
CHAPTER 11-15. DEFINITIONS

Sec. 11-15-1. Word usage.

- (A) All provisions, terms, phrases, and expressions contained in this Title shall be construed according to the general purposes set forth in Section 11-1-4 of this Title and the specific purpose statements set forth throughout this Title. When, in a specific section of this Title, a different meaning is given for a term defined for general purposes in this Chapter, the specific section's meaning and application of the term shall control.
- (B) Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.
- (C) If a term is not defined in this Chapter, the City Manager may use a definition from a list of definitions published by an organization of professionals engaged in the application of that definition, including but not limited to the American Institute of Architects, the American Planning Association, the International Code Council, the National Fire Protection Association, and the Institute of Transportation Engineers. The City Manager may also use a definition contained in a published dictionary in general use, including but not limited to the Merriam-Webster dictionary, that the City Manager determines is consistent with the intents expressed in this Title and with applicable Colorado or federal law.

Sec. 11-15-2. Definitions

A

Accessory building or structure means a building or structure on the same lot with the principal structure, the use of which is customarily incidental and subordinate to the principal use.

Accessory Dwelling Unit (ADU) means an internal, attached, or detached residential dwelling that provides complete independent living facilities (including but not limited to provisions for sleeping, eating, cooking, and sanitation) for one or more persons, is located on a lot with an existing primary dwelling unit, and is secondary and subordinate to that primary residential dwelling. Mobile homes, park models and travel homes shall not be included within the definition of the term *Accessory Dwelling Unit*. An ADU may include a tiny home, as defined herein.

Accessory use means a use which is subordinate to, clearly incidental to, customarily in connection with, and ordinarily located on the same premises as the principal use.

Adjacent means meeting, abutting or touching at some point, or located across a street, alley, rail right-of-way, irrigation ditch easement, or other right-of-way.

Adult Business-Related Definitions:

The following words, terms and phrases, when used in connection with Chapter 11-12 of this Title, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Adult arcade means any commercial establishment to which the public is permitted or invited where, for any form of consideration, one or more still or motion picture projectors, slide projectors, or similar machines, or other image or virtual reality producing machines, for viewing by five or fewer persons per machine at any one time, are used regularly to show films, motion pictures, video cassettes, slides, or other photographic, digital or electronic reproductions describing, simulating or depicting specified sexual activities or specified anatomical areas.

Adult bookstore, adult novelty store, or adult video store means a commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

- (1) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations, however produced, that depict or describe specified sexual activities or specified anatomical areas; or
- (2) Instruments, devices, or paraphernalia which are designed for use in connection with specified sexual activities.

Adult cabaret means a nightclub, bar, restaurant, concert hall, auditorium or other commercial establishment that features:

- (1) Persons who appear nude or in a state of nudity or semi-nudity; or
- (2) Live performances that are characterized by the exposure of specified anatomical areas or by the exhibition of specified sexual activities.

Adult gaming arcade means any business location, including a private club, that is owned, leased, or otherwise possessed, in whole or in part, by a person or by that person's partners, affiliates, subsidiaries, agents, or contractors which features (i) slot machine(s), (ii) gambling device(s), (iii) simulated gambling device(s), or (iv) any mechanical, electrical, video, electronic, or other device, contrivance or machine which after insertion or conveyance of a coin, debit card, credit card, cash, virtual currency, token or similar object or upon payment of any required consideration whatsoever by a player, is available to be played or operated, and which, whether by reason of the skill of the player or application of the element of chance, or both, may deliver or entitle the player operating the machine to receive monetary compensation and/or redeemable game credits, or any other thing of value. This definition expressly includes any tabletop or standing electronic display with one or more stations featuring buttons, joysticks, or other control(s) that delivers to the player cash, cash premiums, prize(s), redeemable game credits or any other thing of value for successful play, whether the redeemable payout is made automatically from the machine or from an employee of the business location, to include "fish game," "fish game table," "fish game gambling table" however denominated. This definition expressly excludes any business location which features bona fide amusement devices that pay nothing of value, cannot be adjusted to pay anything of value, provide only unredeemable free games, or provide only tickets redeemable for nonmonetary prizes consisting of toys or novelties of nominal value; crane games; vintage slot machine models introduced on the market in 1984 as described in Chapter 11 of this Title; coin-operated music machines; or any bona fide amusement device authorized within restaurants by C.R.S. § 44-3-103(47).

Adult motel means a hotel, motel or similar commercial establishment that offers accommodations to the public for any form of consideration and provides patrons with closed-circuit television transmission, films, motion pictures, video cassettes, slides, or other media productions, however produced, which are characterized by the depiction or description of specified sexual activities or specified anatomical areas, and which commercial establishment has a sign visible from the public right-of-way which advertises the availability of this adult type of media production.

Adult motion picture theater means a commercial establishment that is distinguished or characterized by the showing, for any form of consideration, of films, motion pictures, video cassettes, slides, or similar photographic reproductions, on more than 100 days per year, that have an "X" rating or that have an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

Adult theater means a theater, concert hall, auditorium, or similar commercial establishment that, for any form of consideration, regularly features persons who appear in a state of nudity or live performances which are characterized by an emphasis on exposure of specified anatomical areas or by specified sexual activities.

Commercial establishment means an establishment that may have other principal business purposes that do not involve the depicting or describing specified sexual activities or specified anatomical areas and still be categorized as a sexually oriented business. Such other business purposes will not serve to exempt such commercial establishments from being categorized as a sexually oriented business so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials that depict or describe specified sexual activities or specified anatomical areas. The term "commercial establishment" includes clubs, fraternal organizations, social organizations, civic organizations or other similar organizations with paid memberships.

Crane game means an amusement machine that, upon insertion of a coin, bill, token, or similar object, allows the player to use one or more buttons, joysticks, or other controls to maneuver a crane or claw over a nonmonetary prize, toy, or novelty, none of which shall have a cost of more than \$25.00, and then, using the crane or claw, to attempt to retrieve the prize, toy, or novelty for the player.

Employee means a person who works or performs in and/or for a sexually oriented business or an adult gaming arcade, regardless of whether or not said person is paid a salary, wage, or other compensation by the operator of said business.

Establishment of a sexually oriented business means and includes any of the following:

- (1) The opening or commencement of any such business as a new business;
- (2) The conversion of an existing business into a sexually oriented business;
- (3) The addition of a different sexually oriented business to any other existing sexually oriented business; or
- (4) The relocation of a sexually oriented business.

Foyer means an architectural element of a building that consists of an entry hall or vestibule that is completely enclosed and contains one door to provide access to areas outside of the building and a separate door to provide access to areas inside of the building.

Gambling device means any device, machine, paraphernalia, or equipment that is used or usable in the playing phases of any professional gambling activity, whether that activity consists of gambling between persons or gambling by a person involving the playing of a machine; except that the term does not include a crane game.

Manager means an operator, who is employed by a sexually oriented business or an adult gaming arcade to act as a manager or supervisor of employees or is otherwise responsible for the operation of the business.

Nudity or state of nudity:

- (1) The appearance of human bare buttock, anus, male genitals, female genitals, or the areola or nipple of the female breast; or
- (2) A state of dress which fails, opaquely and fully, to cover human buttocks, anus, male or female genitals, pubic region, or areola or nipple of the female breast.

