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ARTICLE IV DEFINITIONS

DIVISION 1 GENERAL INTERPRETATION AND ABBREVIATIONS.

Section 4-100 Interpretation.

In addition to administrative interpretations applicable to these Land Use Regulations (Division 4 of Article I), the following words and terms may be construed as follows, unless the context clearly indicates a contrary meaning:

- A. The interpretation and application of the provisions of these Land Use Regulations shall be regarded as minimum requirements for the protection of the public health, safety, and welfare.
- B. These regulations are not intended to modify, abrogate, amend, or annul any vested property right (C.R.S. § 24-68-101) which is a constitutional guarantee or lawfully established in accordance with federal or state law prior to the effective date of these Land Use Regulations, except to the extent such rights may be lawfully modified, abrogated, amended, or annulled without a requirement of compensation to the holder of such rights.
- C. The use of "may" or "should" means permissive, recommended, or advised but is not mandatory; the use of "shall," "must," or "will" means compliance is mandatory and not voluntary or permissive.
- D. If a term or phrase is subject to more than one reasonable interpretation, the more stringent or restrictive interpretation is intended.
- E. If two or more provisions of these Land Use Regulations or other applicable law conflict, the more stringent or restrictive provision shall govern or control.
- F. Words in the present tense include the future, unless the context clearly indicates the future tense.
- G. Words used in the singular number include the plural and words using the plural number include the singular unless the context clearly indicates the contrary.
- H. The masculine gender shall include the feminine, and the feminine gender shall include the masculine.
- I. Whenever a provision appears requiring a County official, officer, employee, or agent to perform an act or duty, it shall be construed to authorize such official, officer, employee, or agent to designate, delegate, and authorize subordinates to perform the duty or act, unless the terms of the provision or section expressly limit such authority.
- J. The time within which an act is to be done shall be computed by excluding the first and including the last day; if the last day is a Saturday, Sunday or legal holiday observed by Park County, that time by which an act must be done shall be the day following the Saturday, Sunday, or legal holiday.

- K. Whenever a fraction is generated in the computation of standards, such as the number of required parking spaces, the fraction shall be rounded up to the next highest whole number.
- L. The more particular or specific provision shall govern over a general provision.
- M. In interpreting these Land Use Regulations:
 - 1. "Day" shall mean the end of a business day, which shall be at 5:00 P.M., local time.
 - 2. "Week" shall mean seven (7) consecutive days including any holidays.
 - 3. "Month" shall mean thirty (30) days.
 - 4. "Year" shall mean three hundred and sixty-five (365) consecutive days unless a calendar year is the obvious intended meaning.
 - 5. The word "structure" includes the word "building."
 - 6. The words "used" or "used for" include the words "intended," "designed," "arranged," "or occupied."
 - 7. The word "person" includes a firm, association, partnership, trust, company, or corporation as well as an individual.

Section 4-101 Abbreviations.

The following abbreviations are used in this Land Use Regulation, and are intended to have the following meanings:

- A. "C.R.S." means the Colorado Revised Statutes.
- B. "BOCC" means The Park County Board of County Commissioners.
- C. "BOA" means the Park County Board of Adjustment.
- D. "N/A" means not applicable.
- E. "UBC" means, collectively, the County-adopted uniform building and construction codes.

DIVISION 2 DEFINITIONS.

Section 4-200 Definitions.

- A. Words and phrases used in these Land Use Regulations shall have the following meanings unless a different meaning is contained in another applicable Article or Section or where the context clearly indicates a different meaning is intended. Words and phrases not defined in this Division shall be subject to the written interpretation of the Planning Director pursuant to Section 1-400, subject to appeal as provided by these Regulations.
- B. Capitalization of a term or phrase denotes that the term or phrase is a specifically defined term for purposes of these Land Use Regulations.

Accessory Use: A use customarily and commonly associated with and clearly subordinate to a Principal Use and located on the same Lot.

Accessory Structure: A structure or building customarily and commonly associated with and clearly subordinate to a lawfully existing Principal Building located on the same Lot. For Lots less than thirty-five (35) acres, an Accessory Structure is not permitted unless a Principal Building is in existence and use on the same Lot, or a building permit for such Principal Building has been obtained. An Accessory Structure, regardless of the existence of a Primary Structure, is permitted on parcels thirty-five (35) acres or larger. An accessory structure may not be occupied as a dwelling.

Adjacent Property: Property having a common border with a Lot, Parcel, or another property or separated from such a common border by a public right-of-way, alley, or easement.

Agriculture & Ranching: use and practice, whether individually or in combination of:

- A. Farming, including plowing, tillage, cropping, seeding, cultivating, harvesting, and processing for the production of food and fiber products; aquaculture; timber harvesting and processing; sod production; orchards; Christmas tree plantations; tree and plant nurseries, and the cultivation of products as part of a recognized commercial enterprise; and/or the grazing or raising of livestock for the production of food and fiber products as part of a recognized commercial enterprise excluding stockyards, slaughtering or commercial food processing plants.
- B. Agriculture & Ranching includes such Accessory Structures and buildings as may be commonly associated with such use, including barns, corrals, and storage sheds used in support of the Agriculture & Ranching use on the same property. For a Lot meeting or exceeding the minimum lot area standard for the applicable zone district, Agriculture & Ranching include one (1) Single Family Detached Residential Dwelling Unit.

All Weather Surface: In reference to street and parking areas, an all weather surface includes man-made road surfaces designed and constructed to withstand, without damage, repeated and annual exposure to common seasonal mountain weather conditions, runoff, and reasonable vehicular traffic. An all weather surface includes asphalt, concrete, asphalt concrete combinations, gravel, or surfaces approved by the Supervisor of the Park County Road and Bridge Department.

Alley: A public or private way permanently reserved as secondary means of access to abutting property.

Amusement Center: A commercial establishment open to the general public offering five or more amusement devices, including, but not limited to, coin operated electronic games, shooting galleries, table games and similar recreational diversions.

Animal Sanctuary: A commercial establishment conducted as a commercial venture or an agricultural enterprise for the harboring, keeping, care, and secure and humane containment of wild and/or domesticated animals.

Apartment House: A residential building designed or used for three (3) or more residential dwelling units.

Applicant: The owner or any person authorized by the owner to submit an application for a land use approval change or other action contemplated by these Land Use Regulations.

Aqua-Cultural: The hatching, raising, and breeding of fish or other aquatic plants or animals for sale or personal use.

Bar: A commercial establishment offering on-site consumption of alcoholic beverages for sale by the drink and in which the sale of food products such as sandwiches or light snacks is secondary.

Bed and Breakfast: A commercial establishment conducted within a Residential Dwelling Unit containing congregate dining room(s), a kitchen, bathrooms, and individual bedrooms operated for the short-term rental and overnight accommodation of not more than 2 guests for each bedroom with a maximum of 10 guests, plus their minor children, at any one time. Short-term rental shall typically not exceed a 30-day rental period for any one guest.

Billboard: Any device, and specifically including a Sign, that advertises a place, product, service, event, activity, or location that is not available on the premises on which the device is located.

Block: A distinct or identifiable grouping of Lots or buildings typically bounded by roads.

Board of Adjustment: The body appointed by the Board of County Commissioners pursuant to the requirements of C.R.S. § 30-28-117(1).

Buffalo or Bison: Any animal of the genus bison, *Bison bison L.*

Building: Any Structure supported by columns and/or walls used or intended for sheltering any use or occupancy. See also "Structure."

Building Area: The total area bounded by the exterior walls of the building at floor levels, including garages, carports, porches and breezeways.

Building Code: The County-adopted code governing or regulating the construction of buildings.

Building Height: (1997 Uniform Building Code) Height of a building is the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck

line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following; whichever yields a greater height of building:

1. The elevation of the highest adjoining sidewalk or ground surface within a five (5) foot (1524 mm) horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than ten (10) feet (3048 mm) above lowest grade.
2. An elevation ten (10) feet (3048 mm) higher than the lowest grade when the sidewalk or ground surface described in Item 1 is more than ten (10) feet (3048 mm) above lowest grade.

The height of a stepped or terraced building is the maximum height of any segment of the building.

Building Permit: An official document or certification that is issued by the building official and which authorizes the construction, alteration, enlargement conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving or repair of a building or structure.

Campground, Commercial: A commercial use accessible to the general public for the temporary overnight recreational stay of customers in tents and recreational vehicles. Commercial Camping use shall include systems for the drinking water and septic sewer needs of campers, organized campsites, and daily monitoring and supervision of the use.

Camping: Temporary, non-commercial lodging by a lot(s) owner and his or her invited guests. No tent, trailer, recreational vehicle, or other camping unit may be set upon a foundation, permanently affixed to the ground, left on the lot when not in use, or be occupied for more than six (6) months in any twelve (12) month period.

