest point of coping)



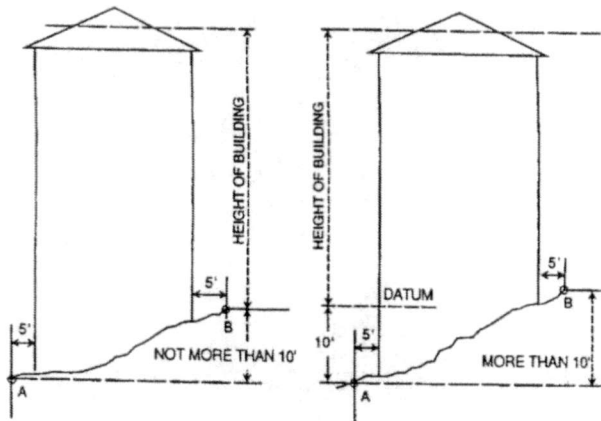
Mansard roof (measured to deckline)



Hipped or gabled roof (measured to average of highest gable)



**Gabled roof (2 or more gables)
(Measured to the average of the
highest gable)**



* Measure height at ten (10) feet above the lowest point of the ground.

Building, principal shall mean the primary building on a lot or a building that houses the principal use.

Building unit, as used in Chapter 18.56, shall mean a building or structure intended for human occupancy. A dwelling unit, every guest room in a hotel/motel, every five thousand (5,000) square feet of building floor area in commercial facilities and every fifteen thousand (15,000) square feet of building floor area in warehouses or other similar storage facilities is equal to one (1) building unit.

Business identification sign shall mean a sign giving the name, nature, logo, trademark or other identifying symbol of a business and which may also include the address of the business.

CAMOUFLAGE, CONCEALMENT, OR CAMOUFLAGE DESIGN TECHNIQUES SHALL MEAN THE DESIGNING OF A WIRELESS COMMUNICATIONS FACILITY TO ALTER ITS APPEARANCE IN SUCH A MANNER AS TO HIDE ITS TRUE CHARACTER WHILE INTEGRATING WITH SURROUNDING BUILDING DESIGNS AND/OR NATURAL SETTINGS TO MINIMIZE THE VISUAL IMPACTS OF THE FACILITY ON THE SURROUNDING USES AND ENSURE THE FACILITY IS COMPATIBLE WITH THE ENVIRONMENT IN WHICH IT IS LOCATED. A WIRELESS COMMUNICATIONS FACILITY SITE UTILIZES CAMOUFLAGE DESIGN TECHNIQUES WHEN IT (I) IS INTEGRATED AS AN ARCHITECTURAL FEATURE OF

AN EXISTING STRUCTURE SUCH AS A CUPOLA, OR (II) IS INTEGRATED IN AN OUTDOOR FIXTURE SUCH AS A UTILITY TOWER, OR (III) USES A DESIGN WHICH MIMICS AND IS CONSISTENT WITH THE NEARBY NATURAL OR ARCHITECTURAL FEATURES (SUCH AS A CLOCK TOWER) OR IS INCORPORATED INTO (INCLUDING WITHOUT LIMITATION, BEING ATTACHED TO THE EXTERIOR OF SUCH FACILITIES AND PAINTED TO MATCH IT) OR REPLACES EXISTING PERMITTED FACILITIES (INCLUDING WITHOUT LIMITATION, STOP SIGNS OR OTHER TRAFFIC SIGNS OR FREESTANDING LIGHT STANDARDS) SO THAT THE PRESENCE OF THE WIRELESS COMMUNICATIONS FACILITY IS NOT READILY APPARENT.

Candela is a unit of luminous intensity, defined as the luminous intensity of a source that emits monochromatic radiation of frequency 540×10^{12} Hertz and that has a radiant intensity of 1/683 watt/steradian and adopted in 1979 as the international standard of luminous intensity.

Canopy shall mean a roofed structure for the purpose of shielding pedestrian walkways or driveways which service operations or equipment, such as with a gas station or bank drive-up facility.

Cemetery shall mean land used for the burial of the dead and dedicated for cemetery purposes, including columbariums and mausoleums.

CELL ON WHEELS (COW) SHALL MEAN A MOBILE CELL SITE THAT CONSISTS OF AN ANTENNA TOWER AND ELECTRONIC RADIO TRANSCEIVER EQUIPMENT ON A TRUCK OR TRAILER, DESIGNED TO BOOST RECEPTION AS PART OF A LARGER CELLULAR NETWORK AND IS TEMPORARY IN NATURE.

Center line (of public right-of-way) shall mean a line running midway between the bounding right-of-way lines of a street or alley. For the purposes of calculating signage, the center line shall mean the apparent center line of the road determined by finding the point midway between the outer edges of the road surface.

Change of use shall mean a use that substantially differs from the previous use of a building or land and which may affect such things as parking, drainage, circulation, landscaping, building configuration, noise or lighting. A change of ownership which does not include any of the factors listed above shall not be considered a change of use.

Changeable copy sign (also known as a *marquee sign*) shall mean a sign designed to allow the changing of copy as with individual letters through manual means, without altering the sign backing or structure in any such way.

Channel shall mean a natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuous or periodic flowing water.

Channel letters, individual letters, raceway and channel sign shall mean individual letters, flat cutout letters or symbols constructed to be applied singly in the formation of a wall sign or freestanding sign.

Channelization shall mean the artificial creation, enlargement or realignment of a stream channel.

Character shall mean the sum or composition of a building's or group of buildings' attributes which serve to distinguish its appearance and establish its visual image. Attributes that contribute to character include, but are not limited to, size, shape and height of buildings, materials, architectural style, sidewalk location and vegetation.

Character overlay district shall mean an overlay district established for the purposes of maintaining and preserving the attributes which make up the character of a particular and definable area within the City, as provided for in Chapter 18.34.

Chief Building Official shall mean the Chief Building Official of the City.

Child care center shall mean a facility which is maintained for the whole or part of a day for the care of seven (7) or more children under the age of sixteen (16) years and not related to the owner, operator or manager, whether such facility is operated with or without compensation for such care and with or without stated educational purposes. This term also includes, but is not limited to,

facilities commonly known as day-care centers, day nurseries, nursery schools, preschools, play groups, day camps and summer camps.

Child care home shall mean a facility providing care and/or training in a place of residence, on a regular basis, for compensation, for no more than six (6) children under the age of sixteen (16) years who are not related to the caretakers and not including twenty-four-hour care. This type of child care home provides less than twenty-four-hour care for two (2) or more children on a regular basis in a place of residence.

- a. Care may be provided for up to six (6) children from birth to thirteen (13) years of age with no more than two (2) children under two (2) years of age. This shall not prohibit the care of children with special needs ages thirteen (13) to eighteen (18).
- b. Care also may be provided for no more than two (2) additional children of school age attending full-day school. School-age children are children enrolled in a kindergarten program a year before they enter the first grade and children six (6) years of age and older.
- c. Residents of the home under twelve (12) years of age who are on the premises and all children on the premises for supervision shall be counted against the approved capacity.
- d. A major child care home is a state-licensed child care facility in a home, operated by an experienced child care provider/proprietor for the purposes of care for up to nine (9) children in conformance with the Colorado Code of Regulations.

Church shall mean a place designed and intended for the regular assembly for the purposes of religious worship, meetings and other church-sponsored activities. Accessory uses such as schools, day-care centers, columbariums, counseling services and bingo parlors shall be permitted, provided that such accessory uses shall be secondary to that of normal church activities and shall be permitted within the zoning district in which the subject property is located.

Circumference shall mean the perimeter measurement of a building or structure, measured as a continuous line.

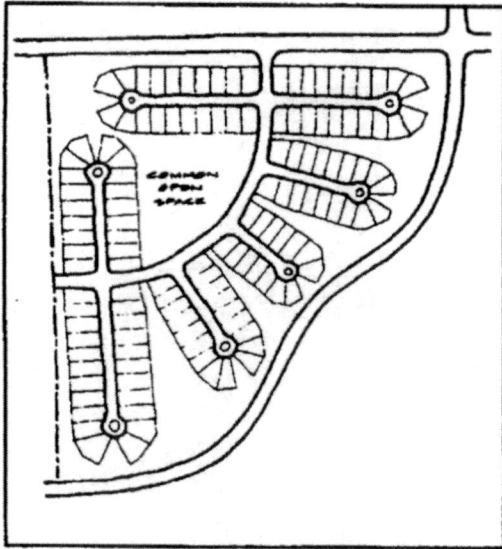
City shall mean the City of Greeley, Colorado.

City Council shall mean the City Council of the City of Greeley, Colorado.

City Manager shall mean the City Manager, or the City Manager's designee or other official, body or agency designated by the Charter or ordinance to act on behalf of the City of Greeley.

Clear vision zone or area shall mean that area which the City requires an unobstructed line of sight necessary for most drivers stopped at an intersection to see an approaching vehicle, pedestrian or bicyclist to avoid a collision.

Cluster subdivision or development shall mean a form of development in which the lot sizes are reduced and the resulting land area is devoted to common open space.



Cluster subdivision

Co-generation plant shall mean a facility for the purposes of producing power as a by-product of a manufacturing or power-producing process.

Collector Street (see *Street*).

COLLOCATION SHALL MEAN THE MOUNTING OR INSTALLATION OF TRANSMISSION EQUIPMENT ON AN ELIGIBLE SUPPORT STRUCTURE FOR THE PURPOSE OF TRANSMITTING AND /OR RECEIVING RADIO FREQUENCY SIGNALS FOR COMMUNICATIONS PURPOSES.

Columbarium shall mean a structure or place for the interment of ashes of the cremated dead.

Commemorative sign shall mean a sign, tablet, cornerstone or plaque memorializing a person, event, structure, site or landmark and not used to advertise a product, service or activity.

Commercial or industrial development identification sign shall mean an on-premises sign for identifying a commercial or industrial development, park or subdivision.

Commercial mineral deposit shall mean a natural mineral deposit of limestone used for construction purposes, coal, sand, gravel and quarry aggregate, for which extraction is or will be commercially feasible and regarding which it can be demonstrated by geologic, mineralogic or other scientific data that such deposit has significant economic or strategic value to the area, state or nation.

Commission shall mean the Planning Commission of the City, or in Chapter 18.56, the Oil and Gas Conservation Commission of the State of Colorado (OGCC).

Common consumption area shall mean an area designed as a common area located within a designated Entertainment District and approved by the Local Licensing Authority that uses physical barriers to close the areas to motor vehicle traffic and limit pedestrian access.

Community as used in Chapter 18.48 shall mean one (1) or more populations of plants and animals in a common grouped arrangement, within a specified area.

Community Development Director shall mean the Community Development Director of the City.

Community event sign shall mean a sign that provides information relating to any community event sponsored by a nonprofit group or agency.

Compatible shall mean having harmony in design, appearance, use and/or function of the characteristics of a building or structure, a neighborhood or an area. Design characteristics may include, but are not limited to, height, mass, scale, land use, architecture, color and materials.



Compatible roof pitch, scale, massing and height

Comprehensive Plan shall mean the Comprehensive Plan of the City, as provided for in the City Charter and which provides for the future growth and improvement of the community, for the preservation of historic and natural resources and for the general location and coordination of streets and highways, recreation areas, public building sites and other physical development.

Conditional Letter of Map Revision (CLOMR) shall mean FEMA's comment on a proposed project which does not revise an effective floodplain map, which would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodplain.

Condominium shall mean a form of ownership in which the interior floor space of a unit or area is owned individually, and the structure, common areas and facilities are owned by all of the owners on a proportional, undivided basis.

Conical surface shall mean a surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) to one (1) for a horizontal distance of four thousand (4,000) feet.

Conservation easement shall mean an easement acquired by the public and which is designed to restrict the use of private land to preserve open space or natural resource areas.

Contractor sign shall mean a sign naming those engaged in the design, financing and construction on the property where the sign is located.

Convenience store shall mean a general retail store which sells goods which may include ready-to-eat products, groceries and sundries which comprise more than twenty-five (percent 25%) of all sales and which may accompany gasoline pumps and the sale of gasoline.

Copy or print shop shall mean an establishment that provides duplicating services using photocopy, blueprint, offset and typesetting printing equipment and including collating of booklets and reports.

Cornerstones shall mean a stone forming a part of a corner or angle in a wall that provides building identification.

Correctional facility shall mean a secured facility providing housing and treatment of those convicted and confined for serious criminal offenses.

Corridor or movement corridor shall mean a belt, band or stringer of vegetation or topography that provides a completely or partially suitable habitat and which animals follow during daily, periodic or seasonal movements.

Coverage shall mean land area which is covered with impervious surfaces, such as buildings, patios or decks with roofs, carports, swimming pools, tennis courts or land area covered by any other type of structure, including parking lots.

Crematorium shall mean a place for the cremation of human or animal remains.

Critical facility shall mean a structure or related infrastructure, but not the land on which it is situated, as specified in Section 18.34.130, that, if flooded, may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood.

Critical feature shall mean an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

Cul-de-sac shall mean a local street of no more than five hundred (500) feet in length, with one (1) open end and the other end terminating in a vehicular turn around.

Day shall mean a calendar day.

Deciduous shall mean a plant with foliage that is shed annually.

Deck shall mean a floored outdoor area, typically elevated above grade and adjoining a residential dwelling.

Dedication shall mean setting aside property for a specific purpose, including but not limited to streets, utilities, parks and trails.

Density shall mean the number of dwelling units per gross acre of land area.

Detention area shall mean an area which is designed to capture specific quantities of storm water and to gradually release the same at a sufficiently slow rate to reduce the risk of flooding.

Developing shall mean a lot, or grouping of lots or tracts of land, with less than sixty percent (60%) of their perimeter boundary adjacent to existing development. For the purposes of this definition, public parks, natural areas and other such areas which are not eligible for further development shall be considered *developed*. Areas which were originally platted prior to 1978 and which have at least seventy-five percent (75%) of the lots in the development built on within this twenty-year period shall also be considered *developed*. A replat of the original plat shall not affect the commencement of this twenty-year period.

Development shall mean any construction or activity which changes the basic character or use of land on which construction or activity occurs, including but not limited to, any non-natural change to improved or unimproved real estate, substantial improvements to buildings or other structures, mining, dredging, filling, grading, paving, extraction or drilling operations.

Development concept master plan shall mean a preliminary master plan for the development of a large or complicated land area, the platting of which is expected in progressive stages.

Development or subdivider's agreement shall mean a written instrument for the purposes of specifying all improvements to be constructed by the subdivider, as well as the time table for construction of such improvements, any special conditions of construction and construction cost estimates.

DFIRM database shall mean a database (usually spreadsheets containing data and analyses that accompany DFIRMs). The FEMA Mapping Specifications and Guidelines outline requirements for the development and maintenance of DFIRM databases.