Nude model studio means any place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons.

Operator means includes the owner, custodian, manager, operator, or person in charge of any sexually oriented business or an adult gaming arcade.

Peep booth means a room, semi-enclosure or other similar area located within a sexually oriented business wherein a person may view representations of specified anatomical areas or specified sexual activities.

Person means an individual, proprietorship, partnership, corporation, limited liability company, association, or other legal entity.

Principal business purpose means any establishment, having as a substantial or significant portion of its stock in trade the items listed in Subsections (A) and (B) of the definition of adult bookstore, adult novelty store, or adult video store and having on the premises at least 30 percent of the establishment's display space occupied by the display of the items described therein.

Principal owner means any person owning, directly or beneficially:

- (1) Any membership or partnership interest in a limited liability company or limited liability partnership if such person has any legal control or authority over the management or operation of the entity; or
- (2) In the case of any other legal entity, five percent or more of the ownership interests in the entity, except for shareholders, but including such shareholders who are corporate officers or directors or who otherwise have any legal control or authority over the management or operation of the entity.

Prize means a gift, award, gratuity, good, service, credit, or anything else of value, including a thing of value for a "gain", that may be transferred to a customer, whether or not possession of the prize is actually transferred or placed on an account or other record as evidence of the intent to transfer the prize. "Prize" does not include: (I) Free or additional play; (II) Any intangible or virtual award that cannot be converted into money, goods, or services; or (III) A paper or electronic coupon, whether issued to a player as a single ticket or token or as multiple tickets or tokens, that is won in return for a single play of a device; has a value that does not exceed the equivalent of \$25.00; cannot be exchanged or returned for money, monetary credits, or any financial consideration; and cannot be used to acquire or exchanged for any product that is, contains, or can be used as a constituent part of or accessory for: (A) Alcohol beverages; (B) Tobacco, tobacco products, marijuana, or smoking; or (C) Firearms or ammunition.

Public park means an area of land owned by a governmental entity or private association and intended to be used for recreational purposes, including any such land that contains no improvements and is intended only for open space purposes, and including any such land that is intended for use only for pathway purposes.

Seminude or *semi-nudity* means a state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breasts, as well as portions of the body covered by supporting straps or devices, which supporting straps or devices are used to support or enable the wearing of such clothing.

Sexually oriented business means an adult arcade, adult bookstore, adult novelty shop, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, peep booth or nude model studio. The definition of sexually oriented business shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the State of Colorado engages in medically approved and recognized sexual therapy, or a college, junior college or other institution which houses an adult model studio for artistic or educational purposes.

Simulated gambling device means a mechanically or electronically operated machine, network, system, program, or device that is used by an entrant and that displays simulated gambling displays on a screen or other mechanism at a business location, including a private club, that is owned, leased, or otherwise possessed, in whole or in part, by a person conducting the game or by that person's partners, affiliates, subsidiaries, agents, or contractors; except that the term does not include bona fide amusement devices, as authorized in C.R.S. § 44-3-103(47), that pay nothing of value and cannot be adjusted to pay anything of value. "Simulated gambling device" includes: (I) A video poker game or any other kind of video card game; (II) A video bingo game; (III) A video craps game; (IV) A video keno game; (V) A video lotto game; (VI) A video roulette game; (VII) A pot-of-gold; (VIII) An eight-liner; (IX) A video game based on or involving the random or chance matching of different pictures, words, numbers, or symbols; (X) An electronic gaming machine, including a personal computer of any size or configuration that performs any of the functions of an electronic gaming machine; (XI) A slot machine, where results are determined by reason of the skill of the player or the application of the element of chance, or both, as provided by Article XVIII, § 9(4)(c) of the Colorado constitution; and (XII) A device that functions as, or simulates the play of, a slot machine, where results are

determined by reason of the skill of the player or the application of the element of chance, or both, as provided by Article XVIII, § 9(4)(c) of the Colorado constitution. "Simulated gambling device" does not include any pari-mutuel totalizator equipment that is used for pari-mutuel wagering on live or simulcast racing events and that has been approved by the director of the division of racing events for entities authorized and licensed under C.R.S. tit. 44 art. 32.

Slot machine means any mechanical, electrical, video, electronic, or other device, contrivance, or machine which, after insertion of a coin, token, or similar object, or upon payment of any required consideration whatsoever by a player, is available to be played or operated, and which, whether by reason of the skill of the player or application of the element of chance, or both, may deliver or entitle the player operating the machine to receive cash premiums, merchandise, tokens, redeemable game credits, or any other thing of value other than unredeemable free games, whether the payoff is made automatically from the machines or in any other manner; except that the term does not include a crane game or vintage slot machine models introduced on the market in 1984, does not contain component parts manufactured in 1984 or thereafter and is not used for gambling purposes or limited gaming purposes.

Specified anatomical areas means as used herein means and includes any of the following:

- (1) Human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola, that are not completely and opaquely covered; or
- (2) Human male genitals in a discernibly turgid state even if completely and opaquely covered.

Specified criminal acts means sexual crimes against children, sexual abuse, sexual assault, or crimes connected with another sexually oriented business, including, but not limited to, distribution of obscenity, prostitution, or pandering.

Specified sexual activities means includes any of the following:

- (1) The fondling or other intentional touching of human genitals, pubic region, buttocks, anus or female breasts;
- (2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
- (3) Masturbation, actual or simulated;
- (4) Human genitals in a state of sexual stimulation, arousal, or tumescence; or
- (5) Excretory functions as part of or in connection with any of the activities set forth in Subsections (A) through (D) of this definition.

Affordable housing means rental housing affordable to a household with an annual income of at or below sixty percent of the Area Median Income (AMI), and that costs the household less than thirty percent of its monthly income. "Affordable housing" also means for-sale housing that could be purchased by a household with an annual income of at or below one hundred percent of the AMI, for which the mortgage payment costs the household thirty percent or less of its monthly income. An affordable housing project is allowed in all zoning districts, subject to underlying zone requirements. An affordable housing project shall, as a condition of approval, be accompanied by the recordation of a deed restriction, in form approved by the supervising entity and subject to City review which establishes qualified owners and successors in interest of units within the project at the levels specified herein, the maximum initial and subsequent sale prices for the units, ownership and rental restrictions to qualified persons, and enforcement provisions.

Aircraft support services mean aircraft maintenance and passenger and crew services.

Airport means any area that is used, or is intended to be used, primarily for the takeoff and landing of aircraft and any appurtenant areas that are used, or intended to be used, for airport buildings or facilities, including open spaces, taxiways, and tie down areas, hangars, and other accessory buildings.

Alley means a public way permanently reserved as a secondary means of access to abutting property.

Amended plat means an amended subdivision plat, or replat, which changes the number of separately described contiguous parcels of property or lots previously approved by the City, and meeting the requirements of Section 11-5-7 of this Title.

Annexation means the act of attaching, adding, joining or uniting a parcel of land to the legal entity known as the City of Montrose.

Applicant means any person submitting paperwork for a development application.