Car Wash: A commercial use primarily engaged in the cleaning and detailing of automobiles. Equipment may be automated.

Cemetery: An area of land, which may include accessory use buildings, which is used as a burial ground for the dead, pursuant to County regulations. This definition shall exclude family owned property used to bury its family members.

Central Wastewater System: A publicly owned, centralized sewage collection and treatment system designed, constructed, and operated in accordance with all applicable local, state, and federal laws governing such systems.

Certificate of Occupancy: A written document issued by Park County which authorizes the permanent occupancy of a building or structure as the result of completion of the building or structure in accordance with the County building permitting procedures.

Church, In-home: The use of a residence for persons to assemble for religious worship, which use is clearly incidental and secondary to use of the dwelling for residential purposes.

Church, Mega: A church or religious institution (see religious institution) with a seating capacity of more than 600 persons in a sanctuary or main activity area.

Church, Neighborhood Scale: A church or religious institution (see religious institution) with a seating capacity of 600 persons or less in the sanctuary or main activity area.

Cluster Development: A development design technique that concentrates structures in specific areas on a site to allow the remaining land to be used for recreation, common open space, or the preservation of historically or environmentally sensitive features.

Commercial: Any activity, transaction, operation, or function a purpose of which is the exchange, trade, or provision of goods, services, or other products of value for consideration or other form of a benefit, whether or not for profit.

Commercial Sign: A sign that identifies, advertises, or directs attention to a business, or is intended to induce the purchase of goods, property, or service, including, without limitation, any sign naming a brand of goods or service and real estate signs, as further defined below.

Community Center: A building or structure associated with an existing Commercial Campground, Recreational Vehicle Park, or platted subdivision of more than 20 Lots designed for the private and exclusive congregation of groups of people for social gathering, meetings, recreational activities occupying or residing in such Commercial Campground, Recreational Vehicle Park, or platted subdivision. A Community Center may include a Swimming Pool, Golf Course, and this Article IV defines Outdoor and Indoor Recreation Facilities as these phrases are defined by this Article IV.

Community Wastewater System (or Community Sewer System): A wastewater or sewage system that collects wastewater or sewage from more than one parcel and provides treatment at a centralized location and is not owned by a sanitation district or municipality. Examples include aerated lagoon systems; manufactured treatment plants; shared or clustered septic tank/soil-absorption systems; and individual absorption systems where all or part of the systems are located on property under common ownership by the property owners receiving services.

Complete Application: In reference to an application for any form or type of land use approval granted by Park County in accordance with these Land Use Regulations, a complete (or completed) application shall mean conformance, as determined by the Planning Director, of the submitted application with all applicable application content requirements provided by these Land Use Regulations, such as inclusion of the written application itself, plans, reports, maps, and payment of required fees and charges. A complete application shall only include applications for which all required information is legible and apparently provided, without blanks, deletions, or other evidence that information required to be provided by these Regulations is not included. The determination that an application is complete does not constitute a determination that the application complies with the substantive standards of these Land Use Regulations or of other local, state, or federal laws of regulations. The determination that an application is complete does not prohibit or preclude a later finding by the County during review that supplementation of the application is required to ensure necessary information is submitted.

Comprehensive Plan: The County-adopted master plan or comprehensive plan, by whatever title, prepared and approved in accordance with Part 1, Article 28, Title 30, C.R.S. together with all attachments and/or amendments to that plan. As of the adoption of these Land Use Regulations, the Park County Comprehensive Plan is the Park County Strategic Master Plan, adopted on or about May 8, 2001.

Conditional Use: A use of specific property authorized by resolution and approval of the Board of County Commissioners following a recommendation by the Planning Commission and which, in accordance with these Land Use Regulations, may be lawfully operated or conducted subject to conformance with conditions imposed by the Board of County Commissioners to protect the health, safety, and welfare of the public.

Conference & Retreat Facility: A use offering organized meetings, conferences, and temporary overnight accommodations for groups of people. Such facilities may include, but are not limited to, central meeting rooms, banquet rooms, a pool, and a bar and/or restaurant that caters to guests of both the facility and the general public.

Conservation Easement: A right in the owner of the easement to prohibit or require a limitation upon or an obligation to perform acts on or with respect to a land or water area or airspace above the land or water owned by the grantor appropriate to the retaining or maintaining of such land, water, or airspace, including improvements, predominantly in a natural, scenic, or open condition, or for wildlife habitat, or for agricultural, horticultural, recreational, forest, or other use or condition consistent with the protection of open land having wholesome environmental quality or life-sustaining ecological diversity, or appropriate to the conservation and preservation of buildings, sites, or structures having historical, architectural, or cultural interest or value. See C.R.S. § 38-30.5-102, for definition of "conservation easement in gross."

Construction Dwelling: A temporary use conducted in either: (a) a Manufactured Home; or (b) a Recreational Vehicle; or (c) a building meeting all requirements of the County Building Code for which a certificate of occupancy is issued as a single family residential dwelling unit. The use shall be for the sole and only purpose of temporary residential accommodations by the owner or the owner's builder during periods in which a valid building permit authorizes construction on the same Lot of a permanent Residential Dwelling Unit. A Construction Dwelling shall be connected to County-authorized and County-permitted water and sewer service or, if a Recreational Vehicle, shall be as a self contained facility that provides water and sewer services. A Construction Dwelling may not occupy the same Lot as a Residential Dwelling Unit, which is authorized for occupancy by issuance of a Certificate of Occupancy.

Corral: A fence type structure consisting of vertical posts and horizontal members, so constructed that 75 percent or more of the vertical surface is open. Chain link or other similar types of wire fences are not intended to be included in this definition and shall be classified as a fence or wall.

County: Park County, Colorado, a political subdivision of the State of Colorado, acting through its Board of County Commissioners, its appointed Board of Adjustment, Planning Commission, and Staff.

County Facilities: A County-owned building, facility, or activity for the support of any county government function, including but not limited to, jail, sheriff facilities, kennels, administrative offices, courthouse, building material storage, road maintenance facility, garage.

Craft Studio: A space in a structure used primarily for creating artistic quality and handmade articles.

Crisis Center: A facility or portion thereof and premises that are used for the purposes of emergency shelter, crisis intervention, including counseling, referral, hotline response and similar human social service functions. Said facility may include meal preparation, distribution, or service for the residents of the center as well as nonresidents; merchandise distribution, or shelter, including boarding, lodging or residential care

Cul-de-Sac: A street having one end open to vehicular traffic and being terminated at the other end by a vehicular turnabout or other feature permitting the safe and efficient redirection of vehicular traffic.

Cultural or Heritage Resources: The physical remains that represent or are reflective of the past.

Day Care, Commercial: A commercial establishment, not associated with a residential dwelling or residential use, and which is the principal use of the Lot, providing for the daytime and/or early evening care, whether or not for compensation, of any number of children at any one time. Child nurseries and preschool facilities are included in this definition. A Commercial Day Care may also provide educational instruction to the children in addition to care.

Day Care, Home: A use licensed by the State of Colorado located within and secondary to a Residential Dwelling for the care and/or instruction, whether or not for compensation, of eight (8) or fewer children at any one time. A Home Day Care shall not be the principal use of the Lot. A Home Day Care may also provide educational instruction to the children in addition to care.

Density: The number of dwelling units allowed on an area of land.

Density, Gross Residential: The average number of dwelling units per acre of a development. Also known as minimum average density.

Density, Net Residential: The average number of dwelling units per acre of a development excepting all areas of open space which is held in common ownership by residents, occupants or owners of the development, or which is dedicated for public use, and excepting all other non-residential uses including streets and parking areas.

Density, Overall Residential: The density of residential development computed by dividing the total land area within a subdivision by the number of residential dwelling units proposed within the same land area. For example, 10 dwelling units within a subdivision comprised of a total of 120 acres (inclusive of roads, outlets, open spaces, and all other land located within the subdivision) would have an Overall Residential Density of 1 unit per 12 acres.

Depth of Lot: The average distance from street right-of way to the rear lot line opposite and most distant from the street right-of-way.

Detached: When describing a building or dwelling unit, the character of being independent, separated, and unattached to another building or another dwelling unit.

Development: A generic term including any and all construction, grading and excavation, or other human activity that changes the basic character or the use of the land on which the construction or activity occurs and for which a permit is required by these Land Use Regulations.

Director: The Park County Planning Director or the Director's designee.

Disposition: A contract or agreement of sale resulting in the transfer of equitable title to an interest in subdivided land; an option to purchase an interest in subdivided land; a lease or an assignment of an interest in subdivided land; or any other conveyance of an interest in subdivided land which is not made pursuant to one of the foregoing. See Definitions for Interest and Easement.