Digital Flood Insurance Rate Map (DFIRM) shall mean a FEMA digital floodplain map. These digital maps serve as regulatory floodplain maps for insurance and floodplain management purposes.

Direct lighting shall mean spot or floodlighting used to illuminate a sign surface.

Directional on-site shall mean signs that direct the movement or placement of pedestrian or vehicular traffic on a lot without reference to, or inclusion of, the name or logo of a product sold or

services performed on the lot or in a building, structure or business enterprise occupying property, such as "welcome," "entrance," "exit," "restrooms," "parking," "loading area" and "drive-thru."

Director, for the purposes of Chapter 18.56, shall mean the Director of the Oil and Gas Conservation Commission of the State of Colorado.

Directory sign shall mean a sign listing the names, uses or locations of the various businesses or activities conducted within a building or group of buildings, that is centrally located and intended to provide on-site directions and is not legible off-site.

Dissolve shall mean a mode of message transition on an electronic message display accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second message.

District shall mean a portion of the community within which uniform regulations apply.

Downtown Entertainment District shall mean that area contained within the south curb flow line of 7th Street, the west curb flow line of 8th Avenue, the north curb flow line of 10th Street and the east curb flow line of 9th Avenue.

Drive-in or drive-thru shall mean an establishment that, by design of physical features or by service or packaging procedures, encourages or permits customers to order and receive food or beverages while remaining in a motor vehicle for consumption on or off the site and which includes a menu board and audio or video speakers.

Drive-up shall mean an establishment that, by design of physical facilities or by service or packaging procedures, encourages or permits customers to receive services or obtain or drop off products while remaining in a motor vehicle and which excludes a menu board and/or audio or video speakers.

Driveway shall mean an improved concrete or asphalt path leading directly to one (1) or more City-approved parking spaces constructed with a concrete, asphalt or similar all-weather surface.

Dry wash channel shall mean natural passageways or depressions of perceptible extent, containing intermittent or low-base flow.

Dust abatement plan shall mean a plan intended and designed to control dust during the construction or development of property.

Dwelling or residence, multiple-family shall mean a building, site or a portion thereof which contains three (3) or more dwelling units, not including hotels, motels, fraternities, sororities and similar group quarters.

Dwelling or residence, secondary shall mean a second, freestanding residential building constructed or placed on an infill lot or tract of land which contains a principal residential building.

Dwelling or residence, single-family shall mean a detached principal building, other than a mobile home, designed for and used as a single dwelling unit by one (1) family. The term *single-family residence* shall include a manufactured home which:

- a. Is partially or entirely manufactured in a factory;
- b. Is not less than twenty-four (24) feet in width and thirty-six (36) feet in length;
- c. Is installed on an engineered permanent foundation;
- d. Has a brick, wood or cosmetically equivalent exterior siding and all exterior walls which provide a consistent, continuous facade from the bottom of the soffit (top of the wall section) downward to the top of the exposed perimeter wall, foundation or to grade, whichever is applicable; and has a pitched roof; and
- e. Is certified pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. §5401, et seq., as amended, and all regulations enacted pursuant thereto, including any local modifications as are expressly allowed by federal law, or which has been certified by the State of Colorado as being in compliance with the

requirements of the Uniform Building code, as adopted by the State of Colorado and as is enforced and administered by the Colorado Division of Housing.

Dwelling or residence, two-family shall mean a building containing two (2) independent living units and which may commonly be referred to as a *duplex*.

Dwelling unit shall mean one (1) room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease as a single unit, on a monthly basis or longer, physically separated from any other room or dwelling units which may be in the same structure and served by no more than one (1) gas meter and one (1) electric meter.

Easement shall mean a right granted by a property owner permitting a designated part of interest in the property owner's property to be used by others for a specific use or purpose.

Ecological character shall mean the natural features and attributes of an area or landscape that, combined, give the area its character.

Educational facility, as used in Chapter 18.56, shall mean any building used for legally allowed educational purposes for more than twelve (12) hours per week for more than six (6) persons. This includes any building or portion of building used for licensed day-care purposes for more than six (6) persons.

Election sign shall mean a sign related to public election.

Electronic message display shall mean a sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.

Elderly group housing shall mean a building which is occupied by not more than eight (8) persons who are sixty (60) years of age or older and who use the building as their primary residence, if the building is either owned by some or all of them or by a nonprofit corporation.

Elevated building shall mean a nonbasement building built to have the top of the elevated floor above the ground level by means of pilings, columns (posts and piers) or shear walls parallel to the flow of the water and adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. *Elevated building* also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

ELIGIBLE FACILITIES REQUEST SHALL MEAN ANY REQUEST FOR MODIFICATION OF AN EXISTING TOWER OR BASE STATION THAT IS NOT A SUBSTANTIAL CHANGE.

ELIGIBLE SUPPORT STRUCTURE SHALL MEAN ANY TOWER OR BASE STATION AS DEFINED IN THIS CHAPTER, PROVIDED THAT IT IS EXISTING AT THE TIME THE RELEVANT APPLICATION IS FILED WITH THE CITY UNDER THIS CHAPTER.

Emergency shelter or mission shall mean a facility operated by a nonprofit, charitable or religious organization providing temporary housing, food, clothing or other support services, such as counseling and referral services, primarily for homeless individuals or those at risk.

Enhancement shall mean the improvement of the land or water of the impacted or replacement area, beyond that which would occur without the development.

Entertainment District shall mean an area within the City that is designated as an Entertainment District of a size no more than one hundred (100) acres and containing at least twenty thousand (20,000) square feet of premises licensed as a tavern, hotel and restaurant, brew pub, retail gaming tavern or vintner's restaurant at the time the District is created.

Entertainment establishment shall be a land use designation in addition to the underlying principal land use and shall mean:

- a. Any commercial establishment which shares a common wall or zero lot line property boundary with a residential land use or that is within one hundred (100) feet of a residential land use as measured from building to building, and:

1. Dispenses alcohol beverages on the premises and where amplified or live entertainment is provided; or
2. Does not dispense alcohol beverages but provides amplified or live entertainment either independent of or in conjunction with any other uses, except where amplified sound is provided only as background entertainment and at levels not to interrupt normal conversation at or beyond the property line.

Evergreen shall mean a plant with foliage that persists and remain green year-round.

Existing development shall mean any development in the City once all public improvements, including water, sewer, streets, curb, gutter, streetlights, fire hydrants and storm drainage facilities, are installed and completed.

EXISTING TOWER OR BASE STATION SHALL MEAN A CONSTRUCTED TOWER OR BASE STATION THAT WAS REVIEWED, APPROVED, AND LAWFULLY CONSTRUCTED IN ACCORDANCE WITH ALL REQUIREMENTS OF APPLICABLE LAW AS OF THE TIME IT WAS BUILT; FOR EXAMPLE, A TOWER THAT EXISTS AS A LEGAL, NON-CONFORMING USE AND WAS LAWFULLY CONSTRUCTED IS EXISTING FOR PURPOSES OF THIS DEFINITION.

Exposed incandescent or high intensity discharge lighting shall mean any sign or portion of a sign that utilizes an exposed incandescent or high intensity lamp, with the exception of neon.

Exterior or perimeter wall shall mean a wall, elements of a wall, parapet wall or any elements or groups of elements which define the exterior boundaries or courts of a building.

Facade shall mean the exterior face of a building.

Fade shall mean a mode of message transition on an electronic message display accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

Family shall mean an individual living alone, or any number of persons living together as a single household who are interrelated by blood, marriage, adoption or other legal custodial relationship; or not more than two (2) unrelated adults and any number of persons related to those unrelated adults by blood, adoption, guardianship or other legal custodial relationship. In multi-family units, the number of unrelated adults shall be determined based on the provisions of the City's Housing Code. For purposes of this definition, a bona fide employee of the family who resides in the dwelling unit and whose live-in status is required by the nature of his or her employment shall be considered a member of the family.

Farming shall mean the production of crops such as vegetables, fruit trees or grain; the growing of trees and shrubs for landscape purposes; and the raising of farm animals such as poultry or swine, which shall be limited to the animal unit capacity as determined in the definition of *animal unit* and the Animal Unit Equivalency Chart in these definitions. Farming shall not include the commercial raising of animals, commercial production of milk, commercial pen feeding (feed lots) or the commercial feeding of garbage or offal to swine or other animals.

Federal register shall mean the official daily publication for rules, proposed rules, and notices of federal agencies and organizations, as well as executive orders and other presidential documents.

Fence shall mean any artificially constructed barrier of an approved material or combination of materials erected vertically to enclose or screen areas of land.

Figures shall mean an outline, shape or pattern of numbers, letters or abstract images.

Filing plat (see *Plat, filing*).

Financial security or guarantee shall mean a financial obligation, in a form acceptable to the City, which assures completion and payment for all improvements related to development of property.

Flag shall mean material attached to or designed to be flown from a flagpole or similar device and which may display the name, insignia, emblem or logo of any nation, state, municipality or commercial or noncommercial organization (see also *Pennants*).

Flashing or animated shall mean signs or lighting with flashing, blinking, moving or other animation effects or that give the visual impression of such movement by use of lighting, or intermittent exhibits or sequential flashing of natural or appearance of artificial light or colors, including those signs that rotate, revolve, spin, swing, flap, wave, shimmer or make any other motion, or illusion of motion, or which imitate official governmental protective or warning devices (see *Imitating sign*).

Flea or farmer's market shall mean an occasional or periodic sales activity held within a building, structure or open area where groups of individual sellers offer new and used goods or produce for sale to the public, not including private garage sales.

Flood or flooding shall mean a general and temporary condition of partial or complete inundation of normally dry land areas from the unusual and rapid accumulation or runoff of surface waters from any source.

Flood, base shall mean a flood having a one-percent chance of being equaled or exceeded in any year. This term is used interchangeably with the terms *intermediate regional flood* , *one-hundred-year flood* , *one-percent flood* and *area of special flood hazard* .

Flood Boundary and Floodway Map (FBFM) shall mean an official map, as amended from time to time, issued by the Federal Emergency Management Agency, where the boundaries of the base flood, floodway and five-hundred-year flood have been delineated.

Flood control structure shall mean a physical structure designed and built expressly or partially for the purpose of reducing, redirecting or guiding flood flows along a particular waterway. These specialized flood-modifying works are those constructed in conformance with sound engineering standards.

Flood fringe shall mean that portion of the floodplain that could be obstructed without increasing the water surface elevation of the base flood more than one (1) foot.

Flood hazard, area of special shall mean the land within the floodplain within a community subject to a one-percent or greater chance of flooding in any given year.

Flood Insurance Rate Map (FIRM) shall mean an official map issued by the Federal Emergency Management Agency, as amended from time to time, where the boundaries of the base flood, five-hundred-year flood, water surface elevations of the base flood and Special Flood Hazard Areas and the risk premium zones have been delineated.

Flood Insurance Study (FIS) shall mean an official study by the Federal Emergency Management Agency, as amended from time to time, examining, evaluating and determining flood hazards, corresponding water surface elevations and flood profiles of the base flood.

Floodplain shall mean an area which is adjacent to a stream or watercourse and which is subject to flooding as a 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. This term includes but is not limited to, mainstream floodplains, debris fan floodplains and dry wash channels and floodplains.

Floodplain, debris fan shall mean a floodplain located on land forms that form by deposition of water-transported rock fragments, soil and vegetation debris at the confluence of tributary streams with a larger trunk stream valley.

Floodplain, dry wash shall mean an area adjacent to a dry wash channel which is periodically subject to sudden water and debris flooding.

Flood protection elevation, regulatory shall mean the elevation one (1) foot above the peak water surface elevation of the base flood.

Floodplain Administrator shall mean the community official designated by title to administer and enforce the floodplain management regulations.

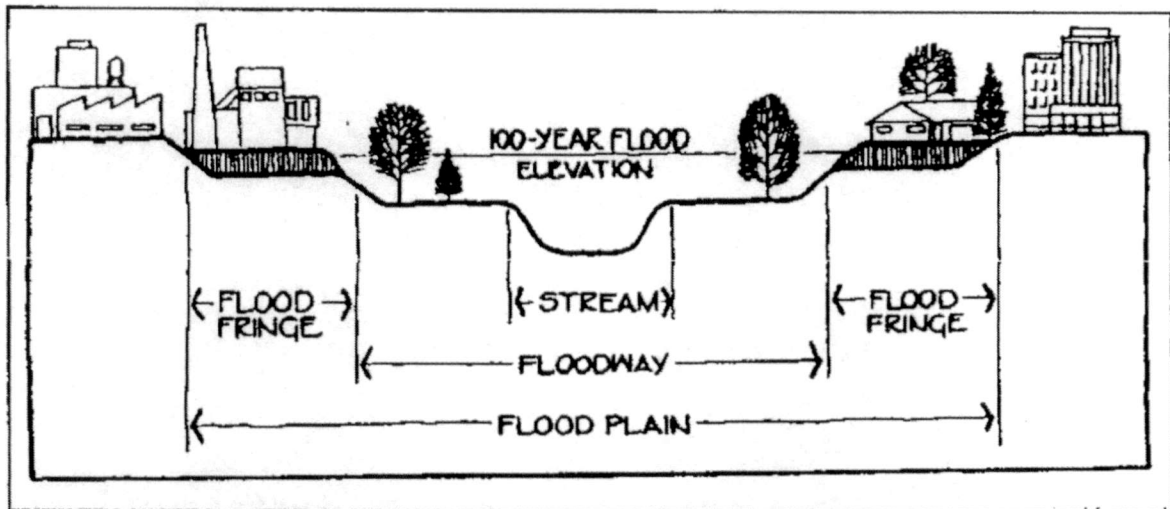
Floodplain development permit shall mean a permit required before construction or development begins within any Special Flood Hazard Area (SFHA). Permits are required to ensure that proposed development projects meet the requirements of the NFIP and Chapter 18.34 of this Code.

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

Floodplain management regulations shall mean zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such federal, state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

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

Floodway (regulatory floodway) shall mean the channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. The statewide standard for the designated height to be used for all newly studied reaches shall be one-half foot (six [6] inches). Letters of map revision to existing floodway delineations may continue to use the floodway criteria in place at the time of the existing floodway delineation.



Floodway, floodplain, flood fringe

Floor area, gross shall mean the total area of a building measured by taking the outside dimensions of the building at each floor level, or from the center lines of walls separating two (2) buildings and excluding areas used exclusively for the service of the building such as mechanical equipment spaces and shafts, elevators, stairways, escalators, ramps, loading docks, cellars, unenclosed porches, attics not used for human occupancy, any floor space in accessory buildings, or areas within the building which are intended for the parking of motor vehicles.