Area Median Income (AMI) means the median annual income for Montrose County, as adjusted for household size, that is calculated and published annually by the Department of Housing and Urban Development (HUD) or any successor index.

Assembly, religious means any structure or place wherein religious worship, ceremonies, rituals, and education are held for a congregation.

Assisted Living Facility means a residential structure licensed by the State of Colorado to provide health-related and personal care.

Average yearly high-water mark means the point on the bank, edge or channel at which the Uncompahgre River's waters reach their maximum average height on an annual basis; sometimes referred to as "HWM" herein. The average HWM shall be calculated based upon the depth of the Uncompahgre River at a cross section on the subject property, using a yearly peak flow rate of 2,000 cubic feet per second.

B

Bar or tavern means an establishment primarily devoted to the serving alcoholic beverages, and in which the service of food is incidental to the consumption of such beverages.

Barrier(s) to employment and housing stability means social, economic or health conditions, including mental illness, chemical dependency, or other disabling chronic health conditions which prevent or diminish a person's ability to obtain and remain in safe and permanent housing.

Bed and Breakfast means a business providing rooms and use of bath facilities on a nightly (short term rental) basis, for compensation, which business is incidental to the use of the premises for residential purposes.

Building means any structure having a roof supported by columns or walls and intended for supporting, enclosing, sheltering or protecting any use or occupancy. The term shall include modular homes that do not fall within the definition of manufactured home or mobile home.

Building height means the vertical distance measured from the finished grade to the highest point of the underside of the ceiling beams for a flat roof; to the deck line for a mansard roof; and to the mean level of the underside of the rafters between the eaves and the ridge for a gable, hip or gambrel roof; chimneys, spires, towers, elevator penthouses, tanks and similar projections other than signs shall not be included in calculating the height.

Building line means a line parallel to the property line beyond which no exposed portion of a building extends, other than its eaves or the roof overhang.

Building materials business means an establishment involved in the sale, storage, and distribution of structure supplies and services including lumber, brick, tile, cement, insulation, floor covering, lighting, plumbing supplies, electrical supplies, cabinetry, and roofing materials.

C

Campground means a parcel of land on which two or more camping or glamping sites are located, established, or maintained for occupancy by camping units.

Camping unit means a self-propelled or towed recreational vehicle, other vehicle used for temporary human occupancy, or a cabin, tent or other type of shelter intended, designed, or used for temporary human occupancy.

Childcare facility means any facility not in a residence and excluding schools which provides less than 24-hour care and supervision for minor children, in accordance with the Statutes of the State of Colorado.

City means City of Montrose, Colorado.

City Council means the Council of the City.

City Manager means the City Manager of Montrose, Colorado or his or her designee.

City staff means staff members appointed by the City Manager.

Code means the Montrose Municipal Code.

College or other place of adult education means an educational institution authorized by the state to award associate, baccalaureate, or higher degrees or a school conducted as a commercial enterprise for teaching skills and vocations, or skills in which machinery is employed as a means of instruction including vocational or technical school, and industrial schools and training facilities.

Common interest community means real estate described in a declaration with respect to which a person, by virtue of such person's ownership of a unit, is obligated to pay for real estate taxes, insurance premiums, maintenance, or improvement of other real estate described in a declaration. The unit of ownership for any owner (except the association) within a common interest community is either a common interest community unit or a subplot. A common interest community is a condominium, planned community, or co-op.

Common interest community unit means a physical portion of the common interest community which is designated for separate ownership or occupancy and the boundaries of which are described in or determined from the declaration. A common interest community unit may be comprised of only vertical boundaries or a combination of vertical and horizontal boundaries.

Conditional use means a use which is permitted only after review and approval pursuant to Sections 11-4-2 and 11-7-6 (B) of this Title.

Condominium means a type of ownership which consists of a separate fee simple estate in an individual airspace unit of a multi-unit property, together with an undivided fee simple interest in common elements. This definition is further supported by the following terms:

- (1) *Individual air space* means any enclosed room occupying all or part of a floor in a building of one or more floors to be used for residential, professional, commercial or industrial purposes.

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- (2) *Common elements*, unless otherwise provided in the declaration or by written consent of all the condominium owners, means the land or the interest therein on which a building or buildings are located; the foundations, columns, girders, beams, supports, main walls, roofs, halls, corridors, lobbies, stairs, stairways, fire escapes, entrances and exits of such building or buildings; the basements, yards, gardens, parking area and storage spaces; the premises for lodging of custodians or persons in charge of the property; installations of central services such as power, light, gas, water, heating, refrigeration, central air conditioning and incinerating; the elevators, tanks, pumps, motors, fans, compressors, ducts and in general all apparatus and installations existing for common use; such community and commercial facilities as may be provided for in the declaration; and all other parts of the property necessary or convenient to its existence, maintenance or safety in common use.
- (3) *Condominium unit* means an individual air space unit, together with the interest in the common elements appurtenant to such unit.
- (4) *Declaration* means an instrument which defines the character, duration, rights, obligations and limitations of condominium ownership.

Contiguous means sharing an edge or boundary, or touching one another at more than one point or corner.

Co-Op means a common interest community in which the real property is owned by an association, each member of which is entitled by virtue of such member's ownership interest in the association to exclusive possession of a unit.

D

Density means the number of dwelling units per gross acre of a development parcel, including roads and other public improvements in land area.

Disturbance envelope means the area or areas which will be directly affected by a proposed development located within the Uncompahgre River Buffer Zone.

Drive-in or drive-through means a site design or site feature that, by design, physical facilities, service, or packaging procedures, encourages or permits customers to receive services or obtain goods while remaining in their motor vehicles. This use includes but is not limited to drive-by pickup facilities for parcels, goods, food, or beverages.

Dwelling, duplex means a single residential building on a single lot containing two dwelling units, each designed for use and occupancy by one household. The two units must be able to function as dwelling units independently of each other, but may be located side-by-side, in front and behind, or above and below each other.

Dwelling, multi-household means five or more dwelling units in a single building on a single lot. where each unit is occupied by one occupant or household and where each unit has an individual entrance to the outdoors or to a common hallway. This use type includes modular homes as defined herein.

Dwelling, single-household attached means a single-household dwelling unit attached to one or more single household dwellings that share a common vertical side or rear wall reaching from the building foundation to the roof structure, each of which is located on its own separate lot. This use is also referred to as a townhome. This use type includes modular homes as defined herein.

Dwelling, single-household detached means a single-household dwelling that is not attached to any other dwelling by any means (except an approved accessory dwelling unit), on a single lot. This use type includes modular homes as defined herein.

Dwelling, tiny home means a single-household dwelling that is permanently constructed on a vehicle chassis; is not self-propelled; is designed for long-term residency; contains less than 400 square feet of gross floor area; includes electrical, mechanical, or plumbing services that are fabricated, formed, or assembled at a location other than the site of the completed home; is constructed to the International Residential Code as adopted by the Building Codes and Standards program of the Colorado Division of Housing; and has affixed to it a metal plate insignia certifying that it is built to those standards.

Dwelling, triplex or fourplex means a single building on a single lot containing three or four dwelling units under one roof, each of which is occupied by one occupant or household. This use type includes modular homes as defined herein.