Division (or Divide): To plat, parcel, create, separate, sell, convey, transfer, grant, gift, dispose of, or otherwise split real property into two or more properties or Easements. See Definitions for Lot, Easement, and Disposition.

Domesticated Animal: A small animal customarily considered as a pet animal and permitted to be kept in a residential dwelling for company or pleasure, including, but not limited to, dogs, cats, pot-bellied pigs, gerbils, guinea pigs and similar rodents, hamsters, tropical fish, or common house birds, provided that such animals are not kept to constitute a source of food, resource, or for any commercial purpose.

Driveway: A private access road connected to a public right-of-way serving not more than two (2) Residential Dwelling Units, located entirely within the Lot upon which the Residential Dwelling is located and the use of such access road is reserved or limited by recorded easement or plat restriction to the use of the owner(s) of the Residential Dwelling(s) and the owner's invitees.

Dwelling: A building designed to be used as permanent or part-time residential living quarters for one or more persons acting as housekeeping unit(s), including Manufactured Home and Modular Home as defined in these Land Use Regulations. A Dwelling does not include Motels, Hotels, tents, trailers, Mobile Homes, or Recreational Vehicles. A dwelling shall have a minimum footprint at grade level of six hundred (600) square feet.

Dwelling Unit: That portion or part of a building designed to be used as an independent, discrete, and separate housekeeping establishment for residential living, which shall include designed and identifiable areas or rooms for sleeping, eating, meal preparation (kitchen including the capacity for installation of a stove and refrigerator with hot and cold water/sink area), and bathroom (toilet, shower and/or tub, hot and cold water/sink area).

Dwelling Unit, Duplex: A single building consisting of two (2) Single Family Residential Dwelling Units.

Dwelling Unit, Multifamily: A building divided into three (3) or more dwelling units. Such dwelling units may or may not share common entrances and/or other jointly accessible spaces. Includes, without distinctions, apartments, condominiums, townhomes, and all other forms of attached housing. A Duplex Dwelling Unit is not a Multifamily Residential Unit.

Dwelling Unit, Single Family: One (1) building containing only (1) dwelling unit and detached from any other building or dwelling unit.

Easement: A lawfully recognized interest in, and right of use of the property of another person.

Educational Facility, Post-Secondary: A public, private, or religious institution authorized by the state to award associate, baccalaureate, or higher degrees.

Educational Facility, Primary/Secondary: A public, private, or religious institution, including charter schools, that provides educational instruction to students and meets state requirements for primary and/or secondary education. This definition does not include any institution providing post-secondary education.

Educational Facility, Trade/Business School: A specialized educational establishment that provides training in business, commercial, and/or trade skills such as accounting, data processing, and computer repair and awards certificates or associate degrees. Incidental instructional services in conjunction with another primary use shall not be considered a trade/business school.

Emergency Services Facility: A structure operated by a special district containing fire, ambulance, and/or search and rescue equipment and personnel employed by the special district.

Employee Housing: Dwelling unit(s) reserved and restricted for residential use by employees engaged in ranching or agricultural activities on the same property upon which the Employee Housing is located.

Entry Sign: A permanent sign located at a point of entry to a property from a public right-of-way.

Evidence: Any map, table, chart, contract, or other document, or oral testimony, prepared, certified, or offered by a qualified person to attest to a specific claim, condition, position, or proposition, which is found as relevant and competent by the reviewing agency to support the claim, condition, position, or proposition.

Evidence of Ownership and Encumbrances: Documentary evidence acceptable to the County reasonably establishing: (a) that the Applicant(s) is/are either the fee owner(s) of the entire property proposed for subdivision; and (b) the full names and mailing addresses of all other interest holders in the property. Documentation of ownership, liens, and encumbrances shall include all of the following:

- A. A written ownership and encumbrances report or title commitment prepared by a title company and dated not more than 60 days from the date of the application submission to the County; and
- B. A listing of the owners of any surface, subsurface, or above surface rights, easements or other interests in the land including the names and addresses of such owners, together with the book or film, page and reception number of each owner as recorded in the office of the County Clerk and Recorder; and

- C. A listing of all liens and encumbrances against the subject property with the book or film, page and reception number of each lien or encumbrance as recorded in the office of the County Clerk and Recorder including the names and addresses of all such lien holders.

Exemption Plat: A County-approved Plat processed in accordance with County land use regulations that permitted a simplified and expedited division of land into two parcels.

Extralateral Right: The right of the owner of a lode claim (with exactly parallel end lines) that contains the apex or outcrop of a vein to follow and develop that vein indefinitely downward along its dip, even if the vein enters adjoining property.

Family: Any number of individuals who are related by blood, marriage, legal adoption, or unrelated individuals living together as a single residential housekeeping unit and doing their cooking on the premises. A "single residential housekeeping unit" is generally characterized by a familial-like social structure and the sharing of responsibility associated with the maintenance of human life and comfort with a sense of permanency as opposed to the transient nature of a Bed and Breakfast, Motel or Hotel, or other temporary occupancy arrangement.

Flag Lot: A Lot configured to include a building site which is connected to a street, road or drive by a narrow strip of land used for the purpose of providing access to the building site.

Floodplain: The relatively flat or lowland area adjoining a river, stream, watercourse, lake, or other body of water that has been or may be covered temporarily by surface waters during a flood event. For the purpose of these Land Use Regulations, the floodplain is defined as the area that would be inundated by the base flood and is used interchangeably with the term 100-year flood.

Floor Area, Gross: The sum of the horizontal area, measured in square feet, of all floors of a building measure from the exterior face of the wall including stairwells and elevator shafts and excluding unfinished basements or attics, garage space, unenclosed balconies, or unenclosed porches.

Floor Area, Net: The sum of the horizontal floor area, measured in square feet, of all floors of a building measure from the exterior face of the wall excluding therefrom, stairwells, elevator shafts, covered malls, covered parkways, roof patio areas, covered entries, covered parking, covered driveways, covered loading areas, utility rooms, and storage areas not capable of occupancy.

Fraternal Organization: Any incorporated society, order, or supreme lodge, with more than fifteen local members, without capital stock, conducted solely for the benefit of its members and their beneficiaries and not for profit, operated on a lodge system with ritualistic form of work, and having a representative form of government. This definition does not include religious organizations.

Frontage: The width of a Lot abutting a public right-of-way measured at the front property line.

Frontage Road: A minor street parallel to the adjacent arterial streets and highways.

Geologic Hazard: A naturally occurring or man-made geologic condition or phenomenon that presents a risk or potential danger to life, health, or property of sufficient magnitude and probability as to affect the utilization of an area or tract of land.

Geologist: A person who is a graduate of an institution of higher education which is accredited by a regional or national accrediting agency, with a minimum of thirty semester (forty-five quarter) hours of undergraduate or graduate work in a field of geology and whose post-baccalaureate training has been in the field of geology with a specific record of an additional five years of geological experience to include no more than two years of graduate work.

Glare: A harsh or bright light or reflection that is significantly greater in intensity than lighting or reflective sources located on neighboring or surrounding properties.

Golf Course: A regulation course for the game of golf, which may or may not be accompanied by a country club, putting greens and practice areas, or golf driving ranges but does not include free-standing miniature courses (see Recreation Facility, Outdoor)

Grandfathered: Describes the status accorded certain properties, uses, and activities that legally exist prior to the date of adoption of a zoning or regulation change.

Grazing Association: To join in relationship an organized body of people for the purpose of permitting the grazing of livestock.

Greenhouse: An establishment where flowers, shrubbery, vegetables, trees, and other horticultural and floricultural products are grown both in open and enclosed buildings.

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

Ground Water: Subsurface water within and below the zone of continuous saturation.

Group Home, Residential: Any of the following group homes provided that the building meets all applicable provisions of the County Building Code:

- A. A state-licensed group home for the exclusive use of eight (8) or fewer developmentally disabled persons, which are known as community residential homes as defined in C.R.S. § 27-10.5-102(4), as amended. "Developmentally disabled" means a person with a developmental disability as defined in C.R.S. § 27-10.5-102, as amended.
- B. A state licensed group home for the exclusive use of eight (8) or fewer persons sixty years of age or older per home that do not need nursing facilities. Such group home shall be distinguished from "nursing facilities," as defined in C.R.S. § 26-4-103(11), as amended, and institutions providing life care, as defined in C.R.S. § 12-13-101(5), as amended.
- C. A state licensed group home for the exclusive use of eight (8) or fewer persons with mental illness as that term is defined in C.R.S. § 27-10-102, as amended. No person shall be placed in such a group home without being screened by either a professional person, as defined in C.R.S. § 27-10-102(11), as amended, or any other such mental

health professional designated by the director of a facility, which facility is approved by the executive director of the Colorado Department of Human Services pursuant to C.R.S. § 27-1-103, as amended. Persons determined to be not guilty by reason of insanity to a violent offense shall not be placed in such group homes, nor shall any person who has been convicted of a felony involving a violent offense be eligible for placement in such group homes.