Floor area ratio shall mean the ratio of floor area to lot area, commonly referred to as *FAR*.

Flow line shall mean the low point within a street section wherein water is intended to collect and flow, typically the gutters along each edge of pavement.

Food and beverage processing facility (major) shall mean a manufacturing establishment packaging, producing or processing foods for human consumption and certain related products and

includes, but is not limited to the following: (1) bakery products, sugar and confectionary products (except facilities that produce goods only for on-site sales and not wider distribution); (2) dairy products processing; (3) fats and oil products (not including rendering plants); (4) fruit and vegetable canning, preserving and related processing; (5) grain mill products and by-products; (6) meat, poultry and fish canning, curing and byproduct processing (not including facilities that also slaughter animals); and (7) miscellaneous food preparation from raw products, including catering services that are independent from food stores or restaurants.

Food and beverage processing facility (minor) shall mean a manufacturing establishment primarily for packaging, producing or processing foods for human consumption that meets the definition of *food and beverage processing (major)* but which also dedicates a portion of the building footprint's square footage (a minimum of ten percent [10%], up to fifty percent [50%]) to sales of food, beverages and/or other retail for on-premises purchase and/or consumption; and which occupies a site of three (3) acres or less; and which cannot generate offensive odors, emissions, traffic or other off-site impacts or shall otherwise be considered a major food processing facility.

Frame shall mean a complete, static display screen on an electronic message display.

Frame effect shall mean a visual effect on an electronic message display applied to a single frame to attract the attention of viewers.

Fraternities and sororities shall mean student organizations established primarily to promote friendship and welfare among the members and which shall provide a place of residence for members.

Freeboard shall mean the vertical distance in feet above a predicted water surface elevation intended to provide a margin of safety to compensate for unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood, such as debris blockage of bridge openings and the increased runoff due to urbanization of the watershed.

Freestanding sign shall mean a sign which is not attached to any building. A freestanding sign shall include, but is not limited to, a pole, monument, a canopy and freestanding wall sign. A sign that extends more than four (4) feet from a wall but is attached and/or is part of a canopy or an awning shall be considered a freestanding sign.

Freestanding wall or fence shall mean either a wall that is not attached to a building or a wall attached to a building that projects more than four (4) feet beyond the exterior wall of the habitable portion of the building.

Frontage lot/property shall mean that portion of a lot that is directly adjacent to a public street.

Funeral home or mortuary shall mean a building or part thereof used for human funeral services, which may contain space and facilities for services used in preparation of the dead for burial; the storage of caskets, urns and other related funeral supplies; and the storage of funeral vehicles. *Funeral homes* shall not include crematoriums as accessory uses.

Garage or yard sale shall mean the occasional sale of new or used goods at a residence, which may be held outside and/or within a garage or accessory building and which shall occur no more than two (2) times during a calendar year, for no more than three (3) consecutive days each time, within any consecutive twelve-month period.

Gas shall mean all natural gases and all hydrocarbons not defined as oil.

General Improvement District #1 shall mean that nineteen-block district bounded by 11th Street to the south, 6th Street to the north, 7th Avenue to the east and 11th Avenue to the west, excluding City Block 35.

Geologic hazard shall mean a geologic condition which is adverse to current or foreseeable future construction or land use associated therewith, constituting a hazard to public health and safety or property, including but not limited to, landslide, rock fall, subsidence, expansive soils, slope failure, mudflow or other unstable surface or subsurface conditions.

Ghost sign shall mean old hand-painted signage that has been preserved on a building for an extended period of time, whether by actively keeping it or choosing not to destroy it.

Glare shall mean a sensation of brightness within the visual field that causes annoyance, discomfort or loss in visual performance and visibility.

Grade shall mean the average elevation of the finished surface of the ground, paving or sidewalk with a radius of five (5) feet from the base of the structure.

Graphics shall mean drawings, decals, paint or illustrations.

Gravel shall mean inert materials such as loose fragments of rock larger than "pea" size and commonly used as parking surface material.

Gross floor area (see *Floor area*).

Gross land area shall mean the total land area of a site or property, including land to be dedicated for streets and other public purposes.

Ground cover shall mean those materials used to provide cover of the soil in landscaped areas and shall include river rock, cobble, boulders, patterned concrete, grasses, flowers, low growing shrubs and vines and those materials derived from once-living things, such as wood mulch.

Ground kites are freestanding frames usually covered with flexible fabric and designed to be animated by the wind to attract attention.

Group home shall mean a residence operated as a single dwelling housing no more than eight (8) individuals, licensed by or operated by a governmental agency, for the purpose of providing special care or rehabilitation due to physical condition or illness, mental condition or illness, or social or behavioral problems, provided that authorized supervisory personnel are present on the premises. *Group homes* shall not include alcoholism or drug treatment centers, work release facilities or other housing facilities serving as an alternative to incarceration. Group homes which are mandated by federal or state regulations shall be permitted as required by law.

Group home, over eight (8) residents shall mean an institutional facility for more than eight (8) individuals, licensed by or operated by a governmental agency, for the purpose of providing special care or rehabilitation due to physical condition or illness, mental condition or illness, social or behavioral problems, for alcoholism or drug treatment, or work release facilities.

Guest shall mean a person who is visiting at the principal or primary home of another person for up to thirty (30) days, and which home is not the principal or primary home of the guest.

Habitat shall mean areas that contain adequate food, water and cover to enable one (1) or more species of wildlife to live in or use the area for part of all of the year and which typically consists of natural or planted vegetation, along with one (1) or more sources of water available in the area or adjacent areas.

Habitat, aquatic shall mean areas which are typically adjacent to sub-irrigated areas or standing or flowing water and which can be identified by the presence of water at or near the ground surface, including streams, rivers, creeks, lakes, ponds, reservoirs, wetlands, marshes, springs, seep areas, bogs and riparian areas.

Habitat, terrestrial shall mean trees, shrubs, grasses, forbs and legumes which provide food and/or cover for one (1) or more species of wildlife.

Hazard shall mean any structure or use of land which endangers or obstructs the airspace required for aircraft in landing, take-off and maneuvering at the airport.

Hazard to air navigation shall mean an obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

Hazardous material shall mean any substance or materials that, by reason of their toxic, caustic, corrosive, abrasive or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance, or which may be detrimental to the natural environment and/or wildlife inhabiting the natural environment.

Health club shall mean those private establishments intended for the purpose of improving or maintaining a person's physical health and well-being, including but not limited to, private

gymnasiums, private athletic, health or recreational gyms, reducing salons and weight control establishments.

Height (see *Building height*).

Height, for the purposes of determining the height limits in all zones set forth in Chapter 18.34 and shown on the Greeley-Weld County Airport Zoning Map, shall be the mean sea level elevation unless otherwise specified.

Heliport shall mean an area licensed for the loading, landing and takeoff of helicopters, including auxiliary facilities such as parking, waiting rooms, fueling and maintenance equipment.

Helistop shall mean a heliport without auxiliary facilities.

High density area, as used in Chapter 18.56, shall mean an area determined at the time the well is permitted on a well-by-well basis, by calculating the number of occupied building units within the seventy-two-acre area defined by a one-thousand-foot radius from the wellhead or production facility and shall mean any tract of land which meets one (1) of the following:

- a. Thirty-six (36) or more actual or platted building units within a one-thousand-foot radius, or eighteen (18) or more building units are within any semi-circle of the one-thousand-foot radius, at an average density of one (1) building unit per two (2) acres. If platted building units are used to determine density, then fifty percent (50%) of said platted units shall have building units under construction or constructed;
- b. An educational facility, assembly building, hospital, nursing home, board and care facility or jail is located within one thousand (1,000) feet of a wellhead or production facility; or
- c. If a designated outside activity area is within one thousand (1,000) feet of a wellhead or production facility, the area may become high density upon application and determination by the OGCC.

High impact areas, as used in Chapter 18.48, shall mean those designated areas which contain significant natural features which would be severely and negatively compromised by development. Such areas are identified on the Areas of Ecological Significance Map.

High intensity use, for the purposes of Chapter 18.44, shall mean a use expected to have a significant effect on adjacent properties as determined on Chart 18-2, *Required Buffer Yard*.

Highest adjacent grade shall mean the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Hillside development shall mean development in areas which contain existing, natural slopes in excess of fifteen percent (15%).

Historic district shall mean a geographically definable area with a significant concentration of buildings, structures, sites, spaces or objects unified by past events, physical development, design, setting, materials, workmanship, sense of cohesiveness or related historic and aesthetic associations. The significance of a district may be recognized in a local, state or national landmarks register.

Historic preservation shall mean the protection, rehabilitation and/or restoration of districts, buildings, structures and artifacts which are considered significant in history, architecture, archaeology or culture.

Historic property shall mean the resources of the City, both public and private, including buildings, homes, replicas, structures, objects, properties, parks and sites that have importance in the history, architecture, archaeology or culture of the City, state or nation, as determined by the Historic Preservation Commission.

Historic sign shall mean a sign that has been officially designated as a historic landmark.

Historic structure shall mean any structure that is:

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

Holiday decorations shall mean temporary decorations, lighting or displays which are clearly incidental and customary and commonly associated with any national, state, local, religious or commonly celebrated holiday and which contain no commercial message.

Home occupation shall mean an occupation, profession, activity or use conducted within a residential dwelling unit that is incidental and secondary to the use of a residential dwelling unit, which does not alter the exterior of the property or affect the residential character of the residential environment and which meets the provisions of Chapter 18.36.

Home occupation, rural shall mean an accessory use to a farming operation or a nonfarm household located in a rural area, designed for gainful employment involving the sale of agricultural produce grown on the site, conducted either from within the dwelling and/or from accessory buildings located within five hundred (500) feet of the dwelling occupied by those conducting the rural home occupation.

Homeowners' association shall mean an association of homeowners or property owners within a development, typically organized for the purpose of enforcement of private covenants and/or carrying out the maintenance of common areas, landscaping, parks, building exteriors and streets.

Horizontal surface shall mean a horizontal plane one hundred fifty (150) feet above the established airport elevation, the perimeter of which in plan view coincides with the perimeter of the horizontal zone (four thousand eight hundred eight [4,808] feet above sea level).

Hospital shall mean a facility providing health services primarily for in-patients and medical or surgical care of the human sick and injured, including as an integral part, such related facilities as laboratories, out-patient services, rehabilitation and recovery services, training facilities, central service facilities and staff offices.

Hospital, nursing home, board and care facilities, as used in Chapter 18.56, shall mean buildings used for the licensed care of more than five (5) in-patients or residents.

Hotel or motel shall mean a facility offering furnished lodging accommodations on a daily or weekly rate to the general public, for which a lease or deposit is not required and which may provide additional services, such as restaurants, meeting rooms and recreational facilities. Rental of a hotel or motel room on a daily basis shall not occur more than twice during any twenty-four-hour period.

Household pet shall mean any nonvenomous species of reptile and any domestic dog, cat, rodent, primate or bird over the age of four (4) months, which is typically kept indoors. For purposes of this definition, guide or assistance animals shall not be considered household pets.

Human sign shall mean a person carrying or wearing a sign.

Hydric soils shall mean soils which are saturated, or nearly so, during all or part of the year.

Hydrophilic plant populations shall mean vegetation that requires standing or flowing water, or saturated or nearly saturated soils in order to grow.

Ideological sign shall mean a sign which is not used for the purpose of advertising, identifying or announcing any commercial product, goods, establishment, facilities or services and which conveys ideas, philosophy or religious or political views not related to a specific election.

Illumination shall mean the use of artificial or reflective means for the purpose of lighting a sign.

Imitating sign shall mean signs which purport to be, are an imitation of, or resemble an official traffic sign, signal or equipment which attempt to direct the movement of pedestrian or vehicular traffic using such words as "Stop," "Danger" or "Caution" to imply a need or requirement to stop, or a caution for the existence of danger, such as flashing red, yellow and green (see *Flashing or animated*).

Incidental sign shall mean nondescript signs, emblems or decals attached to a permanent structure informing the public only of those facilities or services available on the premises, such as a credit card sign or a sign indicating hours of business.

Indirect lighting shall mean reflected light or lighting directed toward or across a surface.

Individual letters (see *Channel letters*).

Infill shall mean a lot, or grouping of lots or tracts of land, with at least sixty percent (60%) of their perimeter boundary adjacent to existing development. If a right-of-way at least one hundred twenty (120) feet in width or streets designated on the Comprehensive Transportation Plan as major collectors or arterial streets are adjacent to the subject lot, lots across such a street shall be excluded for the purposes of determining *infill* and at least sixty percent (60%) of the remaining boundaries of the site shall be adjacent to existing development for the lot to be determined to be *infil*.

Inflatable sign or inflatable object shall mean any object filled with air or other gas, including balloons, which characterize a commercial symbol or contain a message.

Inspector, City, as used in Chapter 18.56, shall mean any person designated by the City Manager or the City Manager's designee, who shall have the authority to inspect a well site to determine compliance with Chapter 18.56 and other applicable ordinances of the City.

Intensity shall mean an expression of the level or nature of development in nonresidential developments, or zones or specific land uses which are expected to have a certain level of intensity.

Intermediate care facility shall mean a facility that provides, on a regular basis, personal care, including dressing and eating and health-related care and services, to individuals who require such assistance but who do not require the degree of care and treatment that a hospital or nursing care facility provides.

Internal illumination shall mean a light source that is contained within the sign itself, or where light is visible through a translucent surface.

Irrigation system shall mean an automatically or manually controlled sprinkler system that supplies water to support vegetation.

Jail, as used in Chapter 18.56, shall mean those structures where the personal liberties of occupants are restrained, including but not limited to, mental hospitals, mental sanitariums, prisons and reformatories.

Joint identification sign shall mean a sign, structure or surface which serves as a common or collective identification for two (2) or more uses on the same premises (see *Multi-tenant sign*).

Junk or refuse shall mean garbage and all other waste matter or discarded or unused material such as, but not limited to, salvage materials, scrap metal, scrap materials, bottles, tin cans, paper, boxes, crates, rags, used lumber and building materials; manufactured goods, appliances, fixtures, furniture, machinery, motor vehicles or other such items which have been abandoned, demolished or dismantled, or are in such a condition as to be unusable for their original use, but may be used again in present or different form for a new use; discarded or inoperable vehicles, machinery parts and tires; and other materials commonly considered to be refuse, rubbish or junk.

Junkyard shall mean an industrial use for collecting, storing or selling scrap metal or discarded material or for collecting, dismantling, storing, salvaging or demolishing vehicles, machinery or other material and including the sale of such material or parts.

Kenel shall be a land use designation independent of or in conjunction with another land use and shall mean any premises, operated for compensation, where four (4) or more dogs, cats or other household pets over three (3) months of age are kept for the purpose of boarding, raising, sale, breeding, training, showing, treatment, day care or grooming, whether in special structures or runs or not.