Dwelling unit means an area in a building containing cooking, living and sanitary facilities designed for residential purposes.

E

Electric vehicle charging station (EVCS) means a public or private parking space served by battery charging station equipment which has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle (EV) also referred to as an EVCS space.

Electric vehicle charging station, retail means grouping of multiple EVCS's accessible to the public as a primary use of property, and which may provide electricity to customers for a fee. The property may also contain another primary use such as a convenience store.

Electric vehicle (EV) parking space means any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.

Estate subdivision, large means a subdivision, or part thereof, with a minimum lot size of at least one-half of an acre, a gross area of at least ten acres or a minimum total area inclusive of adjoining approved large or small estate subdivision with a minimum of one-sixth contiguity of at least 20 acres, and which is designated as a single-household residence district.

Estate subdivision, small means a subdivision, or part thereof, with a minimum lot size of 14,500 square feet, a gross area of at least ten acres or a minimum total area inclusive of adjoining approved large or small estate subdivision with a minimum of one-sixth contiguity of at least 20 acres, and which is designated as a single-household residence district.

F

Family Child Care Home (FCCH) is a type of family care home that provides less than 24-hour care at any time for two or more children that are unrelated to each other or the provider, and are cared for in the provider's place of residence or as currently defined by the Statutes of the State of Colorado. A family child care home shall be considered an accessory use to a residence in all zone districts.

Farm implement sales or service establishment means a business necessary and customary to farming or ranching operations, requiring special knowledge, expertise, or equipment, including the parking, servicing, repairing, or maintenance of vehicles designed for on-road hauling of livestock or agricultural products, and including vehicles and machinery designed for the harvesting, planting, cultivating, or processing of crops.

Farmers market means a seasonal open-air market where produce, plants, eggs, food and artisan's products are sold directly to consumers.

Farms and ranches mean land used primarily for the production of crops or livestock, including: irrigated meadows, irrigated and dry pasture, and irrigation ditches; stock drive routes; lands used for barns, corrals and storage of crops or agricultural products. This use excludes commercial greenhouses, and commercial feedlots, fur farms, fish farms, poultry houses, hog farms, dairies and similar operations with a high density of animals.

Flood Management-Related Definitions:

The following words, terms and phrases, when used in connection with Chapter 11-6 of this Title, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

100-year flood means 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 "100-year flood" and "one percent chance flood" are synonymous with the term "100-year flood." The term "100-year flood" does not imply that the flood will necessarily happen once every 100 years.

100-year floodplain means the area of land susceptible to being inundated as a result of the occurrence of a 100-year flood.

500-year flood means a flood having a recurrence interval that has a 0.2-percent chance of being equaled or exceeded during any given year (0.2-percent-chance-annual-flood). The term "500-year flood" does not imply that the flood will necessarily happen once every 500 years.

500-year floodplain means the area of land susceptible to being inundated as a result of the occurrence of a 500-year flood.

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

Alluvial fan flooding means a fan-shaped sediment deposit formed by a stream that flows from a steep mountain valley or gorge onto a plain or the junction of a tributary stream with the main stream. Alluvial fans contain active stream channels and boulder bars, and recently abandoned channels. Alluvial fans are predominantly formed by alluvial

deposits and are modified by infrequent sheet flood, channel avulsions and other stream processes.

Area of shallow flooding means 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 to three feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Base Flood Elevation (BFE) means the elevation shown on a FEMA Flood Insurance Rate Map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE 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.

Basement means any area of a building having its floor sub-grade (below ground level) on all sides.

Channel means the physical confine of stream or waterway consisting of a bed and stream banks, existing in a variety of geometries.

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

Code of Federal Regulations (CFR) means the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal government. It is divided into 50 Titles that represent broad areas subject to federal regulation.

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

Critical facility means a structure or related infrastructure, but not the land on which it is situated, as specified in Section 11-6-5 (H) of this Title, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the City at any time before, during and after a flood.

Development means any manmade change in improved and unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

DFIRM database (usually spreadsheets containing data and analyses that accompany DFIRMs) means the FEMA mapping specifications and guidelines outline requirements for the development and maintenance of DFIRM databases.

Digital Flood Insurance Rate Map (DFIRM) means the FEMA digital floodplain map the digital maps serve as "regulatory floodplain maps" for insurance and floodplain management purposes.

Elevated building means a non-basement building:

- (1) Built, in the case of a building in FIRM Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, 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 floor of the water; and

- (2) 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. In the case of FIRM Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D.

The term "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 floodwaters.

Manufactured home park or subdivision, existing means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured 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, is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured 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.

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

FEMA means Federal Emergency Management Agency, the agency responsible for administering the National Flood Insurance Program.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) Overflow of water from channels and reservoir spillways;
- (2) The unusual and rapid accumulation or runoff of surface waters from any source; or
- (3) Mudslides or mudflows that occur from excess surface water that is combined with mud or other debris that is sufficiently fluid so as to flow over the surface of normally dry land areas (such as earth carried by a current of water and deposited along the path of the current).

Flood control structure means 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 Insurance Rate Map (FIRM) means an official map of a community, on which FEMA has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) means the official report provided by FEMA. The report contains the Flood Insurance Rate Map as well as flood profiles for studied flooding sources that can be used to determine Base Flood Elevations for some areas.

Floodplain or *floodprone area* means any land area susceptible to being inundated as the result of a flood, including the area of land over which floodwater would flow from the spillway of a reservoir.

Floodplain administrator means the City Manager, or designee, who shall administer and enforce the provisions of Chapter 11-6 of this Title.

Floodplain development permit means a permit required before construction or development begins within any special flood hazard area (SFHA). If FEMA has not defined the SFHA within a community, the community shall require permits for all proposed construction or other development in the community, including the placement of manufactured homes, so that it may determine whether such construction or other development is proposed within floodprone areas. Permits are required to ensure that proposed development projects meet the requirements of the NFIP and Chapter 11-6 of this Title.

Floodplain management means 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 and ordinances.

Floodplain management regulations 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 "floodplain management regulations" describes such state or local regulations, in any combination, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing means any combination of structural 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) means 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 Colorado statewide standard for the designated height to be used for all newly studied reaches shall be one-half foot (six 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.

Freeboard means 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.

Functionally dependent use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term "functionally dependent" includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

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

Historic structure means a structure that is:

- (1) Listed by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) 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;
- (3) 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
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior, or have been certified directly by the Secretary of the Interior in states without approved programs.

Letter of Map Revision (LOMR) means 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) means 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 means a manmade embankment, usually earthen, 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. For a levee structure to be reflected on the FEMA FIRMs as providing flood protection, the levee structure must meet the requirements set forth in 44 CFR 65.10, as amended.

Levee system means 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.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). Any floor used for living purposes which includes working, storage, sleeping, cooking and eating or recreation, or any combination thereof. This includes any floor that could be converted to such a use such as a basement or crawl space. The lowest floor is a determinate for the flood insurance premium for a building, home or business. An unfinished or flood

resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

Manufactured home means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

Manufactured home park or subdivision, new means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured 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) is completed on or after the effective date of Ordinance No. 2290, adopting this Chapter.