Group Home, Special: A Special Group Home includes:

- A. Any Residential Group Home with greater than eight (8) residents; or
- B. Any establishment whose primary purpose is the residential accommodation and assistance (through rehabilitation, counseling, therapy, care, supervision, monitoring, mentoring, confinement, or any combination of such assistance) of any number of persons. Such accommodation and assistance may include, but not limited to, persons suffering from drug and alcohol problems, emotional and mental difficulties, criminal histories such as parolees and at-risk juveniles.

Guest House: A detached Single Family Dwelling Unit which is constructed on property with an *existing* principal Single Family Dwelling Unit, provided that such Guest House (is):

- A. Maintains a Gross Floor Area for the ground floor that is less than the Gross Floor Area of the principal Single Family Dwelling Unit; and
- B. Remains in the identical and same name of ownership as the principal Dwelling Unit; and
- C. Remains available for accommodations for the owners or the owner's invited occupants, including but not limited to employees of the owner, nanny, nurse, mother-in-law; and
- D. Meets all applicable zone district requirements and restrictions of the County Building Code; and
- E. Obtains water and wastewater services from state or County approved and permitted well, septic, and/or central utility systems.
- F. Located within the same lot as the principal single family Dwelling Unit.

Guest Ranch: A lodge or guest ranch house incorporating two or more guest rooms within a single structure. Outdoor and indoor recreation such as, but not limited to, horseback riding, barbecue and picnic facilities, fishing, barn dances, horse-drawn carriage rides, hayrides, weddings, wildlife viewing, and said such uses associated with an active aquacultural, agricultural, or ranching operation. All uses are primarily for guests of the ranch.

Hazardous Materials: Material(s) defined as: (a) explosive or hazardous by C.R.S. § 42-1-102 and the Code of Federal Regulations at Title 49, Chapter 1, parts 173.50 through 173.389; (b) fireworks as defined by C.R.S. §12-28-101; and (c) flammable materials or as defined by C.R.S. § 42-1-102.

Health Care Clinic: A commercial establishment open to the public and engaged in providing one or more human outpatient medical, clinical, dental, vision, pharmacy, chiropractic, physical therapy, alternative medicine, psychiatric, and other similar health care services together with accessory and related administrative offices.

Heavy Vehicle and Equipment Storage Yard: the parking, maintenance, and minor repair of vehicles used in off site construction and excavation. This use must include an office structure of at least 500 square feet, be screened from adjacent lots or parcels with berms, vegetation, and/or fencing approved during plan review by the planning department and meet all other applicable requirements of these land use regulations. Any fuel storage must be aboveground, contained within a lipped impervious surface, of no more than five hundred gallons total capacity, and approved in writing by the local fire protection district.

Historic Archeological Resources: The remains of historic use that is no longer intact, including but not limited to building sites, town sites, mining sites, sawmill sites, railroads, cellars, privies, and wells.

Historic Architectural Resources: The above ground structures related to the historic settlement and development of an area. These include, but are not limited to, historic houses, cabins, mines, mining equipment, barns, schools, commercial buildings, factories, railroads, roads, canals, bridges, and trails.

Historic Preservation: Stewardship of cultural heritage, encompassing buildings, archeological sites, cultural landscapes, and objects.

Homeless Shelter: An establishment for the purpose of housing persons without a permanent place of residence, usually for a temporary period of time.

Home Occupation: Any type of work conducted regularly for wages, fees, salary, or commercial gain, completely within a Residential Dwelling Unit or completely within a building Accessory to a Residential Dwelling Unit, which use is clearly incidental and secondary to the use of the dwelling for residential purposes. Home Occupations are divided into two classes: "Minor Home Occupation" and "Major Home Occupation:"

- A. Minor Home Occupation: A use conducted only by full-time residents of the dwelling unit that generates not more than a total of sixteen (16) vehicle trips (a vehicle trip is equal to a departure or an arrival by the proprietor, a customer, or a delivery/pick-up) during any day.
- B. Major Home Occupation: All Home Occupations not defined as Minor Home Occupation shall be Major Home Occupations.

All Home Occupations (both Major and Minor) shall meet all of the standards required by Article V of these Land Use Regulations; failure to comply with any standard shall render the Home Occupation unlawful.

Hospital: A business institution primarily operated for the diagnosis, treatment, and care of human illness or infirmity and providing health services, primarily for inpatients, and including as related facilities, laboratories, outpatient services, training and education facilities, and staff offices. (A Hospital may include the delivery of services customarily provided in a Health Care Clinic)

Hotel or Motel: A commercial establishment conducted within a building containing centralized congregate assembly or greeting area(s) and at least six (6) individual guest bedrooms with access to full-service bathrooms and operated for lodging and overnight accommodation of guests on a rental or fee basis. Hotel use may include Bar, Restaurant, or Retail Store as accessory uses within the same building. Hotel use shall not be permitted within or as a part of a Residential Dwelling Unit.

Impound Lot: See *Vehicle Storage Yard*.

Improvement: Any utility, roadway, building, structure or other man-made changes to the land. Improvements include street grading, street surfacing and paving, curb and gutter, sidewalks, cross walks, water mains and lines, fire hydrants, sanitary sewers, drainage facilities, culverts, bridges, and utilities.

Interest: For purposes of these Land Use Regulations, a legally recognized right, claim, title, privilege, or share in real property. Interest includes fee simple title, or such lesser right such as an Easement (see definition for Easement). An Interest shall specifically include an Easement which reserves to any person other than the fee owner any right to development of real property described in the Easement.

Industrial, Light: Uses engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales or distribution of such products. Further, light industrial shall mean uses such as the manufacture of electronic instruments, preparation of food and beverage products, pharmaceutical manufacturing, research and scientific laboratories, wood processing or the like. Light industrial shall not include uses such as mining and extracting industries, petrochemical industries, rubber refining, primary metal or related industries.

Industrial, Heavy: Uses engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous conditions. Heavy Industrial includes asphalt and concrete batch plants, fuel alcohol plants, fuel bulk plants, slaughterhouses, recycling facilities and ice and cold storage plants. Heavy Industrial shall also mean those uses engaged in the operation, parking and maintenance of heavy equipment, cleaning of equipment or work processes involving solvents, solid waste or sanitary waste transfer stations, recycling establishments, and transport terminals (truck terminals, public works yards, container storage).

Jail: A facility for the detainment, confinement, supervision, and processing of people held in custody.

Kennel: Any building or structure devoted wholly or partially to the commercial raising, boarding or harboring of four (4) or more Domesticated Animals that are over four (4) months of age and any number of offspring of such animals under the age of four (4) months. A Kennel shall also include the keeping or residency of: (a) more than six (6) dogs, cats, potbellied pigs, or other similarly sized Domesticated Animals on any property smaller than twenty (20) acres; and (b) more than a total of ten (10) dogs, cats, potbellied pigs, or other similarly sized Domesticated Animals on any property of twenty (20) acres or larger regardless of commercial gain or profit motive.

Kitchen: Any room or portion of a room within a building designed for and intended to be used for the cooking or preparation of food. A kitchen necessarily includes the capacity to be equipped with a stove, refrigerator, and the delivery of hot and cold potable water.

Landfill: A commercial use of property primarily for the disposal by dumping, burial and other means of garbage, sewage, junk, trash, refuse, discarded machinery, vehicles or parts thereof.

Landscaping: The finishing and adornment of unpaved yard areas. Materials and treatment generally included naturally growing elements such as grass, trees, shrubs and flowers. Use of logs, fountains, water features, contouring of the earth, and other treatment may also be used.

Livestock: Animals other than Domesticated Animals such as: horse, bovine animal, sheep, goat, swine, reindeer, donkey, llama, yak, buffalo, bison, mule and other hoofed animal; mink, and other fur bearing mammals; ostrich, emu, duck, chicken and other poultry or fowl, and small animals customarily raised or kept on farms and ranches for profit or other productive purposes. Livestock are further categorized as either Large Livestock or Small Livestock; Livestock does not include domesticated animals as defined by these Land Use Regulations.

Livestock, Large: Horse, bovine animal, sheep, goat, swine, reindeer, donkey, llama, ostrich, emu, yak, buffalo, bison, mule and other hoofed animals customarily raised or kept on farms and ranches for profit or other productive purposes.

Livestock, Small: Mink (and other similar fur bearing mammals), duck, chicken and other poultry or fowl, and other animals of similar size customarily raised or kept on farms and ranches for profit or other productive purposes.