Kiosk shall mean a freestanding structure upon which temporary information and/or posters, notices and announcements are posted.

Land use shall mean the way land is occupied or utilized.

Landing shall mean a level part of a flight of stairs.

Landscape plan shall mean a plan showing the treatment of all open space areas, parking lots, parking areas, areas adjacent to the public right-of-way and other landscaped areas, which may include any combination of living plants, such as trees, shrubs, vines, ground covers, flowers or grass; natural features, such as rock, stone, bark chips or shavings; and structural features, including but not limited to, fountains, reflecting pools, screening walls, fences and benches. The *landscape plan* may include a perimeter treatment plan as defined in these definitions and shall delineate species, size and location of all landscape elements.

Landscaped area shall mean an area for the planting of trees, shrubs, ground cover or a combination thereof and which is defined by an edge strip material or the adjacency of sod or lawn area.

Landscaping shall mean any combination of living plants, such as trees, shrubs, vines, ground covers, flowers or grass; natural features, such as rock, stone, bark chips or shavings; and structural features, including but not limited to, fountains, reflecting pools, screening walls, fences and benches. Landscaping shall not be covered with parking or outdoor displays.

Large retail use shall mean a retail use or any combination of retail uses in a single building occupying more than forty thousand (40,000) square feet of gross floor area.

Larger than utility runway shall mean a runway that is constructed for and intended to be used by propeller driven aircraft of greater than twelve thousand five hundred (12,500) pounds maximum gross weight and jet powered aircraft.

Leading edge of shall mean the point of a sign, including its support structure, nearest to the public right-of-way.

Legal description shall mean a land description recognized by law, including the measurements and boundaries.

Legally nonconforming sign is a sign that was lawfully constructed prior to the most recent enactment of this Chapter and has been maintained as a sign, but which no longer complies with the provisions of Chapter 18.54 as amended.

Legible shall mean a sign capable of being read with certainty without visual aid by a pedestrian of normal visual acuity.

Letter of Map Revision (LOMR) shall mean FEMA's official revision of an effective Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs) or the Special Flood Hazard Area (SFHA).

Letter of Map Revision Based on Fill (LOMR-F) shall mean FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.

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

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

Live plantings shall mean trees, shrubs and organic ground cover which are in healthy condition.

Livestock shall mean animals typically related to agricultural or farming uses, including but not limited to, chickens, swine, sheep, goats, horses, cattle, yaks, alpacas and emus.

Living unit shall mean any habitable room or group of rooms forming a single habitable unit, used or intended to be used for living and sleeping, but not for cooking or eating.

Loading space or zone shall mean an off-street space or berth used for the loading or unloading of cargo, products or materials from vehicles.

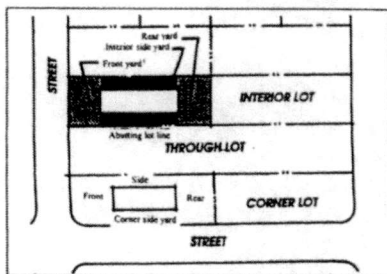
Local government designee, as used in Chapter 18.56, shall mean the office designated to receive, on behalf of the local government, copies of all documents required to be filed with the local governmental designee pursuant to the rules of the OGCC.

Local street (see *Street*).

Long-term care facility shall mean a health institution that is planned, organized, operated and maintained to provide facilities and services to inpatients who require care on a full-time basis, including continuum care facilities, hospices, congregate and nursing care facilities.

Loss shall mean a change in wildlife resources due to development activities, that is considered adverse and which would: a) reduce the biological value of habitat; b) reduce the numbers of species; c) reduce population numbers of species; d) increase population numbers of nuisance/generalist species; e) reduce the human use of wildlife resources; or f) disrupt ecosystem structure and function.

Lot shall mean a parcel of land, established by a subdivision plat, having a minimum width of at least twenty (20) feet, which shall be located on either a public right-of-way or on a legal and perpetual access and which is occupied or designed to be occupied by one (1) or more principal buildings, structures or uses.



Types of lots

Lot area shall mean the total square footage or acreage contained within lot lines.

Lot, corner shall mean a lot abutting on and at the intersection of two (2) or more streets.

Lot coverage (see *Coverage*).

Lot depth shall mean the average distance between the front and rear lot lines.

Lot, double frontage or through shall mean a lot that fronts upon two (2) parallel streets or that fronts upon two (2) streets that do not intersect at the boundaries of the lot. The lot line abutting the street which provides primary access shall be considered the front lot line.

Lot, interior shall mean a lot other than a corner lot, with frontage on only one (1) street.

Lot line shall mean a line dividing one (1) lot from another lot, or from a street or alley.

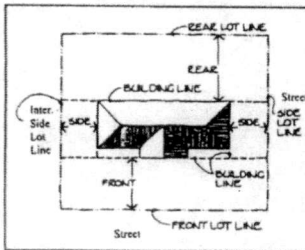
Lot line, front shall mean the property line dividing a lot from a street. On a corner lot, only one (1) street lot line, which generally has the shorter street frontage, shall be considered as a front line.

Lot line, interior side shall mean a side lot line which is adjacent to a side lot line of another lot.

Lot line, rear shall mean the line opposite the front lot line. Where the side lot lines meet in a point, the rear lot line shall be assumed to be a line not less than ten (10) feet long, lying within the lot and parallel to the front lot line.

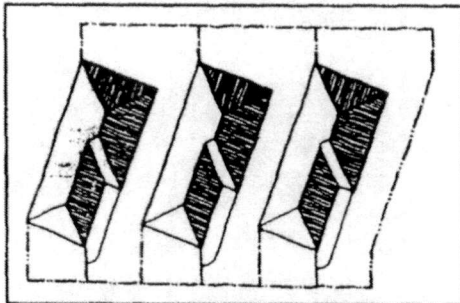
Lot line, side shall mean any lot lines other than the front or rear lot line.

Lot line, street side shall mean a side lot line which separates the lot from a street.



Lot and building lines

Lot line, zero shall mean the location of a building on a lot in such a manner that one (1) or more of the building's sides rests directly on a lot line, provided that separations or setbacks between buildings meet all applicable building and fire code provisions.



Zero lot line development

Low intensity use, for the purposes of Chapter 18.44, shall mean a use expected to have a limited effect on adjacent properties as determined on Chart 18-2, *Required Buffer Yard*.

Lowest floor shall mean the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, shall not be considered a building's lowest floor; provided that such enclosure shall not be built so as to render the structure in violation of the applicable design requirements of Chapter 18.34, *Floodplain Overlay*.

Low-water adaptive plants shall mean those plants which have or can adapt to low levels of irrigation water.

Maintenance of landscaping shall mean, but not be limited to, regular watering, mowing, pruning, fertilizing, clearing of debris and weeds, the removal and replacement of dead plants and the repair and replacement of irrigation systems.

Maintenance of a sign shall mean cleaning, repairing, painting or replacement of defective parts in a manner that does not alter the dimension, material or structure.

Manufactured home (see *Dwelling or residence, single-family*).

Manufacturing shall mean the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products and the blending of materials such as lubricating oils, plastics or resin.

Mass shall mean the total volume in size and height of a building or structure.

Material Safety Data Sheet (MSDS) shall mean a form with data regarding the properties of a particular substance. An important component of product stewardship and workplace safety, it is intended to provide workers and emergency personnel with procedures for handling or working with that substance in a safe manner and includes information such as physical data (melting point, boiling point, flash point, etc.), toxicity, health effects, first aid, reactivity, storage, disposal, protective equipment and spill-handling procedures.

Mean sea level shall mean, for purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

Mechanical equipment shall mean any and all equipment ancillary to the use or function of a building and/or structure, including but not limited to, heating or cooling equipment, pool pumps and filters, electrical equipment, transformers, exhaust stacks and roof vents.

Medical or dental clinic or office shall mean the office of practitioners of the healing arts, where the practitioner employs more than one (1) person, the primary use is the delivery of health care services and no overnight accommodations are provided.

Medium intensity use, for the purposes of Chapter 18.44, shall mean a use expected to have a moderate effect on adjacent properties as determined on Chart 18-2 *Required Buffer Yard*.

Membership clubs and facilities shall mean golf courses, tennis courts, swimming pools, country clubs and recreational facilities for fraternal organizations, all of which are owned and operated with a limited membership or by private individuals who own the facilities and are the sole users of them.

Menu board shall mean a permanently mounted sign which lists the products or services available at a drive-in or drive-thru facility and not legible from the right-of-way.

Midpoint shall mean that point equidistant from the foundation at ground level, to the apex of the roof, excluding roof structures, stairways, parapet walls, towers, flagpoles, chimneys or similar structures.

MICRO CELL FACILITY SHALL MEAN A SMALL WIRELESS FACILITY THAT IS NO LARGER THAN 24 INCHES IN LENGTH, 15 INCHES IN WIDTH, 12 INCHES IN HEIGHT, AND THAT HAS AN EXTERIOR ANTENNA, IF ANY, THAT IS NO MORE THAN ELEVEN INCHES IN LENGTH.

Mid-Range Expected Service Area shall mean the growth area capable of accommodating the estimated increase in development in the City in the next five (5) years.

Mineral owner shall mean any person having title or right of ownership in subsurface oil and gas or leasehold interest therein.

Minor subdivision shall mean a subdivision procedure that may be used for division of a parcel of land of two (2) acres or less into not more than five (5) lots which are intended for residential use; or of five (5) acres or less into not more than three (3) lots which are intended for commercial or industrial use; or for the creation of lots not less than eighty (80) acres in size, the plat of which does not propose new public streets or municipal financial participation in any public improvements required as a result of said proposed plat. A minor subdivision may also be used for the aggregation of not more than five (5) parcels into one (1) or more parcels, the dedication and/or vacation of easements, the division of a parcel of land into town house lots, adjustments to lot lines and to correct errors in surveys or plats.

Mitigation shall mean a mechanism for addressing undesirable impacts on fish, wildlife, plants, habitat and other natural resources. Mitigation may be accomplished in several ways, including reducing, minimizing, rectifying, compensating or avoiding impacts. Mitigation may include: a) avoiding the impact altogether by not taking a certain action or parts of an action; b) minimizing impacts by limiting the degree or magnitude of the action and its implementation; c) rectifying the impact by repairing, rehabilitating or restoring the affected environment; d) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; or e) compensating for the impact by replacing or providing substitute resources or environments.

Mixed-use shall mean a building or structure that contains two (2) or more different uses, one (1) of which shall be residential.

Mobile home shall mean a detached, single-family housing unit that does not meet the definition of single-family dwelling or residence set forth in these definitions and which has all of the following characteristics:

- a. Designed for a long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities and has plumbing and electrical connections provided for attachment to outside systems;
- b. Designed to be transported after fabrication on its own wheels, on a flatbed or other trailers or on detachable wheels;
- c. Arrives at the site where it is to be occupied as a complete unit and is ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports or jacks, underpinned, connections to utilities and the like;
- d. Exceeding eight (8) feet in width and thirty-two (32) feet in length, excluding towing gear and bumpers; and
- e. Is without motive power.

Mobile home accessory building or structure shall mean a building or structure that is an addition to or supplements the facilities provided in a mobile home. It is not a self-contained, separate, habitable building or structure. Examples are awnings, cabanas, garages, storage structures, carports, fences, windbreaks or porches and patios that are open on at least three (3) sides.

Mobile home park or community shall mean a site or tract of land, at least eight (8) acres in size, held under one (1) ownership, which is suited for the placement of mobile homes.

Mobile home park or community, existing shall mean a mobile home park or community for which the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) are completed before the effective date of the ordinance codified in this Code.

Mobile home park or community, expansion to shall mean the preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads).

Mobile home site shall mean a plot of ground within a mobile home community designed for the accommodation of one (1) mobile home and its accessory structures.

Model home shall mean an unoccupied dwelling unit built on a site in a development for display and/or sales purposes and which may include an office solely for the development in which it is located, and which typifies the units that will be constructed in the development.

Moderate impact areas, as used in Chapter 18.48, shall mean those designated areas which contain significant natural features which would be moderately and negatively compromised by development. Such areas are identified on the Areas of Ecological Significant Map.

Monoculture shall mean the extensive use of the same species of plant materials.

MONOPOLE SHALL MEAN A SINGLE, FREESTANDING POLE-TYPE STRUCTURE SUPPORTING ONE OR MORE ANTENNAS.

Monument sign shall mean a freestanding sign supported primarily by an internal structural framework or other solid structure features where at least sixty percent (60%) of the base of the sign is in contact with the ground.

Multi-tenant sign shall mean a sign which serves as a common or collective identification for two (2) or more uses on the same premises (see *Joint identification sign*).

Multiple use shall mean a site, tract of land or development that contains more than one (1) type of land use, including but not limited to, residential, office, retail or industrial uses.

Mural shall mean a graphic displayed on the exterior wall of a building, generally for the purposes of decoration or artistic expression, including but not limited to paintings, frescoes or mosaics, with the exception that any portion of the mural that references the business name, logo, words, text or brand-specific merchandise shall be considered a sign.

Nameplate sign shall mean a door entrance sign indicating the name and address of a building or the name of an occupant.

National Flood Insurance Program (NFIP) shall mean FEMA's program of flood insurance coverage and floodplain management administered in conjunction with the Robert T. Stafford Relief and Emergency Assistance Act. The NFIP has applicable federal regulations promulgated in Title 44 of the Code of Federal Regulations. The U.S. Congress established the NFIP in 1968 with the passage of the National Flood Insurance Act of 1968.

Natural area shall mean aquatic or terrestrial habitats or areas which exist in their natural condition and which have not been significantly altered by human activity.

Natural area corridor shall mean an aquatic or terrestrial corridor that connects one (1) or more natural areas or habitats together.

Natural feature shall mean those features which give an area its general appearance and ecological character and which attract or support the wildlife species that use or inhabit the area.

Neighborhood shall mean the land area which is in the vicinity of the lot, tract or parcel of land in question and which will be affected to a greater extent than other land areas in the City by uses which exist on the lot or are proposed for it. A *neighborhood* also includes lots which are adjacent to one another and have a community of shared interest.

Neon shall mean a sign illuminated by a light source consisting of a neon or gas tube that is bent to form letters, symbols or other shapes.

New construction shall mean structures for which the *start of construction* commenced on or after the effective date of the ordinance codified in this Chapter.

Newspaper and publishing plants shall mean industrial facilities used for printing newspapers and large quantities of other printed materials, such as books, posters, leaflets and reports and which may include facilities for the shipping and receiving of materials and products.

Nits shall mean a unit of measurement of luminance, or the intensity of visible light, where one nit is equal to one (1) candela per square meter.