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Material Safety Data Sheet (MSDS) means 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 means for the 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.

National Flood Insurance Program (NFIP) means 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.

No-Rise Certification means 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. The supporting technical data should be based on the standard step-backwater computer model used to develop the 100-year floodway shown on the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM).

Physical Map Revision (PMR) means FEMA's action whereby one 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.

Recreational vehicle means a vehicle which is:

- (1) Built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projections;

-
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
 - (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Special flood hazard area means 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.

Start of construction means the date the building permit was issued, including substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, installation of piles, 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; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or erection of temporary forms; nor does it include installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the building's external dimensions.

Structure means a walled and roofed building, including a gas or liquid storage tank, which is principally above ground, as well as a manufactured home.

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

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "Start of Construction" of the improvement. The value of the structure shall be determined by the City; if an independent appraiser or the like is required, the property owner shall bear the cost thereof. This includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term "substantial improvement" does not, however, include either:

- (1) A 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 officials having jurisdiction over such matters, and which are the minimum necessary conditions; or
- (2) Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.

Threshold Planning Quantity (TPQ) means 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.

Variance means a grant of relief to a person from the requirements of Chapter 11-6 of this Title when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by Chapter 11-6 of this Title.

Violation means is the failure of a structure or other development to be fully compliant with the City's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) of the National Flood Insurance Program regulations is presumed to be in violation until such time as that documentation is provided.

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

Floor area, gross means the total square footage of the building measured along the outside walls of the building and including each floor level.

Floor area, net means the total square footage of the building measured along the outside walls of the building and including each floor level, but not including open balconies, garages or other enclosed automobile parking areas and basement storage areas.

Food truck means a motor vehicle or trailer with a current Mobile Food Vendor's Permit designed and equipped for the preparation and sale of food and/or beverages.

Food truck court means an area of land on which one or more food trucks sell food and/or beverages to the public, and on which the public may consume food and/or beverages.

Fueling station means any building or lot having facilities for the sale of gasoline, diesel and other fuels for use by motor vehicles, and which may include incidental facilities for service and minor repair of motor vehicles.

Fulfillment center means a facility that is used for the receipt of bulk products and the storage, separation, and distribution of those products on an individual basis to individual end-user consumers. A fulfillment center's primary function is moving a shipment from one mode of transport to vehicles with rated capacities less than 10,000 pounds, for delivery directly to consumers or end-users. This includes e-commerce activities.

Funeral home means an establishment for the preparation of the deceased for burial and the display of the deceased and rituals connected with, and conducted before, burial or cremation. This definition includes other undertaking establishments such as columbaria, crematoria, and may include a facility for the permanent storage of cremated remains of the deceased.

G

Glamping means a form of camping involving accommodation and facilities more luxurious than those associated with traditional camping.

Golf course means a tract of land laid out with a course having nine (9) or more holes for playing the game of golf, including any accessory clubhouse, driving range, office, restaurant, concession stand, picnic tables, pro shop, maintenance building, restroom facility, or similar accessory use or structure. This term shall not include miniature golf courses as a principal use, nor shall it include driving ranges that are not accessory to a golf course.

Government buildings and facilities means any building or facility owned and operated by the United States of America, the State of Colorado, the City of Montrose, or any agency or political subdivision thereof.

Grade means the elevation of the ground surface in its natural state, before man-made alterations or construction.

Grade, finished means the final elevation of the ground surface surrounding a building or structure after development.

Greenhouse, commercial means any land or structure used primarily to raise trees, shrubs, flowers or other plants for sale or for transplanting.

Group home means a state-licensed home for eight (8) or fewer persons that is for purposes other than those defined as a *Group home for the handicapped or disabled*.

Group home for the handicapped or disabled means a state-licensed home for eight (8) or fewer persons with mental or physical impairments which substantially limit one or more major life activities, and including such additional necessary persons required for the care and supervision of the permitted number of handicapped or disabled persons. “Handicap” and “disability” have the same legal meaning. A person with a disability is any person who has a physical or mental impairment that substantially limits one of more major life activities; has a record of such impairment; or is regarded as having such an impairment. A physical or mental impairment includes, but is not limited to, hearing, visual, and mobility impairments, alcoholism, drug addiction, mental illness, mental retardation, learning disability, head injury, chronic fatigue, HIV infection, AIDS, and AIDS Related Complex. The term “major life activity” may include seeing, hearing, walking, breathing, performing manual tasks, caring for one’s self, learning, speaking, or working. Group homes for handicapped or disabled persons, as they relate to recovering (not currently using) alcoholics and persons with drug addictions, may also be known as sober living arrangements.

H

Historic Preservation-Related Definitions:

The following words, terms and phrases, when used in connection with Chapter 11-3 of this Title, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Alteration means any act or process that changes one or more of the exterior architectural or landscape features of a building, structure, site, object or district.

Certificate of Appropriateness means certificate issued by the commission authorizing any proposed repair, restoration, alteration, construction, relocation or demolition of a designated building, structure, site or object or element within a designated historic district pursuant to Chapter 11-3 of this Title.

Certificate of Economic Hardship means a certificate issued by the commission authorizing the repair, restoration, alteration, construction, relocation or demolition of a designated building, structure, object site or element within a designated historic district in accordance with the provisions of this Chapter, even though a Certificate of Appropriateness has previously been denied.

City's historic register means the register established pursuant to Section 11-3-3 of this Title.

Commission means the Historic Preservation Commission established pursuant to Section 11-3-2 of this Title.

Compatible or *compatibility* means consistent with, harmonious with and/or enhancing the mixture of complementary architectural styles either of an individual building, structure, object or site or of surrounding structures.

Construction or *construct* means the act of erecting an addition to an existing building, structure or object or the erection of a new principal or accessory building, structure or object on a lot or property.

Contributing property means a building, structure, site or object that reflects the historic or architectural character within a district.

Demolition or *demolish* means any act or process that destroys in part or in whole a building, structure or object.

Demolition by neglect means forsaking maintenance of any building, structure, object or site to allow severe deterioration, potentially beyond the point of repair.

Design guidelines mean a standard of appropriate activity that will preserve the historic and architectural character of a building, structure, object, site or district.

District means as set forth in Section 11-3-4 of this Title.

Exterior architectural appearance means the architectural character and general composition of the exterior of a building, structure or object, including, but not limited to, the kind, color (excluding paint) and texture of the building material and the type, design and character of all windows, doors, light fixtures, signs and appurtenant elements.

Historic district means a defined area designated pursuant to this Chapter, which may contain within its geographic boundaries one or more contributing buildings, structures, objects or sites, and which may have within its boundaries other non-contributing buildings, structures, objects or sites.

Historic property means a building, structure, site or object which is designated by the City Council pursuant to this Chapter.

Infill means construction on vacant or underused parcels within existing areas that are largely developed.

Inventory means catalog of buildings, structures, objects and sites within the City, listed, eligible for listing or non-eligible for listing on the City's historic register.

Maintenance means all activities necessary to prolong the useful life and aesthetic appearance of a property.

National Register of Historic Places means the list of significant buildings, structures, sites or objects in American history, architecture, archaeology, engineering or culture maintained by the U.S. Secretary of the Interior.