Livestock Unit: A measure to compare the relative intensity of impact of Livestock upon the carrying capacity of a given area of land. One (1) Livestock Unit is equal to:

- A. One (1) horse, bovine animal, cow-calf pair, reindeer, donkey, llama, yak, buffalo, bison, mule, or other similar hoofed animal.
- B. Two (2) ostriches or emu.
- C. Two (2) sheep or goats.
- D. Any number of chickens, ducks, or other poultry, mink, rabbit, fox, or other fur bearing mammals housed or maintained in an enclosed building.

Lot: An identifiable and specific tract, parcel, or area of land recognized by Park County as a legal building site suitable for development in accordance with these Land Use Regulations. A Lot does not include an Easement. One or more of the following customarily establishes a Lot:

- A. A final subdivision plat, final planned unit development plat, plat amendment, lot consolidation plat, or plat exemption provided that such plat or plan bears the approval of Park County and is recorded with the office of the Clerk and Recorder for Park County, Colorado; or
- B. A map, survey, or other documented and recorded division of property that fully conforms to the statutory exemption from subdivision described at C.R.S. § 30-28-101(10); or

- C. A deed describing with particularity and specificity an identifiable parcel of property and which deed was recorded with the office of the Clerk and Recorder for Park County, Colorado, prior to January 1, 1975.¹

Lot Area: The area of a lot measured by projecting the boundaries to a horizontal plane, i.e.; all angles, dimensions, and distances defining the lot and used as a basis for determining the lot areas are converted to horizontal angles, dimensions, and distances.

Lot Consolidation: A County-approved Plat that combines or consolidates Lots into a larger Lot processed in accordance with procedures established by these Land Use Regulations; when referring to a "Lot Consolidation process," the process of approving a Lot Consolidation Plat.

Lot Coverage: Percentage of a Lot covered by structures, including the principal and all accessory buildings.

Lot Depth: The average distance from the front to the rear lot lines of a Lot.

Lot Lines: The peripheral boundaries of a Lot.

Lot Width: The average distance between the side lot lines of a Lot.

Manufactured Home: A single family dwelling unit which:

- A. Is partially or entirely manufactured in a factory;
- B. Shall have a minimum footprint at grade level of six hundred (600) square feet;
- C. Is installed on a permanent foundation meeting all applicable provisions of the County Building Code;
- D. Has brick, wood, or cosmetically equivalent exterior siding and 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.

Master Site Plan: A site plan drawn to a constant scale showing the precise locations and dimensions of all property lines, easements, and existing and proposed structures and uses; including but not necessarily limited to vehicular and pedestrian access, parking, landscaping, lighting, and utility infrastructure.

May: An auxiliary verb to be interpreted or construed to be indicative of discretion or choice between two or more alternatives unless the context in which the word appears is clearly intended to be required or mandatory.

¹ Park County first initiated the regulation of subdivisions in 1974 by the adoption of subdivision regulations. Prior to such adoption of regulations, divisions of property by deed were likely or arguably legally permitted without County approval. Following such adoption, divisions of property require County approval of a subdivision plat. Because the County cannot conclusively determine the exact date of adoption in 1974 of the first subdivision regulations, the Board of County Commissioners by these Land Use Regulations establishes a policy that divisions of property by deed dated prior to January 1, 1975 are recognized as lawful divisions of property.

Mining: An enterprise or operation involving underground or surface excavation for the purpose of extracting ore, minerals, rock, or other earthen materials, together with other activities often associated with mining, such as, but not limited to: exploration; development; and milling, concentrating, refining, or other procedures designed to separate valuable products from waste material.

Minimize: For the purposes of these regulations, to "minimize" means to demonstrate that no alternative plan will result in a reduction of impact.

Minor Plat: A County-approved plat processed in accordance with the applicable provisions of Article VI of these Land Use Regulations; when referring to a "Minor Plat process," the process of approving a Minor Plat.

Mixed Use Development: A single building containing more than one type of land use or a single development of more than one building and use, where the different types of land uses are in close proximity, planned as a unified complementary whole and functionally integrated to use of shared vehicular and pedestrian access to parking areas. A tract of land or building or structure developed for two or more different uses such as, but not limited to, residential, office, manufacturing, retail, public or entertainment.

Mobile Home: A factory-assembled structure at least fourteen (14) feet wide without a permanent foundation, designed to be transported on its own wheels arriving at the site requiring no construction activities in order to be occupied. The unit is equipped with all the necessary service connections required in order for the unit to be occupied. Removal of the wheels and placement on a foundation does not change its classification as a Mobile Home. By definition, a Mobile Home includes any mobile factory-assembled structure constructed prior to the implementation of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. § 5401 et seq.). "Park County does not allow a Mobile Home to be used as a Principal or Accessory Building in any zone district except for the Mobile Home Park or Recreational Vehicle Park and Campground zone district, except for temporary occupancy as a Construction Dwelling." The term "Mobile Home" does not include travel trailers, fifth-wheel trailers, campers, camper buses, motor homes, modular homes, Recreational Vehicles, or Manufactured Homes. After the building permit has been issued for the primary structure, a homeowner/builder may choose to utilize a Recreation Vehicle or a mobile home as temporary housing while the homeowner-builder is constructing the permanent primary structure.

Model Home: A structure temporarily used as a display and sales office for land or buildings within a development under current or imminent construction; said structure being used for on-site sales of land and structures within the development and not for general real estate business or any residential purpose.

Mortuary, Funeral Home: An establishment in which the dead are prepared for burial or cremation. The facility may include a chapel as an accessory use or building for the conduct of funeral services and space for informal gatherings and/or display of funeral equipment.

Motor Vehicle: Automobile, truck, bus, motorcycle, recreational vehicle or other conveyance designed and constructed as a motor-driven vehicle for traveling on public streets.

Multi-family: A structure used as a dwelling by three or more families occupying separate suites (e.g.: triplex, four-plex, apartment building).

Museum: A building or institution, indoor or outdoor, for the cultivation of science or the exhibition of curiosities or works of art. The term embraces not only collections of curiosities for the entertainment of the sight, but also such as would interest, amuse, and instruct the mind.

Natural Watercourse: Those areas, varying in width along streams, creeks, springs, gullies or washes, which are natural drainage channels.

Nonconforming Structure: A structure (including a building) that was lawfully established prior to the effective date of these Land Use Regulations or any subsequent amendment but by application of any provision of these Land Use Regulations would now be unlawful or fail to conform to the Land Use Regulations.

Non-Conforming Lot: A Lot that was lawfully created or established prior to the effective date of these Land Use Regulations or any subsequent amendment but, by application of the zone district's minimum lot size or minimum frontage would now fail to conform to such minimum lot standards.

Non-Conforming Use: A use of land that was lawfully established prior to the effective date of these Land Use Regulations or any subsequent amendment but by application of any provision of these Land Use Regulations would now be unlawful or fail to conform to the Land Use Regulations.

Nursery: Any land used to raise trees, shrubs, flowers, and other plants for sale or for transporting.

Official Zoning Map: The map and accompanying descriptive information adopted by the Board of County Commissioners pursuant to C.R.S. § 30-28-111 for purposes of regulating land use within Park County.

Oil and Gas Production: Development, buildings, structures, and other non-residential uses which are reasonably necessary and related to the exploration, extraction, and/or production of oil and natural gas together with accessory office, storage buildings, rig camps, gas gathering systems, and gas transmission lines.

On-site Sewage Treatment System: A sewage system installed on a lot or parcel and designed to collect and treat sewage generated from uses on that parcel designed, constructed, and operated in accordance with all local, state, and federal laws governing such systems, including but not limited to the Park County Individual Sewage Disposal System Regulations (see Appendix L).

Open Space: A parcel of land, an area of water, or a combination of land and water permanently prohibited from development and intended primarily for one or more of the following: passive and undeveloped recreational use, preservation of rural and open character, protection of wildlife habitat, preservation of scenic views and natural features or environmental quality, and for other similar benefit and enjoyment for the general public or a specified group of owners, residents, and visitors of an identifiable subdivision, platted area, or parcel of land.

Outdoor Event: Any form of recreational, musical, artistic, commercial, athletic, religious, social activity, for profit, at which seventy-five (75) or more persons are reasonably expected to attend that is conducted in whole or in part outside a permanent building or structure such as, but not limited to, concerts, carnivals, circuses, and community and public gatherings. (This excludes public and charter schools sanctioned events.)

Outlot: A described and identified unit of land illustrated or depicted as an "outlot" on a Plat. Except to the extent expressly and specifically stated on the final plat, an outlot is not a lot or building site, is not part of the plat and not approved for any use whatsoever by the plat. Use and development of an outlot requires approval of a minor subdivision plat, final plat, lot consolidation, or plat amendment, as applicable.