Nonconforming shall mean any building, structure or use that does not conform to the regulations of this Code, but which was lawfully constructed, established and/or occupied under the regulations in force at the time of construction or initial operation.

Noncommercial sign (see also *Residential complex, subdivision or residential identification sign*).

Nonconforming sign (see *Legally nonconforming sign*).

Nonconforming mobile home communities shall mean mobile home communities lawfully established and properly licensed by the City under the 1976 Code, or which were developed and used prior to and as of September 5, 1972, as a place where mobile homes were located for

residential occupancy and, as of that date, the area must have been in compliance with any and all applicable City or county ordinances and regulations related to mobile home use of land.

No-rise certification shall mean a record of the results of an engineering analysis conducted to determine whether a project will increase flood heights in a floodway. A no-rise certification must be supported by technical data and signed by a registered Colorado professional engineer.

Nursing home (see *Long-term care facility*).

Obstruction shall mean any dam, wall, embankment, levee, dike, pile, abutment, projection, excavation channel rectification, culvert, building, fence, stockpile, refuse, fill, structure or matter in, along, across or projecting into any drain way, channel or watercourse, 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.

Obstruction, for the purposes of Chapter 18.34, shall mean any structure, growth or other object including a mobile object which exceeds a limiting height set forth in Section 18.34.330.

Office shall mean a building or portion thereof where services are performed involving predominantly administrative, professional or clerical operations.

Official map shall mean the map establishing the zoning classifications of all land in the City and showing all amendments to zoning classifications as they may be adopted.

Off-premises advertising device shall mean a sign or device that advertises a business establishment, good, facility, service or product which is not sold or conducted on the premises on which the sign or device is located and which may be designed to change copy on a periodic basis.

Off-street parking areas (see *Parking*).

Oil shall mean crude petroleum oil and any other hydrocarbons, regardless of gravities, which are produced at the well in liquid form by ordinary production methods, and which are not the result of condensation of gas before or after it leaves the reservoir.

Oil and gas operations shall mean exploration for oil and gas, including the conduct of seismic operations and the drilling of test bores; the siting, drilling, deepening, recompletion, reworking or abandonment of an oil and gas well, underground injection well or gas storage well; production operations related to any such well including the installation of flowlines and gathering systems; the generation, transportation, storage, treatment or disposal of exploration and production wastes; and any construction, site preparation or reclamation activities associated with such operations.

On-premises sign shall mean a sign which advertises or directs attention to a business, product, service or activity which is available on the premises where the sign is located.

Opacity shall mean the degree or extent that light is obscured.

Open space, common shall mean a common area permanently set aside for the common use and enjoyment of residents or occupants of a development or members of a homeowners association, which open area may be landscaped and/or left with natural vegetation cover and which may include swimming pools and other recreational leisure facilities; areas of scenic or natural beauty and habitat areas; hiking, riding or off-street bicycle trails; and landscape areas adjacent to roads which are in excess of minimum required rights-of-way.

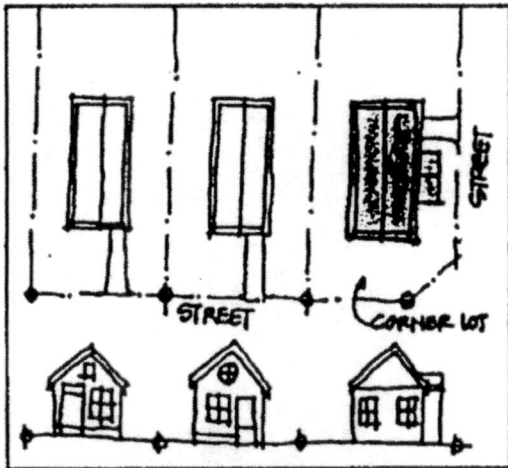
Open space, private or on-lot shall mean an outdoor area not intended for habitation, directly adjoining a dwelling unit or building, which is intended for the private enjoyment of the residents or occupants of the adjacent dwelling unit or building and which is defined in such a manner that its boundaries are evident. Private or on-lot open space may include lawn area, decks, balconies and/or patios.

Open space, usable shall mean that portion of a lot excluding the required front yard area which is unoccupied by principal or accessory buildings and available to all occupants for the building for use for recreational and other leisure activities normally carried on outdoors. The area shall be unobstructed to the sky and shall have a minimum dimension of fifty (50) feet and a minimum area of six thousand (6,000) square feet. Usable open space shall also include recreational facilities as determined in Chapter 18.38

Operating plan, as used in Chapter 18.56, shall mean a general plan which describes an oil and gas exploration and production facility identifying purpose, use, typical staffing pattern, seasonal or periodic considerations, routine hours of operation, source of services and infrastructure, any mitigation plans and any other information related to regular functioning of that facility.

Operator, as used in Chapter 18.56, shall mean the person designated by the owner or lessee of the mineral rights as the operator and so identified in Oil and Gas Conservation Commission applications.

Oriented shall mean to locate or place a building or structure in a particular direction on a lot or site which shall generally be parallel to the adjacent street.



Buildings oriented to the street

Ornamental tree shall mean a deciduous tree planted primarily for its ornamental value or for screening and which will typically be smaller than a shade tree.

Outdoor display shall mean the display of products for sale outside a building or structure in areas to which customers have access, including vehicles, garden supplies, tires, motor oil, boats, aircraft, farm equipment, motor homes, burial monuments, building and landscape materials and lumber yards. Outdoor display areas in vehicular parking areas shall not impede access or reduce the number of required parking spaces.

Outdoor storage shall mean the keeping, outside a building, of any goods, material, merchandise or vehicles in the same place for more than twenty-four (24) hours. Outdoor storage shall not include the storing of junk or the parking of inoperable motor vehicles. Storage of commercial recreational vehicles / equipment, boat and personal vehicles are excluded from this definition.

Outlot shall mean a tract of land platted in a subdivision for a specific purpose which shall be shown on the face of the plat. Specific purposes may include, but are not limited to, drainage areas, storm water detention or retention areas, parks, open space, future development or land areas reserved for other public facilities.

OVER THE AIR RECEIVING DEVICE SHALL MEAN AN ANTENNA USED TO RECEIVE VIDEO PROGRAMMING FROM DIRECT BROADCAST SATELLITES, BROADBAND RADIO SERVICES AND TELEVISION BROADCAST STATIONS, BUT SHALL NOT INCLUDE ANTENNAS USED FOR AM/FM RADIO, AMATEUR ("HAM") RADIO, CB RADIO, DIGITAL AUDIO RADIO SERVICES OR ANTENNAS USED AS PART OF A HUB TO RELAY SIGNALS AMONG MULTIPLE LOCATIONS.

Overlay district shall mean a zoning district classification which encompasses a defined geographic area and imposes additional requirements above that required by the underlying zoning.

Parapet wall shall mean an extension of the fascia wall above the roofline, which appears architecturally contiguous.

Parcel shall mean a unit or contiguous units of land in the possession of, or recorded as the property of one (1) person, partnership, joint venture, association or corporation, or other legal entity.

Park shall mean any dedicated and accepted public or private land available for recreational or scenic purposes.

Parking shall mean the parking or leaving of an operable, licensed vehicle, current in its registration, for a temporary period.

Parking areas or lots shall mean areas designed, used, required or intended to be used for the parking of motor vehicles, including driveways or access ways in and to such areas but excluding public streets and rights-of-way.

Parking lot or structure shall mean a parcel of land devoted to parking spaces as set forth by the parking standards of the City.

Parking, shared shall mean the development and use of parking areas on two (2) or more separate properties for joint use by the uses on those properties.

Parking slab shall mean a paved parking space located off-street and designed to accommodate two (2) standard-sized motor vehicles as provided in the Off-Street Parking and Loading Requirements Chapter of this Code.

Parking space shall mean a space or stall within a parking area established in conformance with this Code.

Parking space, storage shall mean a space for the storage of operable, licensed vehicles, current in registration, including recreational vehicles or equipment, for a period of thirty (30) days or longer.

Parkway shall mean the strip of land located between the sidewalk and the curb.

Party-in-interest shall mean the applicant, developer or subdivider of a development application or a citizen of Greeley who provided verbal or written comments at the hearing on the development application, who may appeal decisions as provided for in Chapter 18.24.

Path or *pathway* shall mean a designated route or path for nonmotorized use such as for walking or bicycling. *Paths* may include both sidewalks and trails.

Patio shall mean a hard-surfaced outdoor area adjoining a mobile home site not covered by a mobile home and not used for parking.

Pedestrian plaza shall mean that area of 8th Street Plaza between the west right-of-way line of 8th Avenue and the east right-of-way line of 9th Avenue and the mid-block access between the 9th Street Plaza and the 8th Street Plaza.

Pennants shall mean any long, narrow, usually triangular flag typically made of lightweight plastic, fabric or other material, and not containing a message, image or representative symbol, usually found in a series on a line and designed to move in the wind.

Perimeter treatment plan shall mean a plan designed for the installation and perpetual maintenance of improvements intended to provide visual and noise protection for the outer edges of developments which border arterial or major collector streets. Said plan shall include materials, techniques and sizes of buffering treatments, such as landscaping, fencing, screen walls, berms or a combination thereof sufficient to provide adequate buffering. The perimeter treatment plan may be incorporated into and shown on the landscape plan.

Permanent sign shall mean a sign attached to a building, structure or the ground in a manner that precludes ready removal or relocation of the sign.

Permitted sign shall mean a sign having a legal permit issued in accordance with the provisions of Chapter 18.54.

Permitted use shall mean a use allowed in a zoning district and subject to the restrictions which apply to that district.

Permitted use, design review shall mean a use allowed in a zoning district and subject to the restrictions and design review criteria which apply to that district and land use.

Person shall mean any person, firm, association, organization, partnership, business, trust, corporation, company, contractor, supplier, installer, user or owner or any representative, officer or employee thereof.

Personal service shops shall mean shops primarily engaged in providing services generally involving the care of the person, such as portrait and photographic studios, massage therapists, barber, beauty and nail salons, shoe and watch repair, travel agencies and similar services, but excluding adult business, service or entertainment establishments.

Physical Map Revision (PMR) shall mean FEMA's action whereby one (1) or more map panels are physically revised and republished. A PMR is used to change flood risk zones, floodplain and/or floodway delineations, flood elevations and/or planimetric features.

Planned unit development (PUD) shall mean a development planned, designed and constructed with specific standards as an integral unit and which typically consists of a combination of uses on land within a PUD district and provides for an equivalent level of standards.

Planned unit development, final plan shall mean a site specific development plan which describes all details for a specific site and which shall require detailed engineering and design approval as provided in Chapter 18.32

Planned unit development, master plan shall mean a plan required for properties which are intended to be developed over time and which shall include general information on street pattern, school sites, parks or other public areas or facilities and land uses and utility systems within the area surrounding a proposed PUD.

Planned unit development, preliminary plan shall mean a plan that specifies the range of land uses and general layout of improvements, landscaping and buffering, circulation, setbacks, open space and height and massing of buildings and structures proposed for the site.

Planning Commission shall mean the Planning Commission of the City.

Plat shall mean a subdivision map or plan of property.

Plat, filing shall mean a subdivision map used in conjunction with a Planned Unit Development, to identify the legal boundaries of a lot or grouping of lots.

Plat, final shall mean a completed map of a subdivision setting forth fully and accurately all legal and engineering information, survey certification and any accompanying materials as required by Chapter 18.04.

Plat, preliminary shall mean a proposed subdivision map and any accompanying materials as required by Chapter 18.04, which provide sufficiently detailed information so that preliminary agreement as to the form and content of the plat, within the objectives of Chapter 18.04, may be reached between the subdivider and the City.

POLE-MOUNTED SMALL CELL FACILITY SHALL MEAN A SMALL CELL FACILITY WITH AN ANTENNA THAT IS MOUNTED AND SUPPORTED ON AN ALTERNATIVE TOWER STRUCTURE, WHICH INCLUDES A REPLACEMENT POLE.

Pole sign shall mean a sign that is affixed, attached or mounted on a freestanding pole or structure that is not itself an integral part of or attached to a building or structure.

Portable sign shall mean a sign that is not permanently affixed to a building, structure or the ground and that is easily moved, such as a sandwich board sign.

Practicable shall mean capable of being done within existing constraints including environmental, economic, technological or other pertinent considerations.

Precision instrument runway shall mean a runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS). It shall also mean a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

Premises shall mean the land, site or lot at which, or from which, a principal land use and activity is conducted.

Primary entrance shall mean the entrance to a building or structure which is intended to be the principal entrance and which shall typically be located on the front of the building or structure.

Primary surface shall mean a surface longitudinally centered on a runway extending two hundred (200) feet beyond each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway center line. The width of a primary surface is:

- a. Two hundred fifty (250) feet for runways having only visual approaches.
- b. One thousand (1,000) feet for precision instrument runways.

Principal building or structure (see *Building*).

Private sale or event sign shall mean a sign that provides information relating to a sale or event being held by an individual or group of individuals on private property, which may include, but not be limited to, a garage or yard sale.

Production facilities, as used in Chapter 18.56, shall mean all storage, separation, treating, dehydration, artificial lift, power supply, compression, pumping, metering, monitoring, flow lines and other equipment directly associated with oil wells, gas wells or injection wells.

Prohibited activities sign shall mean signs located on a property posting said property for warning or prohibition, such as "no hunting," "no swimming" or "no parking."

Projecting wall sign shall mean any sign attached to a building and that extends more than twenty (20) inches from the surface to which it is attached, but no more than four (4) feet from the wall of the building. Signs projecting more than four (4) feet from the building shall be considered freestanding signs.

Promotional association shall mean an association that is incorporated within Colorado that organizes and promotes entertainment activities within a common consumption area and is organized or authorized by two (2) or more people who own or lease property within an Entertainment District.

Public shall mean a person, structure, activity or purpose owned or operated by a governmental agency or by a public nonprofit corporation with tax-exempt status under the federal Internal Revenue Code.

Public affairs sign shall mean a sign erected and maintained by or on behalf of the government for civic purposes.

Public hearing shall mean a hearing held to allow interested persons to present their views before the Zoning Board of Appeals, Planning Commission or City Council. A public hearing is different from an open meeting which does not allow participation by the public.

Public improvement shall mean any improvement required by Chapter 18.04 for which the City or a quasi-public agency agrees to assume responsibility for maintenance and operation, or which may affect an improvement for which the City or a quasi-public agency is already responsible. Such facilities include, but are not limited to, streets, parks, trails, drainage facilities, water and sewer facilities, gas, electricity, telephone, cable television and other utility facilities.

PUBLIC PROPERTY SHALL MEAN REAL PROPERTY OWNED OR CONTROLLED BY THE CITY, EXCLUDING THE PUBLIC RIGHT-OF-WAY.