Non-contributing property means a building, structure, object or site that does not reflect the historic or architectural character within a district because of age or lack of integrity.

Object means a material item of functional, aesthetic, cultural, historical, or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

Period of significance means span of time during which significant events and activities occurred.

Relocation means moving a building, structure or object to a different location, either temporarily or permanently.

Secretary means the secretary of the commission.

Secretary of the Interior's Standards for the Treatment of Historic Properties means the preservation, rehabilitation, restoration and reconstruction standards adopted by the U.S. Department of the Interior.

Site means location of a significant event, a prehistoric or historic occupation or activity, or a building, structure or object, whether standing or vanished, where the location itself maintains historic or archaeological value regardless of the value of any existing structure.

Structure means a construction for purposes other than shelter for humans, animals or chattel, such as a road, bridge, canal, or fence.

Home occupation means any commercial activity, whether for profit or nonprofit, conducted within a dwelling unit. A home occupation includes remote telework employment.

Homeowner association means any entity whether a corporation, partnership, unincorporated association, or other entity existing for the purpose of maintaining commonly-owned facilities or enforcing private protective covenants whose members or shareholders are the property owners involved. *Hospital* means an institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training and central services facilities and staff offices.

Hotel or motel means a building designed for occupancy as the temporary abiding place (30 days or less) of individuals who are lodged with or without meals, and with such building having six or more guest rooms.

Household is defined as any of the following:

- (1) A single person occupying a dwelling unit;
- (2) Up to any number of persons of any relationship, so long as in compliance with all health and safety regulations; or
- (3) A group home, or group home for the handicapped or disabled, as defined herein.

I

Industrial use, other means an establishment or business that uses hazardous inputs or creates hazardous by-products in the course of manufacturing, assembly, fabrication, or materials treatment, or that uses manufacturing, assembly, fabrication, or treatment processes that create potentially hazardous impacts on the environment or surrounding areas. Examples include but are not limited to: asphalt and concrete batch plants, fuel alcohol plants, fuel bulk plants, and ice and cold storage plants, but excluding the use or storage of any materials listed as hazardous substances in Title 40, Code of Federal Regulations, Parts 116.4, 302.4, and 355, or in C.R.S. 25-15-101.

J

K

L

Land development means any change in the use of land or improvements thereon, including, but not limited to:

- (1) The construction, enlargement, reconstruction or renovation of any improvements which require a building permit.
- (2) A change in use or intensity of use on the land, or within a structure.
- (3) The placement of temporary structures on the land.
- (4) Site clearance, removal or addition of vegetation, grading, dredging, mining, drilling, cut and fill activities, dumping soil or other materials, removal of soil or contouring of a site.
- (5) Request for approval of any of the forms of land use application listed in Section 11-4-2 at Table 4-1.

Notwithstanding the foregoing, the following shall not be deemed to constitute *land development*:

- (1) Normal maintenance and repair of improvements which do not involve a change in use or intensity of use.
- (2) Nonstructural interior improvements when they have no effect on the square footage of the existing improvements and are not associated with a change of use.

Large retail development means a retail project or establishment of more than 10,000 square feet of gross floor area.

Laundry facility, self-service means an establishment with washing machines and dryers for public use.

Letter of infrastructure completion and acceptance means a letter issued by the City Engineer pursuant to Chapter 11-5 of this Title accepting all public and necessary on- and off-site improvements. The issuance of this letter shall end the construction warranty period.

Letter of substantial completion means a letter issued by the City Engineer pursuant to Chapter 11-5 of this Title accepting all public and necessary on- and off-site improvements, except for landscaping and irrigation facilities. The landscaping and irrigation facilities may be secured with as set forth in Section 11-5-12 of this Title.

Library means a facility that is open to the public and is primarily intended for the loan of books, periodicals and other reading materials.

Live/work unit means a residential dwelling unit in a mixed-use building used partly for commercial office, retail, or personal service uses.

Lot means a parcel or tract of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or possession or for building development.

Lot width means the width of a lot measured at the building line.

M

Manufactured home means a single-household substantially or entirely manufactured in a factory which is moved on site in substantial component parts, placed on a permanent or temporary foundation, is not self-propelled and which is manufactured, certified and labeled pursuant to 42 USC 5401 et seq. or certified by the Colorado Division of Housing pursuant to CRS 24-32-703 and affixed with a certification label (also known as a HUD tag – see image below) on the outside of the home.



Manufactured home park means any single or contiguous lots, tracts, or premises upon which is located two or more mobile or manufactured homes used as residences on a permanent basis on individual lots, pads, or spaces; whether those lots, pads, or spaces be individually owned, leased, or rented. A manufactured home park does not include modular home subdivisions.

Manufactured home, tiny home and travel home sales or service establishments mean businesses principally involved in the sale, servicing, repairing, maintenance, or storage of manufactured homes, tiny homes and/or travel homes.

Manufactured housing means mobile homes and manufactured homes.

Manufacturing and non-manufacturing uses mean industrial operations including food processing; metal finishing and fabrication; paper, plastic and wood manufacturing (excluding processing of any raw materials), fabric manufacturing and similar activities.

Medical clinic means an ambulatory health facility where patients are admitted for outpatient examination and treatment by a group of licensed health care practitioners, dentists, or licensed health care practitioners in practice together. This use includes facilities providing support to the medical profession and patients medical and dental laboratories, blood banks and various types of medical supplies and services. This definition includes facilities such as blood donor stations, chiropractor offices and clinics, optometrist offices and clinics; osteopathic physician offices and clinics, and other specialized treatment clinics except outpatient drug treatment clinics.

Micro-brewery, micro-distillery, and micro-winery mean a small brewery, winery, meadery or distillery operated separately or in conjunction with a drinking establishment or restaurant, provided the beer, wine, mead or liquor is sold for consumption onsite or off the premises and is not sold to other drinking establishments, restaurants, or wholesalers.

Minor subdivision means a subdivision which meets the requirements of Section 11-5-3 of this Title.

Mixed use means the development of a lot tract or parcel of land, building or structure with two or more different uses including but not limited to residential, office, retail, public uses, personal service or entertainment uses, designed, planned and constructed as a unit.

Mixed use building means a building designed, planned and constructed as a unit, used partially for residential use and partly for commercial uses including, but not limited to, office, retail, public uses, personal service or entertainment uses.

Mobile home means a single-household dwelling, factory-built and factory-assembled residence which does not comply with the National Manufactured Homes Construction Safety and Standards Act. (42 U.S.C. Section 5401 et seq., 1978, as amended).

Mobile home, dependent, means a mobile home without toilet, lavatory or bathing facilities.

Modular home means single-household, duplex, triplex, fourplex, or multi-household homes substantially or entirely manufactured in a factory which are moved on site in substantial component parts, are placed on a permanent foundation, are not self-propelled and which meet or exceed, on an equivalent engineering basis, standards established by the applicable City building code. The homes will bear an insignia labeled as “Factory Built Unit Certification” which are typically found under the kitchen sink – see image below.