Owner: A person holding fee simple title to real property as such person's name appears in the appropriate records of Park County. Where pursuant to these Land Use Regulations an Owner is to submit, perform, state, or otherwise act, the term "Owner" shall include any agent of the Owner authorized by law to act on behalf of such Owner, including authorization granted by power of attorney, court decree or order, a such written and notarized affidavit found authentic and credible evidence by Park County of the Owner's delegation of authority.

Parcel: A contiguous parcel of land described and held or owned under one recorded deed.

Park: Any public or private land substantially open, with or without secondary and incidental buildings for temporary shelter from the weather, picnic tables, fences, and maintenance sheds, that is readily available for active and passive recreational uses or scenic purposes, such as, but not limited to, ball fields, grassed areas, horseshoe pits, playground equipment, etc.

Park County: The political subdivision of the State of Colorado government acting through its Board of County Commissioners, it's appointed Board of Adjustment, Planning and Zoning Commission, and Staff.

Park and Ride: Parking lots or structures, located along public transit routes, designed to encourage transfer from private automobiles to a publicly owned and organized mass transit system.

Parking Lot: An area other than a street or alley that is permanently reserved and maintained for the parking of Motor Vehicles on a temporary basis – daily or overnight.

Permanent Sign: A sign that is neither a temporary sign as defined by this Division nor a sign prohibited within the County by these Land Use Regulations.

Personal Services: Retail activities customarily involving the on-site delivery or provision of personal services to customers such as, but not limited to: beauty and barbershops; gyms, exercise, and physical education facility or studio; massage therapy studio. Personal Services do not involve the retail sale of goods or merchandise as the primary part of the provision of Personal Services, e.g., the retail sale of hair care products would be a secondary part of a beauty or barber shop.

Petting Zoo: An area, building, or structures which contain wild and/or domestic animals on exhibition for viewing and/or petting by the public.

Phased Development: Written programmed series of development stages.

Pipeline, Gas: A pipeline and its appurtenant facilities designed for and capable of regional transportation of natural gas, excluding local distribution lines.

Pipeline, Slurry: A pipeline and its appurtenant facilities designed for transporting particulate solids in liquid suspension.

Planning Commission: The Park County Planning and Zoning Commission, an advisory body of the Park County Board of County Commissioners created and appointed pursuant to C.R.S. § 30-28-103.

Planning Director: The Park County employee, regardless of title, assigned the primary authority and responsibility to administer these land use regulations.

Planned Unit Development: A development of land that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include, but not be limited to, streets, circulation ways, utilities, buildings, open spaces and other site features and improvements.

Plat: A surveyed map and supporting materials of specific described land prepared in accordance with the subdivision regulations as an instrument for recording of real estate interest with the Park County Clerk and Recorder.

Plat Amendment: A County-approved Plat, which amends a previously recorded subdivision plat which is processed in accordance with the applicable provisions of Article VI of these Land Use Regulations; when referring to a "Plat Amendment process," the process of approving a Plat Amendment.

Post: To erect, attach, or affix in any manner, including without limitation nailing, tacking, tying, gluing, pasting, painting, staking, marking, or writing.

Prehistoric Archeological Resources: The physical remains evidencing human activities occurring prior to written records, from large habitation complexes to isolated stone flakes.

Principal Building: The predominant, primary, fundamental, and essential building located on a Lot. Except within Planned Unit Developments or zone districts expressly authorizing more than one Principal Building for a Lot, each Lot shall lawfully have only one principal building; other lawfully erected buildings are deemed Accessory Buildings.

Principal Use: The predominant, primary, fundamental, and essential use of property.

Private Club: A building owned or maintained for social, civic, or philanthropic purposes, which is not readily open and available to the general public without membership or qualification.

Professional Office: Office uses typically involving persons of specified professional qualifications or experience such as accountants, bookkeepers, auditors, financial advisors, attorneys, real estate sales and management, real estate appraisal services, professional training and education services, personal counseling (including psychiatric or other mental health counseling); Professional Office uses customarily involve less intensive daily customer

trips due to relatively longer periods of appointment or visitation than Personal Service or Retail Store uses. Professional Office does not include Health Care Clinics.

Property Rights: A generic term that refers to any type of legally recognized right to specific property whether it is personal property or real property and use thereof.

Public Improvement: Any physical improvement of property intended to provide a service, amenity, or benefit to the general public or to owners and occupants of structures within a specific area of subdivision or development, including, but not limited to, utility systems (e.g., water and wastewater treatment facilities, mains, and service lines; improvements to manage drainage and stormwater; improvements to manage erosion and sedimentation; improvements to protect and enhance wildlife habitat, wetlands, and floodplains; transportation facilities (streets, roads, highways, and bridges); signage to manage and direct vehicular and pedestrian traffic; and recreational amenities (e.g., parks, trails, and open space).

Racetrack, Animals: A measured course where animals are entered in competition against one another or against time, including tracks used only in the training of animals.

Racetrack, Motorized Vehicles: A measured course where motorized vehicles are entered in competition against one another or against time.

Real Estate Sign: 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 posted.

Recreation Facility, Indoor: A permanent commercial establishment providing completely enclosed recreational activities to the public. Accessory uses may include the preparation and serving of food and/or the sale of equipment related to the principal recreational use. Included in this definition shall be bowling alleys, roller or ice skating facilities, billiards, swimming pools, gymnasiums, tennis courts, motion picture theaters, and related indoor amusements. An Indoor Recreation Facility is not a Conference & Retreat Facility.

Recreation Facility, Outdoor: A permanent commercial establishment, including permanent seasonal operations, providing recreational activities to the public in a largely outdoor setting. Accessory uses may include limited buildings for restrooms, dressing rooms, equipment storage and rental, maintenance, open-air pavilions or shelters, and similar structures all associated with the principal outdoor recreational use. Included in this definition shall be outdoor roller or ice skating facilities, skateboard parks, swimming pools, tennis courts, skiing or snow-shoeing areas, amphitheaters, and motorcycle courses. Outdoor Recreation does not include Golf Course. An Outdoor Recreation Facility is not a Conference & Retreat Facility.

Recreational Vehicle: A motorized vehicle or trailer intended for transportation by means of attachment to a motorized vehicle, other than a Mobile Home, whose gross floor space is not more than three hundred twenty (320) square feet and which is designed as a temporary dwelling for travel, recreation, or vacation use. Examples include, but are not limited to, motor homes, travel trailers, travel coaches, truck campers, or camping trailers, fifth wheels vehicles, and vans.

Recreational Vehicle Park: A commercial use of land designed for the purpose of providing parking sites for the temporary stay of Recreational Vehicles.

Recycling Facility: Any building, space, or location whose primary purpose is storage, holding, retention, accumulation, exchange, disassembly, shredding, salvaging, or other processing and handling of used, waste, and scrap materials including, but not limited to, metal, wood and wood products, paper, rags, tires, bottles, aluminum cans and containers, plastic items, and other such materials.

Refurbishing: To renovate to make good as new, repair. Not to include Vehicle Body Repair.

Religious Center: A Religious Institution (excluding a mega church) that includes other uses not commonly associated with, and in addition to, worship and religious education in most rural Religious Institutions in Park County; such as a gymnasium, physical recreation facilities, Day Care during periods other than worship or religious education, private education facilities for children kindergarten through twelfth grade, overnight accommodations, food warehousing and distribution, homeless shelter with or without kitchen facility, food production for off-site delivery.

Religious Institution: A building (excluding a mega church) and use where persons regularly assemble for religious worship and which building, together with any permitted accessory buildings, is maintained and controlled by a recognized religious organization whose principal, primary, and predominant purpose is the assembly and congregation for public worship. A Religious Institution commonly includes a single building, which includes a common room for assembly and congregation of persons. A Religious Institution may include as an accessory use(s):

- A. Religious education classes, committee meetings, and office work which activity, in terms of time of conduct and the size of the space devoted to such accessory use, is clearly secondary and subordinate to the principal use as a place of worship;
- B. One (1) Dwelling Unit for a Caretaker or Operator of the Religious Institution;
- C. Day Care operating during scheduled times of worship and religious education only conducted at the Religious Institution; and/or
- D. For Lots greater than five (5) acres in size, one (1) columbarium or cemetery for the internment of deceased persons not exceeding 20% of the total Lot Area of the Religious Institution.

Residential Zone District: Zone district for which the principal purpose is the provision of permanent residential housing: Agricultural Small Lot (A-35) Zone District, Residential (R) Zone District, Mountain Residential (MR) Zone District, Residential Estate (R-20) Zone District, Residential Ranch (R-35) Zone District, Rural Center Mixed Use (RC) Zone District, Manufactured Home Park (MHP) Zone District, and any part or portion of a Planned Unit Development Zone District that permits residential use.