PUBLIC RIGHT-OF-WAY (ROW) SHALL MEAN ANY PUBLIC STREET, WAY, ALLEY, SIDEWALK, MEDIAN, PARKWAY, OR BOULEVARD THAT IS DEDICATED TO PUBLIC USE.

Public sign shall mean signs required or specifically authorized for a public purpose by any law, statute or ordinance, including public directional signs on the right-of-way; signs which identify the City by name; signs that direct travelers to public buildings, parks or attractions; interpretative signs; way finding signs, Municipal Uniform Traffic Control devices; and the like.

Public structure, activity or purpose shall mean a structure, activity or purpose owned or operated by a governmental agency or by a public nonprofit corporation with tax-exempt status under the federal Internal Revenue Code, if the nonprofit corporation makes the structure or facility available for the use of all members of the public without regard to membership status.

Quasi-public shall mean a structure, activity or purpose owned or operated by a nonprofit organization which obtains more than fifty-one percent (51%) of its funds from public funds.

RADIO FREQUENCY EMISSIONS LETTER SHALL MEAN A LETTER FROM THE APPLICANT CERTIFYING ALL WCFS THAT ARE THE SUBJECT OF THE APPLICATION SHALL COMPLY WITH FEDERAL STANDARDS FOR RADIO FREQUENCY EMISSIONS.

Real estate model home sign shall mean a sign identifying a model home within a subdivision and/or a temporary real estate sales office.

Real estate open house sign shall mean a sign identifying that a building or portion of a building is available for inspection by prospective buyers or renters.

Real estate sign shall mean a sign on the offered property which advertises the sale, rental, lease, transfer or exchange of the premises upon which said sign is located.

Recreational equipment shall mean equipment intended for outdoor recreational use, including but not limited to snowmobiles, jet skis, all-terrain vehicles (ATVs), canoes and boats, and including the trailers for transporting such equipment (see also *recreational equipment, major* and *recreational equipment, minor*).

Recreational equipment, major shall mean boats that exceed eighteen (18) feet in length, utility trailers that exceed the dimensions of five (5) feet by eight (8) feet and enclosed utility trailers that exceed the dimensions of five (5) feet by eight (8) feet and are more than three (3) feet in height.

Recreational equipment, minor shall mean boats that are eighteen (18) feet or less in length, utility trailers that are five (5) feet by eight (8) feet in size or less, canoes, snowmobiles, jet skis, all-terrain vehicles (ATVs) and similar small and low-profile outdoor recreational equipment.

Recreational facilities, indoor shall mean establishments primarily engaged in the operation of such indoor activities as exercise and athletic facilities, and amusement and recreational services, such as billiard and pool halls, skating rinks, exercise and health clubs and bowling alleys.

Recreational facilities, intensive shall mean those recreational facilities which are intensively used and create greater impacts, such as noise, lighting and traffic impacts. Such uses may include but are not limited to, miniature golf courses, golf driving ranges, amusement parks, stadiums, go-kart and bumper car tracks, video arcades, slides, skateboard parks, swimming pools and playing fields for soccer, baseball, softball and football.

Recreational facilities, outdoor extensive shall mean establishments primarily engaged in the operation of large scale, low impact outdoor recreational facilities, including but not limited to, hunting, fishing and riding clubs, golf courses and tennis courts.

Recreational vehicle shall mean a vehicle which is designed, intended and used for purposes of temporary living accommodation for recreation, camping and travel use, including, but not limited to, travel trailers, truck campers, camping trailers and self-propelled motor homes, horse trailers and bus campers. For the purposes of this definition neither a pop-up trailer nor a truck topper accessory (also known as a camper shell) which is not higher than eight (8) inches above the truck cab when installed shall be considered a recreational vehicle. A horse trailer used primarily for transport of horses and/or livestock to or from the site it is stored upon shall not be considered a recreational vehicle under this definition.

Recreational vehicle/equipment, boat and personal vehicle storage shall mean an unenclosed area for the purpose of storing non-commercial recreational vehicles, recreation equipment (ATV's, jet skis, trailers) boats or personal vehicles (cars and trucks).

Recreational vehicle (RV) park shall mean any lot of land upon which two (2) or more recreational vehicle or tent sites are located, established or maintained for occupancy by the general public as temporary living quarters for recreation or vacation purposes.

Recyclable material shall mean reusable material, including, but not limited to, metals, glass, plastic and paper, which are intended for reuse or reconstitution for the purpose of using the altered form. This term shall not include refuse or hazardous materials or the processing of recyclable materials.

Recycling and collection center shall mean a facility used for the collection and/or processing of reusable material, including but not limited to, metals, glass, plastic and paper.

Redevelopment District shall mean all land located within the boundaries of the urban renewal area of the City, as it may be amended from time to time by the City Council.

Refuse (see Junk).

Refuse transfer station shall mean a facility for the purposes of separation, aggregation and/or compaction of solid waste prior to delivery to a landfill.

Rehabilitation center shall mean a facility which provides treatment and care of persons in need of therapeutic and rehabilitative counseling for alcoholism and/or drug addiction, mental condition or illness, or social or behavioral problems, and which treatment may be on a twenty-four-hour basis.

Rehabilitation center, outpatient shall mean a facility which provides treatment and care of persons in need of therapeutic and rehabilitative counseling for alcoholism and/or drug addiction, mental condition or illness, or social or behavioral problems, and which treatment shall occur on an outpatient basis with no overnight care or treatment permitted at the facility.

Rental equipment store shall mean an establishment with the primary purpose of renting equipment, tools and supplies to the public, including but not limited to, the rental of equipment and tools for construction, moving, floor and carpet care, lawn, garden, home and business; equipment for special events; and moving trucks and trailers.

REPLACEMENT POLE SHALL MEAN AN ALTERNATIVE TOWER STRUCTURE THAT IS A NEWLY CONSTRUCTED AND PERMITTED TRAFFIC SIGNAL, UTILITY POLE, STREET LIGHT, FLAGPOLE, ELECTRIC DISTRIBUTION, OR STREET LIGHT POLES OR OTHER SIMILAR STRUCTURE OF PROPORTIONS AND OF EQUAL HEIGHT OR SUCH OTHER HEIGHT THAT WOULD NOT CONSTITUTE A SUBSTANTIAL CHANGE TO A PRE-EXISTING POLE OR STRUCTURE IN ORDER TO SUPPORT A WIRELESS COMMUNICATION FACILITY OR SMALL CELL FACILITY OR MICRO CELL FACILITY OR TO ACCOMMODATE COLLOCATION, AND REMOVE THE PRE-EXISTING POLE OR STRUCTURE.

Research or testing laboratory shall mean a building or group of buildings in which are located facilities for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

Residential complex, subdivision or residential identification sign shall mean an on-site sign that identifies a specific residential complex or subdivision.

Restaurant shall mean an establishment whose primary business is the preparation and serving of food to the public.

Restaurant, drive-in or drive-thru shall mean an establishment where food and/or beverages are sold to the customer for consumption within the interior of the building, within exterior dining areas or off the premises by order from vehicular passengers, where the product is delivered to the car and which includes a menu board, audio or video speakers and pick-up windows.

Restaurant, pick-up or take-out shall mean an establishment where food and/or beverages are sold in a form ready for consumption, where all or a significant portion of the consumption takes

place or is designed to take place outside the confines of the restaurant, where ordering and pickup of food may take place from an automobile and which does not include a menu board and audio or video speakers.

Restaurant, standard shall mean any establishment whose principal business is the sale of foods and/or beverages to the customer and whose design or principal method of operation includes one (1) or all of the following characteristics:

- a. Customers, normally provided with an individual menu, are served their foods or beverages by a restaurant employee at the same table or counter at which the items are consumed.
- b. A cafeteria-type operation where foods and beverages are consumed within the restaurant building.
- c. A walk-up window or counter for the ordering and/or pick-up of food to be consumed on- or off-premises.

Restoration, as used in Chapter 18.34, shall mean the reconstruction and repair of a building or structure, or portions of a building or structure, to the condition that existed prior to damage sustained to the building or structure. For the purposes of historic preservation, *restoration* shall mean the reconstruction and repair of a building's or structure's original architectural features.

Retail, large use shall mean a retail use, or any combination of retail uses in a single building, occupying more than forty thousand (40,000) square feet of gross floor area.

Retail sales shall mean the business of selling products directly to the ultimate consumer for any purpose other than for resale.

Right-of-way shall mean a right granted by a property owner and which is intended to be occupied by a street, sidewalk, railroad, utilities and other similar uses.

Riparian zone shall mean an area where the presence of surface and/or high subsurface water levels permits the existence of increased vegetative diversity and abundance as contrasted to surrounding areas.

Roof sign shall mean a sign that is mounted on the roof of a building or structure such as a portico which is wholly dependent upon a building for support and which projects above the parapet of a building with a flat roof, or above the peak of the roof of that portion of the roof on which the sign is placed.

Runway shall mean a defined area on an airport prepared for landing and takeoff of aircraft along its length.

Satellite earth station antenna shall mean a reflective surface configured in the shape of a shallow dish, cone, horn or cornucopia which shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses, including but not limited to, satellite earth stations, television reception only satellite dish antennas and satellite microwave antennas.

Scale shall mean the proportional relationship of the size of a building or structure to its surroundings.

Scenic easement shall mean an easement intended to preserve a view or scenic area.

School shall mean any building or part thereof which is designed, constructed or used for education or instruction in any branch of knowledge.

School, adult shall mean a public or private school primarily teaching useable skills to adults, including but not limited to, business, vocational, driving and trade courses.

School, compulsory shall mean any public or private elementary, junior high or high school licensed by the State of Colorado and which meets state requirements for providing compulsory education.

Screening shall mean a method of reducing the impact of visual and/or noise intrusions through the use of plant materials, berms, fences and/or walls, or any combination thereof intended to block that which is unsightly or offensive with a more harmonious element.

Searchlight, strobe light or beacon shall mean a stationary or revolving light that flashes or projects illumination, single color or multicolored, in any manner that is intended to attract or divert attention; excluding any device required or necessary under the safety regulations described by the Federal Aviation Administration or similar agencies.

Seasonal use shall mean a use intended for a period of limited duration, including, but not limited to, the sale of seasonal goods and products such as pumpkins, Christmas trees, produce and living plants.

Secondary dwelling (see Dwelling, secondary).

Setback shall mean the minimum distance a building, structure or use may be erected from a street, alley or property line. *Setbacks* are also called *required yards*.

Setback, front shall mean the area extending across the full width of the lot, between the front lot line and the nearest line or point of the area allowed for construction or establishment of the building, structure or use.

Setback, interior side shall mean the area extending from the front yard to the rear yard, between the side lot line adjacent to another lot and the nearest line or point of the area allowed for construction or establishment of the building, structure or use.

Setback, oil and gas (see Chapter 18.56).

Setback, rear shall mean the area extending across the full width of the lot between the rear lot line and the nearest line or point of the area allowed for construction or establishment of the building, structure or use.

Setback, side shall mean the area extending from the front yard to the rear yard, between the side lot line and the nearest line or point of the area allowed for construction or establishment of the building, structure or use.

Setback, street side shall mean the area extending from the front yard to the rear yard, which separates the lot from an adjacent street.

Shade tree shall mean a deciduous tree planted primarily for its high crown of foliage or overhead canopy and which typically reaches a height of at least forty (40) feet.

Shrub shall mean a woody plant which consists of a number of small stems from the ground or small branches near the ground and which may be deciduous or evergreen.

Sidetracking shall mean entering the same wellhead from the surface, but not necessarily following the same well bore, throughout its subsurface extent when deviation from such well bore is necessary to reach the objective depth because of an engineering problem.

Sidewalk shall mean a paved, surfaced or leveled area, paralleling and usually separated from the street, used as a pedestrian path.

Sight distance (see clear vision area or zone).

Sign shall mean any device, surface, object, structure, building architecture or part thereof using graphics, symbols or written copy for the purpose of advertising, identifying or announcing or drawing attention to any establishment, product, goods, facilities, services or idea, whether of a commercial or noncommercial nature.

Sign allowance shall mean the amount of signage that is allowable under the provisions of this Chapter.

Sign alteration shall mean any change of copy (excluding changeable copy signs), sign face, color, size, shape, illumination, position, location, construction or supporting structure of any sign.

Sign area shall mean the entire face of a sign and any backing, frame, trim or molding and which may include the supportive structure.

Sign backing shall mean the surface, pattern or color of which any sign is displayed upon, against or through and that forms an integral part of such display and differentiates the total display from the background against which it is placed.

Sign, exposed incandescent or high intensity discharge lighting shall mean any sign or portion of a sign that utilizes an exposed incandescent or high intensity lamp, with the exception of neon, in such a fashion as to project light directly on to adjoining property or right-of-way.

Sign face shall mean the area of a sign on which the copy is placed, or, for individual cutout letters, painted letters, channel letters or symbols, the perimeter of the individual elements shall be considered the area of the sign.

Sign frame shall mean a sign cabinet or that portion of the sign that holds the sign face in place.

Sign, for sale or for rent shall mean a sign indicating the availability for sale, rent or lease of the specific lot, building or portion of a building upon which the sign is erected or displayed.

Sign, ground shall mean a type of freestanding sign which is erected on the ground and which contains no free air space between the ground and the top of the sign.

Sign height shall mean the vertical distance measured from the grade, as defined herein, to the highest point of the sign or sign structure.

Sign, interior to a building shall mean signs inside buildings that are not legible from the public right-of-way.

Sign, interior to development shall mean any sign that is located so that it is not legible from any adjoining property or the public right-of-way and not oriented in such a way as to attract the attention of those traveling along the right-of-way.

Sign permit shall mean a permit issued by a Building Official and which is required for any sign specified under Section 18.54.060.

Sign, political shall mean a sign relating to public elections.

Sign, public phone shall mean a sign identifying the phone's location and limited to the word "phone" and/or an illustration of a phone.

Sign separation shall mean the distance or spacing between individual signs, whether they are on the same structure or on separate structures, as measured by a straight line.

Sign setback shall mean the minimum distance required from the apparent center line of the right-of-way, to any portion of a sign or sign structure.

Sign structure shall mean the supports, uprights, bracing or framework of any structure for the purposes of displaying a sign.

Sign, wall shall mean a sign attached parallel to and extending less than twenty (20) inches from the wall of a building. This definition includes painted, individual letter, cabinet signs and those signs located on the roof of a building which are not roof signs as defined herein.

Sign, window shall mean any type of sign that is painted or attached to or within twelve (12) inches of any exterior window.

Sign, within building shall mean any sign that is not visible from the public right-of-way or is more than twelve (12) inches from the interior side of a window.