THIS INSIGNIA IS THE PROPERTY OF THE
STATE OF COLORADO
DIVISION OF HOUSING

THE FACTORY BUILT PORTION OF THIS STRUCTURE COMPLIES WITH THE FACTORY
BUILT CONSTRUCTION STANDARDS OF THE STATE OF COLORADO

MANUFACTURER(S)' NAME _____

PLAN APPROVAL NO. _____ UNIT ID# _____

DATE BUILT _____ CERTIFICATION NO. _____

MANUFACTURER CERTIFIES THE FOLLOWING:

ROOF DESIGN LOAD	_____	PSF	_____	MECHANICAL
WIND SPEED	_____	MPH	_____	ELECTRICAL
FLOOR DESIGN LOAD	_____	PSF	_____	PLUMBING
OCCUPANCY	_____		_____	BUILDING
SEISMIC CAT	_____			
ENERGY CODE	_____			

Modular structure means a nonresidential building substantially or entirely manufactured in a factory which is moved on site in substantial component parts, placed on a permanent foundation, are not self-propelled and which meets or exceeds, on an equivalent engineering basis, standards established by the City’s building code.

Museum means a facility or area that is open to the public and is intended for the display of art or other works that have architectural, artistic, cultural, literary, historical, or scientific value.

N

Native vegetation means species of plants considered indigenous to the State of Colorado by government or reputable academic sources; species of plants that are not listed as "non-native" by agencies of the State of Colorado or the U.S. Bureau of Land Management.

Nonconforming use means a use which does not comply with the use regulations, dimensional requirements or other regulations of these Zoning Regulations.

O

Office, business means an office for professionals such as physicians, dentists, chiropractors, lawyers, architects, engineers, surveyors, artists, musicians, designers, teachers, accountants, bookkeepers, secretarial services, title companies, social service providers and others who through training are qualified to perform services of a professional nature and where no storage or sale of merchandise exists, except as accessory to the professional services.

Official Zoning Map means the adopted zoning map of the City showing zoning districts and boundaries.

On-site supportive services include, but are not limited to, health and dental care, behavioral health care, mental health services, substance abuse services, case management, life skills training, food access, assistance with transportation, child care assistance, and dependent care, when offered in connection with supportive housing.

Open space, useable means land which is free of buildings, structures, parking lots and other substantial private improvements, except as noted herein. Useable open space may include swales, drainageways and stormwater detention areas; landscaped medians in parking lots; courtyards; private parks and playgrounds; and tracts of land owned and maintained by a Homeowners Association. Useable open space may not include easement areas (unless co-located as part of a HOA tract); front, side or rear yards; or private trails.

Outdoor Lighting - Related Definitions:

The following words, terms and phrases, when used in connection with Chapter 11-9 of this Title, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Bulb means the source of electric light. To be distinguished from the whole assembly. (See *Luminaire*.)

Candela means unit of luminous intensity.

Fixture means the assembly that holds the lamp in a lighting system. It includes the elements designed to give light output control, such as a reflector (mirror) or refractor (lens), the ballast, housing, and the attachment parts.

Fixture, full cut-off means a fixture, as installed, that is designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.

Flood light means light that produces up to 1,800 lumens and is designed to flood a well-defined area with light. Generally, flood lights produce from 1,000 to 1,800 lumens.

Flux means a unit that is erg/sec or watts.

Footcandle means illuminance produced on a surface one foot from a uniform point source of one candela. A unit of illuminance is equal to one lumen per square foot and is measured by a light meter.

Glare means intense light that results in discomfort and/or reduction of visual performance and visibility.

Illuminating Engineering Society of North America (IESNA) means the professional society of lighting engineers, including those from manufacturing companies, and others professionally involved in lighting.

Light means the form of radiant energy acting on the retina of the eye to make sight possible: brightness, illumination, a lamp, etc.

Light pollution means any adverse effect of manmade light, including, but not limited to, light trespass, up-lighting, uncomfortable distraction to the eye, or any manmade light that diminishes the ability to view the night sky. Often used to denote urban sky glow.

Light trespass means light emitted by a luminaire that shines beyond the boundaries of the property on which the luminaire is located.

Lighting, exterior means temporary or permanent lighting that is installed, located or used in such a manner to cause light rays to shine outside. Fixtures that are installed indoors that are intended to light something outside are considered exterior lighting.

Lighting, holiday means festoon type lights, limited to small individual bulbs on a string.

Lighting means any or all parts of a luminaire that function to produce light.

Lumen means unit of luminous flux; the flux emitted within a unit solid angle by a point source with a uniform luminous intensity of one candela. One footcandle is one lumen per square foot. One lux is one lumen per square meter.

Luminaire means a complete lighting system consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps, and to connect the lamps to a power supply.

Motion sensor device means a device that will sense motion electronically and switch on a security light necessary for public health, safety, and welfare for a brief duration.

Outdoor light fixture means outdoor, electrically-powered illuminating devices, lamps and similar devices, permanently installed or portable, used for illumination or advertisement. Such devices shall include, but are not limited to, search, spot and flood lights for:

- (1) Buildings and structures;
- (2) Recreational areas;
- (3) Parking lot lighting;

-
- (4) Billboard and other signs;
 - (5) Landscape lighting;
 - (6) Street lighting;
 - (7) Building overhangs and open canopies; and
 - (8) Product display area lighting.

Outdoor lighting means lighting that directly illuminates areas not completely enclosed by a structure.

Recessed means when a light is built into a structure such that the light is fully cut-off and no part of the light extends or protrudes beyond the underside of that structure.

Shielded means when the light emitted from the fixture is projected below a horizontal plane running through the lowest point of the fixture where light is emitted. The bulb is not visible with a shielded light fixture, and no light is emitted from the sides of the fixture. Also considered a full cut-off fixture.

Shielded, partially means the bulb of the fixture is shielded by a translucent siding and the bulb is not visible at all. Light may be emitted at the horizontal level of the bulb.

Up-lighting means lighting that is directed in such a manner as to shine light rays above the horizontal plane.

Outlot means a lot or lots representing the remaining aggregate of unsubdivided land in those instances where large parcels of land are subject to existing uses or development, and may be subject to future subdivision as part of a phased development.

Outpatient drug treatment clinic means structures and land used for the treatment of alcohol or other drug abuse, supervised by a licensed physician, where neither meals nor lodging is provided.

Owner means the person, corporation, government or other legal entity who owns or who has any legal or equitable interest in property and who is listed as owner on the records of the Montrose County Assessor's Office.

P

Park model means a recreational vehicle, that has a floor area of less than four-hundred square feet, which is transportable by another vehicle and is primarily designed for long-term or permanent placement and for temporary residency in a travel home park.

Parking facility means a commercial or public parking lot or structure designed and improved for temporary, daily, or overnight off-street parking of vehicles where a fee may or may not be required to be paid to use the facility.

Parks, open space and recreation facilities mean any facilities which serves specific uses of providing park and recreation opportunities or conserving natural areas and environmental resources.

Permit, building means a permit that is issued by the City prior to the erection, construction, alteration, moving, or relocation of a building or structure.

Permitted use means a use which is permitted or allowed in the zone district involved, without review by the Planning Commission, and that complies with the provisions of this Title and other applicable City ordinances and regulations. A permitted use is also known as a use by right.