Restaurant: A commercial establishment where the principal business is the sale of food and beverages to the general public in a ready-to-consume state, which may or may not include seating facilities or a Bar. Restaurant includes a drive in restaurant serving persons in their motor vehicles.

Retail Store: A commercial establishment offering as the primary purpose of the use the display and retail sale to the general public goods, merchandise, and accessory services within an enclosed building. A Retail Store includes, but is not limited to, uses such as: convenience

store (without gasoline or fuel sales), clothing store, grocery store, coffee shop, gift and craft store, packaged liquor store, and pharmacy (see also Health Care Center).

Ridgeline: Any point or line located within a property where the top of a ridge meets the sky. A ridgeline is commonly considered the crest, peak, or top of a hillside or knoll.

Riding Arena, Indoor: A structure used primarily for riding horses inside the structure.

Riding Arena, Outdoor: An enclosed fenced outdoor area used primarily for riding and training horses.

Right-of-way: All streets, roadways, sidewalks, alleys, and all other areas reserved for present or future use by the general public as a matter of right, for the purpose of vehicular or pedestrian travel, and which are held, owned, or controlled by Park County, a incorporated municipality, or the Colorado Department of Transportation. Right of way is synonymous with public roadway, public street, and public way. For purposes of an application for the vacation (abandonment) of a right-of-way, such term shall only include rights-of-way held and owned by Park County, Colorado.

Roof Sign: Any sign posted on, attached to, or extends or protrudes above the lowest elevation point of a roof, typically identified by the existence of a gutter, eve, overhang, soffit, parapet, or other similar structural or building element.

Salvage Yard: A commercial establishment involved in the storage and eventual extraction of commodities of value from wrecked, discarded, or junked items.

Search Lights: Any artificial light source used in a manner that attracts public attention, or is intended to attract public attention by illuminating a building, use, or activity, whether temporary or permanent. Searchlights do not include lawfully permitted or authorized lighting of parks, school or institutional playing fields, or parking areas provided that such lighting meets any illumination standards or requirements imposed by these land use regulations.

Setback: The distance between the property line and:

- A. The nearest point on the outer wall, at grade, of the principal building on the same lot, or
- B. The outer edge of any above grade extension of the principal building that projects more than three feet beyond its outer wall.

Sexually Oriented Business: An adult arcade, adult bookstore, adult novelty, shop, adult video store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, sexual encounter establishment, or nude model studio. The definition of sexually oriented businesses shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional personal licensed by the state engages in medically approved and recognized sexual therapy.

“Specified Anatomical Areas” includes any of the following:

- a. Less than completely and opaquely covered human genitals, pubic region, buttock, anus, or female breasts below a point immediately above the top of the areola; or

- b. Human genitals in a discernibly turgid state, even if completely and opaquely covered.

“Specified Sexual Activities” includes any of the following:

- a. The fondling or other intentional touching of human genitals, pubic region, buttocks, anus or female breasts;
- b. Sex acts, normal or perverted, actual or simulated, including, but not limited to: intercourse, oral copulation, sodomy, sadomasochism, or bestiality;
- c. Masturbation, actual or simulated;
- d. Human genitals in a state of sexual stimulation, arousal or tumescence;
- e. Excretory functions as part of or in connection with any of the activities set forth in subsections (a) through (d) of this subsection.

Shall: A word generally expressing an imperative or mandatory obligation or requirement, and intended to deny the presence of discretion.

Shooting Range: A commercially operated establishment open to the public that is designed and managed to permit the safe and organized discharge for sport and practice of firearms, archery equipment, and other lawful weaponry aimed at inanimate targets.

Sign: Any stationary object or device or part thereof situated outdoors or indoors, but subject to public view, which is used to advertise or identify an object, person, institution, organization, business, product, service, or event by means including words, letters, figures, design fixtures, colors, motion, illumination, or projected images.

Slope: The degree of inclination or decline, with respect to the horizontal of ground surface, along the slope line or the imaginary line on the ground surface indicating the direction of steepest gradient at a given point and would, therefore, intersect mapped contour lines at right angles.

Special Use Permit: Authorization issued by the County following a public review process to conduct a specified land use as described in an application for land use approval, as such approval may be conditioned by the County.

Stable, Commercial: A commercial use of a building and associated Yard, Lot Area, or Open Space devoted wholly or partially to the permanent or temporary boarding, harboring, keeping, and maintenance of horses to be used or intended to be used for equestrian-related recreational activities.

Stable, Private: Any building and/or land area, located on a lot on which a dwelling is situated, which is designed, arranged, used or intended to be used for housing and/or grazing horses or livestock animals for the private use of the occupants of the dwelling.

Staff: The Planning Director and other County employees engaged in the administration of these Land Use Regulations.

Storage Structures: Structures used for storage of inanimate objects.

Strategic Master Plan: See "Comprehensive Plan."

Street, Public: Any thoroughfare or public way for vehicular traffic which has been dedicated or deeded to the public for public use, whether designated as or called a street, highway, road, avenue, place, parkway or however else named or designated.

Street, Private: A privately held or owned right to the use of property which is reserved for and restricted to providing the principal means of vehicular access to two or more properties or Lots.

Structure: Anything constructed or erected upon the ground, including, without limitation, buildings, towers, tanks, cranes, smokestacks, and overhead transmission lines, but excluding utility poles, flag poles walls or fences, earthworks, ditches, corrals, dams, reservoirs, pipelines, walks, driveways, curbs, and telephone, telegraph, television, and electrical lines.

Sub-area or Sub-areas: Divisions or areas of Park County, previously know as Rural Centers, identified as Sub-areas within the Park County Strategic Master Plan: Alma, Bailey, Como, Crow Hill, Fairplay, Grant, Guffey, Hartsel, Jefferson, Lake George, Pine Junction, and Shawnee.

Subdivider or Developer: Any person, firm, company, partnership, joint venture or other group or association who shall participate as owner, promoter, developer, representative or sales agent in the planning, platting, development, promotion, sale or lease of a subdivision.

Subdivision or Subdivided Land: Any parcel of land that is divided into two or more parcels, separate interests, or interests in common. For purposes of this definition, "interests" includes any and all interests in the surface of land but excludes any and all subsurface interests.

- A. A Subdivision or Subdivided Land shall not include a division of land that creates parcels of land each of which comprises thirty-five (35) or more acres of land and none of which is intended for use by multiple owners.
- B. Unless the method of disposition is adopted for the purpose of evading these Land Use Regulations or C.R.S. § 30-28-101 *et seq.*, a Subdivision or Subdivided Land shall not include a division which:
 1. Creates parcels of land, such that the land area of each of the parcels, when divided by the number of interests in any such parcel, results in thirty-five or more acres per interest;
 2. Could be created by any court in this state pursuant to the law of eminent domain, or by operation of law, or by order of any court in this state if the Board of County Commissioners is given timely notice of any such pending action by the court and given opportunity to join as a party in interest in such proceeding for the purpose of raising the issue of evasion of these Land Use Regulations or C.R.S. § 30-28-101 *et seq.* prior to entry of the court order; and, if the BOCC does not file an appropriate pleading within twenty days after receipt of such notice by the court, then such action may proceed before the court;
 3. Is created by a lien, mortgage, deed of trust, or any other security instrument;

4. Is created by a security or unit of interest in any investment trust regulated under the laws of this state or any other interest in an investment entity;
5. Creates cemetery lots;
6. Creates an interest in oil, gas, minerals, or water which is severed from the surface ownership of real property;
7. Is created by the acquisition of an interest in land in the name of a husband and wife or other persons in joint tenancy or as tenants in common, and any such interest shall be deemed for purposes of this subsection as only one interest;
8. Is created by the combination of contiguous parcels of land into one larger parcel. If the resulting parcel is less than thirty-five acres in land area, only one interest in said land shall be allowed. If the resulting parcel is greater than thirty-five acres in land area, such land area, divided by the number of interests in the resulting parcel, must result in thirty-five or more acres per interest. Easements and rights-of-way shall not be considered interests for purposes of this subparagraph;
9. Is created by a contract concerning the sale of land which is contingent upon the purchaser's obtaining approval to subdivide, pursuant to this Article and any applicable county regulations, the land which he is to acquire pursuant to the contract; or
10. Which creates a cluster development pursuant to Part 4 of Article 28, Title 30, C.R.S. if such form of development is permitted by these Land Use Regulations.