SIGNAL NON-INTERFERENCE LETTER SHALL MEAN A LETTER FROM THE APPLICANT CERTIFYING ALL WCFS THAT ARE THE SUBJECT OF THE APPLICATION SHALL BE DESIGNED, SITED AND OPERATED IN ACCORDANCE WITH APPLICABLE FEDERAL REGULATIONS ADDRESSING RADIO FREQUENCY INTERFERENCE.

Significant (biologically) shall mean wildlife or habitats that, because of their relative attributes, deserve greater consideration in resource management decisions. *Relative attributes* may include: a) species that have state and/or federal listing as endangered/ threatened or have standing as species of special concern; b) species with restricted distributions or highly specific habitat requirements; c)

species that are representative of a particular habitat type; d) indicator species, whose physical presence denotes the presence of other species or environmental conditions not readily observed; or e) species with economic value or possessing traits that are of particular interest to humans.

Significant habitat shall mean an area which is necessary for maintaining viable local populations of organisms.

Silo shall mean a building or structure designed and intended for the bulk storage of grains.

Single-room occupancy facility (SRO) shall mean a facility which provides a single room intended for living purposes for one (1) or two (2) persons per room, offered on a weekly tenancy basis or longer, in which sanitary facilities are provided within the units and cooking facilities may be shared within the facility.

SITE FOR TOWERS (OTHER THAN TOWERS IN THE RIGHT-OF-WAY AND ELIGIBLE SUPPORT STRUCTURES) SHALL MEAN THE CURRENT BOUNDARIES OF THE LEASED OR OWNED PROPERTY SURROUNDING THE TOWER OR ELIGIBLE SUPPORT STRUCTURE AND ANY ACCESS OR UTILITY EASEMENTS CURRENTLY RELATED TO THE SITE. A SITE, FOR OTHER ALTERNATIVE TOWER STRUCTURES, BASE STATIONS, MICRO CELL FACILITIES, AND SMALL CELL FACILITIES IN THE RIGHT-OF-WAY, IS FURTHER RESTRICTED TO THAT AREA COMPRISING THE BASE OF THE STRUCTURE AND TO OTHER RELATED ACCESSORY EQUIPMENT ALREADY DEPLOYED ON THE GROUND.

Site plan shall mean a plan showing the boundaries of a site and the location of all buildings, structures, uses and principal site development features proposed for a specific parcel of land.

Site specific development plan shall mean and be limited to final subdivision plats or minor subdivision plats as approved pursuant to Chapter 18.04; final PUD site plans as approved pursuant to Chapter 18.32; and use by special review and design review site plans as approved pursuant to Chapter 18.20. Conditions placed on site specific development plans shall be met within the time period such plans are considered vested.

Sky dancers shall mean freestanding tubes which often simulate the shape of a person into which air is forced to inflate and animate and which do not characterize a commercial message or contain a message.

Slope shall mean the ratio between elevation change to horizontal distance, expressed as a percentage.

SMALL CELL FACILITY SHALL MEAN A WIRELESS COMMUNICATION FACILITY WHERE EACH ANTENNA IS LOCATED INSIDE AN ENCLOSURE OF NO MORE THAN THREE CUBIC FEET IN VOLUME OR, IN THE CASE OF AN ANTENNA THAT HAS EXPOSED ELEMENTS, THE ANTENNA AND ALL OF ITS EXPOSED ELEMENTS COULD FIT WITHIN AN IMAGINARY ENCLOSURE OF NO MORE THAN THREE CUBIC FEET; AND PRIMARY EQUIPMENT ENCLOSURES ARE NO LARGER THAN SEVENTEEN CUBIC FEET IN VOLUME. THE FOLLOWING ASSOCIATED EQUIPMENT MAY BE LOCATED OUTSIDE OF THE PRIMARY EQUIPMENT ENCLOSURE AND, IF SO LOCATED, IS NOT INCLUDED IN THE CALCULATION OF EQUIPMENT VOLUME: ELECTRIC METER, CONCEALMENT, TELECOMMUNICATIONS DEMARCATION BOX, GROUND-BASED ENCLOSURE, BACK-UP POWER SYSTEMS, GROUNDING EQUIPMENT, POWER TRANSFER SWITCH AND CUT-OFF SWITCH. SMALL CELLS MAY BE ATTACHED TO ALTERNATE TOWER STRUCTURES, REPLACEMENT POLE, AND BASE STATIONS. THE DEFINITION OF A SMALL CELL FACILITY SHALL ALSO INCLUDE A MICRO CELL OR MICRO WIRELESS FACILITY.

Special Flood Hazard Area (SFHA) shall mean the land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year; i.e., the 100-year floodplain.

Special review, use by shall mean a public review process used to determine if a proposed use, allowed only with special review approval, can be conducted without substantially interfering with the objectives of this Code and which shall be compatible with existing uses.

Species, endangered shall mean those species of wildlife and plants which have been identified and listed by the U. S. Fish and Wildlife Service as endangered.

Species, indicator shall mean those species of wildlife and plants which can be used to gauge or measure the quantity and/or quality of a particular type of habitat.

Species of special concern shall mean those species of wildlife and plants which the Colorado Division of Wildlife has identified and listed as State Species of Special Concern.

Species, sensitive shall mean those species of wildlife and plants which have specialized habitat needs or species that require habitat that is available only in limited quantity, or those species that are sensitive to noise or other types of disturbances which are usually caused by humans.

Species, threatened shall mean those species of wildlife and plants which have been identified and listed by the U. S. Fish and Wildlife Service as threatened.

Stable, commercial shall mean a structure or use for the keeping, boarding and/or training of horses, ponies, llamas, mules or other animals which may be used for riding purposes, for compensation and which may include an arena.

Stable, private shall mean an accessory structure or use for the keeping, boarding and/or training of horses, ponies, llamas, mules or other animals which may be used for riding purposes, for the use of the occupants of the premises.

Stacking space shall mean an area for motor vehicles to line up in while waiting to go through a drive-thru facility, a designated passenger drop-off/pick-up area or a parking lot or area.

Start of construction, as used in Chapter 18.34, shall include substantial improvement and shall mean the date the building permit was issued, provided that the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty (180) days of the permit date. The *actual start* means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. *Permanent construction* does not include land preparation such as clearing, grading and filling; the installation of streets and/or walkways; excavation for a basement, footings, piers or foundations or the erection of temporary forms; or the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Storm water management plan shall mean a plan for the management of storm water drainage and control prepared in conformance with the regulations for storm water management, adopted by the Colorado Department of Public Health and Environment; and further, including a plan for erosion and sediment control pursuant to the requirements of Chapter 9.18 of this Code, including its references.

Story shall mean that portion of a building included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, the space between the floor and the ceiling above it.

Street shall mean a way for vehicular, pedestrian or bicycle traffic whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or however otherwise designated.

Street, arterial shall mean those streets that permit relatively unimpeded traffic movement throughout the City and connecting to outside communities.

Street, arterial major shall mean those arterial streets which generally carry traffic volumes greater than twenty thousand (20,000) vehicles per day when the property which the arterial street serves is fully developed and which permit rapid and relatively unimpeded traffic movement throughout the City, connecting major land use elements as well as connecting to outside communities.

Street, arterial minor shall mean those arterial streets which generally carry traffic volumes greater than ten thousand (10,000) vehicles per day when the property which the arterial street serves is fully developed and which permit relatively unimpeded traffic movement and are intended

for use on routes where four (4) moving lanes and one (1) turn lane are required but where a major arterial cross-section is not warranted.

Street, collector shall mean those streets that collect and distribute traffic between arterial and local streets and serve as main connectors within the City, linking one (1) neighborhood with another and which carry traffic with an origin or destination within the community.

Street, collector major shall mean those collector streets which generally carry traffic volumes greater than seven thousand (7,000) vehicles per day when the property which the collector serves is fully developed and which permit relatively unimpeded traffic movement and are intended for use on those routes where four (4) moving lanes are required but where a larger classified street is not warranted.

Street, collector minor shall mean those collector streets which generally carry traffic volumes up to seven thousand (7,000) vehicles per day and collect and distribute traffic between arterial and local streets and which serve as main connectors within communities, linking one (1) neighborhood with another.

Street, local shall mean those streets that provide direct access to adjacent property and which carry traffic with an origin or destination within the immediate neighborhood.

Street, local low volume shall mean those local streets which carry traffic volumes of up to five hundred (500) vehicles per day and which provide direct access to adjacent property.

Street, Local Standard I Residential shall mean those local streets which carry traffic volumes of up to one thousand (1,000) vehicles per day and which provide direct access to adjacent property.

Street, Local Standard II Commercial/industrial shall mean those local streets which carry traffic volumes of up to five thousand (5,000) vehicles per day and which provide direct access to adjacent property.

Street, private shall mean a private roadway used to provide vehicular and emergency access.

Street tree shall mean a tree planted in close proximity to a street in order to provide canopy over the street to provide shade and soften the street environment.

Streetscape shall mean the scene that may be observed along a street, including both natural and non-natural components, including vegetation, buildings, paving, plantings, lighting fixtures and miscellaneous structures.

Stringer shall mean a strip of vegetation that extends into another type of vegetation, creating an edge effect and providing a movement corridor for a variety of wildlife species.

Structure shall mean anything constructed or erected on or in the ground, the use of which requires a more or less permanent location on or in the ground, and including, but not limited to, walls, retaining walls, fences, parking lots, parking slabs and oil and gas production facilities.

Structure, for the purposes of Chapter 18.34, shall mean an object, including a mobile object, constructed or installed by humans, including but not limited to, buildings, towers, cranes, smokestacks, earth formations and overhead transmission lines.

Subdivider or developer shall mean any person, partnership, joint venture, association or corporation or other legal entity who or which shall participate as owner, promoter, designer, builder or sales agent in the planning, platting, development, promotion, sale or lease of a subdivision.

Subdivision shall mean the division of a lot, tract or parcel of land into two (2) or more lots, tracts or parcels, or other division of land in compliance with the requirements of Chapter 18.04.

SUBSTANTIAL CHANGE SHALL MEAN A MODIFICATION THAT SUBSTANTIALLY CHANGES THE PHYSICAL DIMENSIONS OF AN ELIGIBLE SUPPORT STRUCTURE IF AFTER THE MODIFICATION, THE STRUCTURE MEETS ANY OF THE FOLLOWING CRITERIA:

(i) **FOR TOWERS, OTHER THAN ALTERNATIVE TOWER STRUCTURES OR TOWERS IN THE RIGHT-OF-WAY, IT INCREASES THE HEIGHT OF THE TOWER BY MORE THAN TEN PERCENT (10%) OR BY THE HEIGHT OF ONE (1) ADDITIONAL ANTENNA ARRAY, WITH**

SEPARATION FROM THE NEAREST EXISTING ANTENNA NOT TO EXCEED TWENTY FEET, WHICHEVER IS GREATER; FOR OTHER ELIGIBLE SUPPORT STRUCTURES, IT INCREASES THE HEIGHT OF THE STRUCTURE BY MORE THAN TEN PERCENT (10%) OR MORE THAN TEN (10) FEET, WHICHEVER IS GREATER;

(ii) FOR TOWERS, OTHER THAN TOWERS IN THE RIGHT-OF-WAY, IT INVOLVES ADDING AN APPURTENANCE TO THE BODY OF THE TOWER THAT WOULD PROTRUDE FROM THE TOWER MORE THAN TWENTY (20) FEET, OR MORE THAN THE WIDTH OF THE TOWER STRUCTURE AT THE LEVEL OF THE APPURTENANCE, WHICHEVER IS GREATER; FOR ELIGIBLE SUPPORT STRUCTURES, IT INVOLVES ADDING AN APPURTENANCE TO THE BODY OF THE STRUCTURE THAT WOULD PROTRUDE FROM THE SIDE OF THE STRUCTURE BY MORE THAN SIX (6) FEET;

(iii) FOR ANY ELIGIBLE SUPPORT STRUCTURE, IT INVOLVES INSTALLATION OF MORE THAN THE STANDARD NUMBER OF NEW EQUIPMENT CABINETS FOR THE TECHNOLOGY INVOLVED, BUT NOT TO EXCEED FOUR CABINETS;

(iv) FOR TOWERS IN THE RIGHT-OF-WAY AND BASE STATIONS, IT INVOLVES INSTALLATION OF ANY NEW EQUIPMENT CABINETS ON THE GROUND IF THERE ARE NO PRE-EXISTING GROUND CABINETS ASSOCIATED WITH THE STRUCTURE, OR ELSE INVOLVES INSTALLATION OF GROUND CABINETS THAT ARE MORE THAN TEN PERCENT (10%) LARGER IN HEIGHT OR OVERALL VOLUME THAN ANY OTHER EXISTING, INDIVIDUAL GROUND CABINET ASSOCIATED WITH THE STRUCTURE;

(v) FOR ANY ELIGIBLE SUPPORT STRUCTURE, IT ENTAILS ANY EXCAVATION OR DEPLOYMENT OUTSIDE THE CURRENT SITE;

(vi) FOR ANY ELIGIBLE SUPPORT STRUCTURE, IT WOULD DEFEAT THE CONCEALMENT ELEMENTS OF THE ELIGIBLE SUPPORT STRUCTURE. FOR THE PURPOSES OF THIS SUBSECTION (VI), A CHANGE WHICH UNDERMINES THE CONCEALMENT ELEMENTS OF AN ELIGIBLE SUPPORT STRUCTURE WILL BE CONSIDERED TO DEFEAT THE CONCEALMENT ELEMENTS ; OR

(vii) FOR ANY ELIGIBLE SUPPORT STRUCTURE, IT DOES NOT COMPLY WITH CONDITIONS ASSOCIATED WITH THE SITING APPROVAL OF THE CONSTRUCTION OR MODIFICATION OF THE ELIGIBLE SUPPORT STRUCTURE EQUIPMENT, UNLESS THE NON-COMPLIANCE IS DUE TO AN INCREASE IN HEIGHT, INCREASE IN WIDTH, ADDITION OF CABINETS, OR NEW EXCAVATION THAT WOULD NOT EXCEED THE THRESHOLDS IDENTIFIED IN PARAGRAPHS (I), (II), AND (III) OF THIS DEFINITION. FOR PURPOSES OF DETERMINING WHETHER A SUBSTANTIAL CHANGE EXISTS, CHANGES IN HEIGHT ARE MEASURED FROM THE ORIGINAL SUPPORT STRUCTURE IN CASES WHERE DEPLOYMENTS ARE OR WILL BE SEPARATED HORIZONTALLY, SUCH AS ON BUILDINGS' ROOFTOPS; IN OTHER CIRCUMSTANCES, CHANGES IN HEIGHT ARE MEASURED FROM THE DIMENSIONS OF THE TOWER OR BASE STATION, INCLUSIVE OF ORIGINALLY APPROVED APPURTENANCES AND ANY MODIFICATIONS THAT WERE APPROVED PRIOR TO FEBRUARY 22, 2012.

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

Substantial improvement, as used in Chapter 18.34, shall mean any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the start of construction of the improvement. The value of the structure shall be determined by the local jurisdiction having land use authority in the area of interest. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local enforcement official and which are the minimum necessary to assure safe living conditions; or
- b. Any alteration of a historic structure, provided that the structure's designation as a historic structure remains.

Symbol shall mean a graphic device which stands for a concept or object.

Temporary sign shall mean any sign, not intended for permanent installation such as, but not limited to, a banner, balloon, pennant, searchlight or beacon. Generally, these signs are intended to be used for a limited period of time or for a purpose announcing a special event or presenting other miscellaneous or incidental information or instructions.

Temporary structure shall mean a structure without any foundation or footings and which is intended to be removed at some point in the future.

Temporary use shall mean a use which shall generally be permitted to exist and be operated for no longer than ninety (90) days in twelve (12) consecutive months and which may occur as an accessory or principal use.

Theater shall mean a building, or a part thereof, devoted primarily to the showing of motion pictures or for entertainment or cultural events.

Theater, drive-in shall mean a site devoted primarily to the showing of motion pictures or theatrical productions to patrons seated in automobiles and which may include facilities for the sale of food and/or beverages to patrons.

Threshold Planning Quantity (TPQ) shall mean a quantity designated for each chemical on the list of extremely hazardous substances that triggers notification by facilities to the state that such facilities are subject to emergency planning requirements.

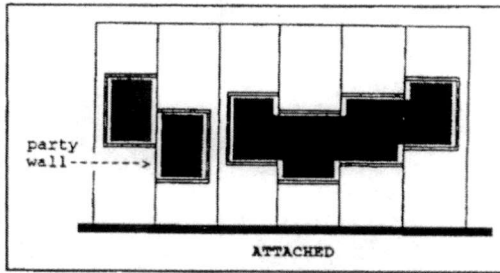
Time or temperature sign shall mean a sign or portion thereof on which the only copy that is capable of being changed is an electronic or mechanical indication of time and/or temperature.

TOLL AND TOLLING SHALL MEAN TO DELAY, SUSPEND, OR HOLD OFF ON THE IMPOSITION OF A DEADLINE, STATUTE OF LIMITATIONS, OR TIME LIMIT.

TOWER SHALL MEAN ANY STRUCTURE THAT IS DESIGNED AND CONSTRUCTED PRIMARILY BUILT FOR THE SOLE OR PRIMARY PURPOSE OF SUPPORTING ONE OR MORE ANY FCC-LICENSED OR AUTHORIZED ANTENNAS AND THEIR ASSOCIATED FACILITIES, INCLUDING STRUCTURES THAT ARE CONSTRUCTED FOR WIRELESS COMMUNICATIONS SERVICES INCLUDING, BUT NOT LIMITED TO, PRIVATE, BROADCAST, AND PUBLIC SAFETY SERVICES, AS WELL AS UNLICENSED WIRELESS SERVICES AND FIXED WIRELESS SERVICES SUCH AS MICROWAVE BACKHAUL, AND THE ASSOCIATED SITE. THE TERM INCLUDES SELF-SUPPORTING LATTICE TOWERS, GUYED TOWERS, MONOPOLE TOWERS, RADIO AND TELEVISION TRANSMISSION TOWERS, MICROWAVE TOWERS, COMMON CARRIER TOWERS, CELLULAR TELEPHONE TOWERS, ALTERNATIVE TOWER STRUCTURES AND THE LIKE.

~~*Towers, communication and utility* shall mean a structure for transmitting or receiving radio, television, microwave and/or electromagnetic impulses or waves.~~

Town house dwelling shall mean a dwelling in a building which contains two (2) or more dwellings, each of which is individually owned along with the land area which constitutes the lot on which the town house dwelling is situated. To qualify as a town house dwelling, the structure must comply in all respects with applicable building codes and each dwelling unit must be separated by a fire wall, if required by applicable City codes.



Town house or attached single-family units

Tract shall mean a unit of land platted in a subdivision for a specific purpose which shall be shown on the face of the plat. A specific purpose may include, but is not limited to, drainage areas, storm water detention or retention areas, parks, open space or land areas reserved for other public facilities. The term *tract* shall be used interchangeably with *outlot*.

Transition shall mean a visual effect used on an electronic message display to change from one (1) message to another.

Transitional surface shall mean those surfaces which extend outward at ninety-degree angles to the runway center line and the runway center line extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect 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 five thousand (5,000) feet measured horizontally from the edge of the approach surface and at ninety-degree angles to the extended runway center line.

TRANSMISSION EQUIPMENT SHALL MEAN EQUIPMENT THAT FACILITATES TRANSMISSION FOR ANY FCC LICENSED OR AUTHORIZED WIRELESS COMMUNICATION SERVICE, INCLUDING, BUT NOT LIMITED TO, RADIO TRANSCEIVERS, ANTENNAS, COAXIAL OR FIBER-OPTIC CABLE, AND REGULAR AND BACKUP POWER SUPPLY. THE TERM INCLUDES EQUIPMENT ASSOCIATED WITH WIRELESS COMMUNICATIONS SERVICES INCLUDING, BUT NOT LIMITED TO, PRIVATE, BROADCAST, AND PUBLIC SAFETY SERVICES, AS WELL AS UNLICENSED WIRELESS SERVICES AND FIXED WIRELESS SERVICES SUCH AS MICROWAVE BACKHAUL.

Transportation facilities shall mean the offices and vehicular storage areas of those establishments engaged in providing transportation for the public.

Transportation facilities, high impact shall mean those establishments engaged in providing transportation for the public by means which create higher impacts such as noise and vibration and including, but not limited to, railroads, rapid transit and light rail.

Transportation facilities, low impact shall mean those establishments engaged in providing transportation for the public through such low impact means as taxis, buses and trolleys.

Travel trailer or recreational vehicle shall mean a portable structure, mounted on wheels and designed to be towed by a motor vehicle, or propelled by its own motive power, that may contain cooking or sleeping facilities and is intended to provide temporary living quarters for recreational camping or travel. A travel trailer also does not comply with either the National Manufactured Housing Construction and Safety Standards Act of 1974 or the Uniform Building Code standards. Travel trailers are not permitted in residential zones as living quarters except as guest quarters for no longer than seven (7) consecutive days.

Tree shall mean a large woody plant having one (1) or several self-supporting stems or trunks and numerous branches and which may be deciduous or evergreen.

Truck or freight terminal shall mean an area and/or building where trucks load and unload cargo and freight and where such cargo and freight may be separated or aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation and/or for storage.

Twinning shall mean the drilling of a well adjacent to or near an existing well when the well cannot be drilled to the objective depth or produced due to an engineering problem, such as a collapsed casing or formation damage.

UNREASONABLE INTERFERENCE SHALL MEAN ANY USE OF THE RIGHT-OF-WAY THAT DISRUPTS OR INTERFERES WITH ITS USE BY THE CITY, THE GENERAL PUBLIC, OR OTHER PERSON AUTHORIZED TO USE OR BE PRESENT UPON THE RIGHT-OF-WAY, WHEN THERE EXISTS AN ALTERNATIVE THAT WOULD RESULT IN LESS DISRUPTION OR INTERFERENCE. UNREASONABLE INTERFERENCE INCLUDES ANY USE OF THE RIGHT-OF-WAY THAT DISRUPTS VEHICULAR OR PEDESTRIAN TRAFFIC, ANY INTERFERENCE WITH PUBLIC UTILITIES, AND ANY OTHER ACTIVITY THAT WILL PRESENT A HAZARD TO PUBLIC HEALTH, SAFETY, OR WELFARE.

Use shall mean the type of activity for which land or a building or structure is designated, arranged or intended and also means the activity which regularly takes place upon the land or in a building or structure on the land. Not all uses shall be considered legal or permitted uses.

Use by special review (see *Special review*).

Use, illegal shall mean a use that is not permitted by the zoning district regulations.

Use, permitted (see *Permitted use*).

Use, principal shall mean the primary use of a building, structure or lot.

Utility box or pedestal shall mean devices designed and intended to house equipment necessary for the delivery of utility services to commercial and/or industrial customers, including but not limited to, electric transformers, switch boxes, telephone pedestals and boxes, cable television boxes, traffic control boxes and similar devices.

Utility service facility shall mean any above-ground structure or facility, excluding buildings, which is owned by a governmental entity or any entity defined as a public utility for any purpose by the Colorado Public Utilities Commission, and used in connection with the reproduction, generation, transmission, delivery, collection or storage of water, sewage, electricity, gas, oil or electronic signals. This shall also include facilities which provide similar services.

Utility stand shall mean that part of a mobile home space which is used for the placement of the utility connections.

Vacant shall mean a site or area that is not put to any use other than gardening.

Vacation shall mean the legal abandonment of a right granted by a property owner, which was intended for a particular purpose, such as for streets or utility lines.

Variance shall mean a modification of the strict terms of this Code as provided in Chapter 18.22.

Vehicle signs shall mean signs which are attached to or located on licensed vehicles, trailers or semi-trailers and contain or display signage for the primary purpose of advertisement, excluding bumper stickers on the bumper and similar-sized adhesive decals.

Very high intensity use, for the purposes of Chapter 18.44, shall mean a use expected to have a very significant effect on adjacent properties as determined on Chart 18-2, Required Buffer Yard.

Vested property right shall mean the right to undertake and complete a development and use of property under the terms and conditions of an approved site specific development plan.

Veterinary clinic or hospital shall mean any facility which is maintained by or for the use of a licensed veterinarian in the diagnosis, treatment and prevention of animal diseases and which may include overnight care.

Visual runway shall mean a runway intended solely for the operation of aircraft using visual approach procedures.

Wall sign shall mean a sign attached parallel to and extending less than twenty (20) inches from the wall of a building, fence or freestanding wall. Wall signs shall include painted, individual letter, cabinet signs and those signs located below the peak of the roof of a building which are not specifically defined as roof signs.

Warehouse shall mean a commercial or industrial building used primarily for the storage of goods and materials.

Warehouse, self-storage shall mean a building or portion of a building used for the storage of goods and materials and which is available to the general public for rental for a fee. Self-storage warehouse space does not include the use of such space for manufacturing or other business purposes, other than for storage purposes of excess goods and materials, nor does it include the use of the storage space for practice or staging areas.

Water surface elevation shall mean the height, in relation to the North American Vertical Datum (NAVD) of 1988, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Weed shall mean any ground cover or shrub which is typically not installed for the purposes of landscaping; which is not typically propagated by the horticultural or nursery trades; or which presents a particularly noxious allergenic or growth characteristic.

Well shall mean an oil or gas well, a hole drilled for the purpose of producing oil or gas, or a well into which fluids are injected.

Well site shall mean the areas which are directly disturbed during the drilling and subsequent operation of, or affected by production facilities directly associated with, any oil well, gas well or injection well.

Wellhead shall mean the mouth of the well at which oil or gas is produced.

Wetlands shall mean lands that are transitional between aquatic and terrestrial habitat, where the water table is at or near the surface, or the land is covered by water during a portion of the year. Wetlands are characterized by: a) hydric soils, with undrained substrate; b) hydrophilic plant populations; c) standing water or deposits of leached compounds in surface soils; or d) high subsurface water table.

Wildlife shall mean wild, native vertebrates (including fish), mollusks and crustaceans and any species introduced or released by the Division of Wildlife, whether alive or dead, including any part, egg or offspring thereof.

Wind sign (see *Pennants* , *Ground kites* and *Sky dancers*) .

Window sign shall mean any signage or graphics applied directly to a window or surface or any sign hanging within twelve (12) inches of the interior surface of a window, or which is clearly evident through a window and oriented to attract the public onto the premises.

WIRELESS COMMUNICATIONS FACILITY (WCF) SHALL MEAN A FACILITY USED TO PROVIDE PERSONAL WIRELESS SERVICES AS DEFINED AT 47 U.S.C. SECTION 332 (C)(7)(C); OR WIRELESS INFORMATION SERVICES PROVIDED TO THE PUBLIC OR TO SUCH CLASSES OF USERS AS TO BE EFFECTIVELY AVAILABLE DIRECTLY TO THE PUBLIC VIA LICENSED OR UNLICENSED FREQUENCIES; OR WIRELESS UTILITY MONITORING AND CONTROL SERVICES. A WCF DOES NOT INCLUDE A FACILITY ENTIRELY ENCLOSED WITHIN A PERMITTED BUILDING WHERE THE INSTALLATION DOES NOT REQUIRE A MODIFICATION OF THE EXTERIOR OF THE BUILDING; NOR DOES IT INCLUDE A DEVICE ATTACHED TO A BUILDING, USED FOR SERVING THAT BUILDING ONLY AND THAT IS OTHERWISE PERMITTED UNDER OTHER PROVISIONS OF THE CODE. A WCF INCLUDES AN ANTENNA OR ANTENNAS, BASE STATIONS, SUPPORT EQUIPMENT, ALTERNATIVE TOWER STRUCTURES, AND TOWERS. THE TERM DOES NOT INCLUDE MOBILE TRANSMITTING DEVICES USED BY WIRELESS SERVICE SUBSCRIBERS, SUCH AS VEHICLE OR HAND HELD RADIOS/TELEPHONES AND THEIR ASSOCIATED TRANSMITTING ANTENNAS, NOR DOES IT

INCLUDE OTHER FACILITIES SPECIFICALLY EXCLUDED FROM THE COVERAGE OF THIS TITLE.

~~*Wireless telecommunication facility* shall mean a pole, tower or antenna for the purposes of transmitting and receiving communication signals and shall include, but not be limited to, monopoles and towers with attached appurtenances such as microwave dishes and antennae, rooftop, wall and ground-mounted microwave dishes and antennae.~~

Work vehicle shall mean a vehicle outfitted with equipment such as, but not limited to, storage racks, hoists, cranes, vises, heavy equipment or other business and construction equipment, whether attached or removable, or which may have attached trailers carrying such work equipment. A horse trailer used primarily for transport of horses and/or livestock shall not be considered a work vehicle under this definition.

Yard shall mean that area of a lot between the property line and the foundation of a building, structure or use. *Required yard* shall mean that area also described as a required setback area where construction of buildings, structures and uses is limited in placement.

Zoning Board of Appeals (ZBA) shall mean an official body whose principal duties are to hear appeals and where appropriate, grant variances from the strict application of the zoning regulations.

Zoning district shall mean a classification assigned to a particular area of the City, within which zoning regulations are uniform.