Subdivision Improvements Agreement (SIA): One or more contracts or agreements between Park County and a Subdivider and/or Owner that may include security arrangements to secure the actual cost of construction of public improvements as are required by County subdivision regulations or the approval of the subdivision or development. An SIA may include any one or a combination of the following types of security or collateral: restrictions on the conveyance, sale, or transfer of any lot, lots, tract, or tracts of land within the subdivision as set forth on the plat or as recorded by separate instrument; performance or property bonds; private or public escrow agreements; loan commitments; assignments of receivables; liens on property; letters of credit; deposits of certified funds; or any other form of similar surety agreements acceptable to the County.

Subdivision Plat: A recorded plat or survey in the form required by applicable County regulations which both evidences the division of interests in real property and bears the approval of Park County.

Surface Area: For all signs other than a Wall Sign, the area of a sign measured by determining the sum of the frame, face, nonstructural trim, or other component parts not used for support. For a Wall Sign, the area measured by determining the sum of the area of the smallest single continuous rectangle enclosing the extreme limits of the individual letters, symbols, and/or characters.

Swimming Pool: Any structure intended for swimming or recreational bathing that contains water over 24 inches deep. This includes in-ground, aboveground, and on-ground hot tubs and spas.

Taxicab Service: A service that offers transportation in passenger automobiles and vans to persons including those who are handicapped in return for remuneration. The business may include facilities for servicing, repairing, and fueling the taxicabs or vans.

Telecommunication Facility: The plant, equipment, buildings, fencing, and other real and personal property, including but not limited to, cables, wires, conduits, ducts, pedestals, antennas, towers, structures, electronics, and other appurtenances used to transmit, receive, distribute, provide or offer telecommunications services. The term telecommunications facility shall not include: (i) amateur radio operators' equipment licensed by the FCC; (ii) any non-commercial satellite earth station antenna three (3) meters in diameter or less which is located in an area zoned industrial or commercial; or (iii) any non-commercial satellite earth station antenna two (2) meters or less in diameter, regardless of zoning category.

Temporary Building: A building used temporarily for the storage of construction materials and equipment incidental and necessary to on-site permitted construction of utilities, or other community facilities, or used temporarily in conjunction with the sale of property within a subdivision under construction.

Temporary Sign: A sign that is: (1) typically constructed from non-durable materials, including paper, cardboard, cloth, plastic, and, or wallboard; and (2) does not constitute a structure made subject to permitting by county's building code provisions.

Tent: A fabric covering used for temporary living and/or sleeping accommodations.

Tourist Mine: Any mine whose primary purpose is for tours open to the public rather than development of minerals, which the owner/operator does not have the intent to produce and see a product which significantly affects commerce, a tourist mine may include a museum and an antique shop.

Tract: A defined and identifiable parcel of land. A Tract is not a Lot as defined by this Article IV.

Trailer: A vehicle without motive power, designed to be towed, used or adaptable for housing, business, storage and the transporting of anything.

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

Unincorporated: Land, areas, territory, or property located outside of incorporated cities and incorporated towns.

Use: The purpose or function for which any land, structure or building is designed, constructed, maintained or occupied.

Use, Change of: Any change within the classified use of a structure or premises.

Use, Temporary: A use that is authorized by these Land Use Regulations to be conducted for a fixed period of time.

Utility Facility, County: Any Major Utility Facility or Minor Utility Facility owned by Park County.

Utility Facility, Major: An underground, surface or overhead structure or facility exceeding one hundred twenty (120) square feet or an area of land used to generate, store, distribute or regulate electricity, gas, or water; to pump or chemically treat water, sewage or solid waste; or storm water drainage. A major utility facility may include accessories such as poles, wires, mains, drains, vaults, culverts, sewers, pipes, signals or pumps. Specifically included as a major utility facility are transmission lines capable of the transmission of electricity more than 115 kilovolts (KV), water pipelines with a capacity of more than 15 cubic feet per second, and water storage facilities with a capacity of 30,000 gallons or more of water.

Utility Facility, Minor: An underground, surface or overhead structure that includes electric generator and distribution lines, interface with power grid, gas and water distribution pipelines and sewage lines that serve the specific area through which they are routed. Minor utility facility specifically includes electric transmission lines at 115 kilovolts (KV) or less, low-pressure gas distribution lines, structures for the diversion of water with a capacity of less than 15 cubic feet per second, and water storage facilities with a capacity of less than 30,000 gallons.

Variance: Authorization issued by the County in accordance with these Land Use Regulations to lawfully depart from the literal requirements of a regulation or obligation where the failure to comply would otherwise be unlawful, illegal, or otherwise violate the requirements of these Land Use Regulations.

Vehicle Body Repair: Repair, rebuilding or reconditioning of motor vehicles including bodywork, framework, welding and painting service.

Vehicle Center: A commercial establishment open to the general public engaged in providing multiple automobile and vehicle related services such as, in any combination, Vehicle Repair Service, Vehicle Service Station, Car Wash, Convenience Store, or Retail Store for goods and merchandise related to automotive services such as automotive parts. Vehicle Center may not include Vehicle Sales, Salvage Yard, or Vehicle Storage Yard.

Vehicle Repair Service: A commercial establishment open to the general public *primarily* engaged in providing all forms of repair and maintenance of automobiles, motor vehicles, tractors, trailers, recreational vehicles, and similar mechanical equipment. Vehicle Repair Service does not include:

- A. Vehicle Service Station;
- B. Vehicle Storage Yard;
- C. Salvage Yard;
- D. Vehicle Sales;
- E. Car Wash.

Vehicle Sales: A commercial establishment open to the general public primarily engaged in the display and sale of automobiles, motor vehicles, tractors, trailers, and similar large mechanical equipment.

Vehicle Service Station: A commercial establishment for the principal purpose of servicing automobiles and motor vehicles with fuels (including propane), oil, air, and water. An accessory and clearly secondary use may include the minor and emergency repair, maintenance, or replacement of electrical or mechanical parts. Accessory retail sale of products and convenience food goods may also be available.

Vehicle Storage Yard: An established site for the principal purpose of permanent or temporary storage, securing, retention, or other holding of automobiles, motor vehicles, trailers, boats, and/or recreational vehicles. A Vehicle Storage Yard is not a Salvage Yard.

Vested Rights: A legal right to undertake and complete the development of property under the terms and conditions of a specific development plan or land use application.

Veterinarian, Small Animal: A commercial establishment operated by a licensed veterinarian for the principal purpose of offering and providing services for the medical and health care of Domesticated Animals. Small Animal Veterinarian use may provide as a clearly secondary and ancillary use the accommodation for overnight stay of Domesticated Animals. A Small Animal Veterinarian use is not a Kennel.

Veterinarian, Large Animal: A commercial establishment operated by a licensed veterinarian for the principal purpose of offering and providing services for the medical and health care of Domesticated Animals and Livestock. Large Animal Veterinarian use may provide as a clearly secondary and ancillary use the accommodation for overnight stay of Domesticated Animals and Livestock. A Large Animal Veterinarian use is not a Kennel.

Vista: A long view across a valley or large open area. Significant vistas generally occur along major roads or from points visited by relatively large numbers of people.

Wall Sign: A sign attached flat or flush against a wall that comprises a structural and supporting exterior component of a lawfully existing structure or building. A wall sign may not extend more than eighteen (18) inches beyond the surface of the wall to which it is attached. A wall sign shall not extend above the height of the wall to which it is attached and no part or portion of a wall sign shall be located on or above the lowest point of any roof, parapet, or gutter. A wall sign may extend into a required setback.

Warehouse: A Building in which goods, merchandise, equipment, or other items are stored for eventual distribution. A Warehouse may include as a secondary and ancillary use the periodic distribution of stored items provided that distribution is not conducted on a continuous hourly basis. A Warehouse shall not include the storage of Hazardous Materials.

Wastewater Treatment Facility: A facility or group of units used for the treatment of industrial or domestic wastewater for sewer systems and for the reduction and handling of solids and gases removed from such wastes, whether or not such facility or group of units is discharging into state waters. Wastewater treatment plant specifically excludes a facility or group of units used for pretreatment, treatment, or handling of industrial water, wastewaters, reuse waters, and wastes which are not discharged into state waters.

Watercourse: A stream, creek, slough, gulch, arroyo, reservoir, lake, pond, or portion of the floodplain functioning as a natural or improved channel carrying water flows, not constituting a flood.

Wetland: Land transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this classification, wetlands must have one or more of the following three attributes: (1) at least periodically, the land supports predominately hypodophytes; (2) the substrate is predominately undrained hydric soil; and (3) the substrate is non-soil and is saturated with water or covered by shallow water at some time during the growing season of each year." (Cowardin et al., *Classification of Wetlands and Deepwater Habitats of the United States*, 1979.) To the degree this definition differs for that used in the Federal Clean Water Act and implementing regulations, as may be applied by the appropriate regulatory agency, the more restrictive regulations shall control.

Yard: The land area of a Lot not covered by the Principal Building.