Person means any individual, firm, partnership, association, syndicate, corporation, trust or any other entity.

Personal services establishment means shops primarily engaged in providing services generally involving the care of the person, such person's apparel or rendering services such as laundry or dry-cleaning retail outlets, portrait/photographic studios, beauty or barber shops, employment service or mailing, printing and copy shops.

Planned community means a common interest community that is not a condominium or co-op and where the common elements are owned by an association. A condominium or co-op may be part of a planned community.

Planned Development (PD) means a unified development in single ownership or control, which is subdivided and developed according to a master plan and where the specific requirements of a given district may be modified.

Preliminary Letter of Infrastructure Completion means a letter issued by the City Engineer pursuant to Chapter 11-5 of this Title when all public and necessary on- and off-site improvements have been inspected and determined to be complete. This letter initiates the construction warranty.

Principal use means the primary purpose or function of the land, building or structure.

Private and fraternal clubs mean organizations of persons for special purposes or for the promulgation of sports, arts, literature, politics or other common goals, interests or activities, characterized by membership qualifications, dues or regular meetings, excluding clubs operated for profit and/or places of religious assembly.

Private recreation facility, indoor mean a place where recreation activities occur completely within an enclosed structure, including but not limited to bowling alleys, skating rinks, pool halls, video and pinball parlors.

Private recreation facility, outdoor means a place with outdoor activities, including but not limited to miniature golf, batting cages, water slides, skateboard parks, driving ranges and go-cart tracks.

Public transportation facilities mean those constructed facilities limited to transportation systems.

Public utility service facilities mean transmission and distribution facilities for natural gas, and electricity necessary to provide service to customers located in the various districts of the City, such as pipes, lines, mains, wires, transformers, valves, and other related appurtenances, but not including buildings, offices, and production or generation facilities.

Q

R

Recreational vehicle park means travel home park as defined in this Chapter.

Rental business means a facility engaged in the rental of light equipment including, but not limited to appliances, gardening tools, sewing machines, vacuum cleaners, other products customarily associated with domestic residential uses.

Restaurant means any establishment in which the principal business is the sale of food and beverages to customers in a ready-to-consume state.

Retail sales and personal services establishments with limited manufacturing means a retail or personal services establishment, or any combination of retail and personal service establishments in a single building, which also involve limited manufacturing of the products supplied.

S

School, Elementary, Middle and High means an educational institution under the sponsorship of a public, private, or religious agency, having a curriculum for students in the elementary grades, middle school grades, or high school grades. This definition includes both public schools and private non-boarding schools that have a curriculum similar to that in the permitted public schools.

Setback means the required minimum distance between a property line and the closest projection of a building or structure, measured at a right angle to the property line. Where angled buildings, lots or curved streets exist, the setback may be taken as an average distance. Setbacks shall be unobstructed from the ground to the sky except as otherwise specifically allowed in this Title.

Shooting range, indoor means a building within which the use of firearms for the purpose of target practice is conducted.

Short-term rental means a type of lodging wherein a dwelling unit, either in full or in part, is rented to a temporary occupant for monetary consideration for fewer than 30 consecutive days. A bed and breakfast for the purposes of this definition, is a type of short-term rental. Likewise, a home used similar to a rooming/boarding or lodging house, but where stays are fewer than 30 consecutive days is also a short-term rental. Short-term rental does not include shelters or other transient lodging provided for no monetary consideration.

Sidewalk means improvements intended for pedestrian, bicycle and non-motorized traffic including sidewalks, trails, recreation paths, bike paths and similar facilities.

Sign - Related Definitions:

The following words, terms and phrases, when used in connection with Chapter 11-10 of this Title, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Dispenser type display means a facility whose primary purpose is to dispense goods and products, including gas pumps, beverage, candy or ice machines, wiper blades, motor oil displays or similar products.

Electronic reader board means any sign that displays text over a fixed background by digital or electronic means.

Principal street frontage means the street or frontage with the highest functional classification under the most current version of the City's Comprehensive Plan.

Sign means an object or device which is used for the primary purpose of conveying a message by means of letters, numbers, figures, symbols, colors or other similar medium.

Sign, animated sign means any sign or part of a sign which changes, or appears to change, physical position by any movement or rotation, including search lights, streamers, balloons, inflatable signs and figures, and air- or wind-driven signs.

Sign area means:

- (1) The area of signs with regular geometric shapes shall be measured using standard mathematical formulas. Regular geometric shapes shall include, but not be limited to, squares, rectangles, triangles, parallelograms, circles, or combinations thereof.
- (2) The area of signs with irregular shapes or of individual letter signs shall be the entire area within a single continuous perimeter of not more than eight straight lines enclosing the extreme limits of the sign.
- (3) The total measured area of a sign shall include the area of all writing, representation, lines, emblems or figures contained within all modules, together with any air space, material or color, forming an integral part or background of the display if used to differentiate such sign from the backdrop or structure against which it is placed.
- (4) On all signs other than projecting signs, the sign area shall be figured on one side only.
- (5) The area of all freestanding signs shall include the area of the sign face as calculated in Subsections (1) through (4) of this definition, together with any portion of the sign structure which exceeds 75 percent of the area of the sign face. The intent of this Subsection is to encourage architectural decoration, ornamentation, or embellishment without deducting from the allowed sign area.

Sign, bulletin board means a sign used for the purpose of notification to the public of an event or occurrence of public interest.

Sign, canopy means a sign suspended from a permanent roofed structure. Canopy or hanging signs are allowed in all zones.

Sign, electric means any sign containing electrical wiring, including signs illuminated by an exterior light source.

Sign, electronic means any sign that contains a digital or electronic display that can be changed, similar to a computer or television screen.

Sign, flashing means any electronic or illuminated sign, either stationary or animated, which exhibits changing natural or artificial light or color effects by any means whatsoever.

Sign, freestanding means a non-movable sign which is entirely supported by one or more uprights, poles, braces, or a base in or upon the ground. Free-standing signs are allowed in all zones.

Sign, off-premise means a sign advertising a business, person, activity, goods, products or services not located on the site where the sign is installed, or that directs persons to any location not on that site are not permitted.

Sign, portable means signs designed to be physically moved and changed periodically to attract attention to a special circumstance, price or sale situation.

Sign, projecting means a sign (other than a wall sign) which projects from and is supported by a wall of a building. Projecting signs are allowed only within commercial zones.

Sign, roof means a sign erected upon or constructed directly over any part of the roof or parapet of a building whether or not actually attached to the roof.

Sign, temporary means any sign, banner, pennant, valance, or advertising display constructed of cloth, cardboard, wallboard, or other light materials, with or without frames.

Sign, vehicle-mounted means any sign affixed to or mounted upon any type of vehicle, as the term "vehicle" is defined herein.

Sign, wall means any sign attached to or erected with the exposed face of the sign parallel to the wall of a building or structure. Wall signs are allowed in all zones.

Sign, window means a temporary or permanent sign attached to the window of a building.

Skilled Nursing Facility means health care or residential facility licensed by the State of Colorado to provide continuous inpatient services.

Social service activities, daytime mean facilities operated by a social service provider, to include food storage; food distribution without monetary remuneration as a food pantry and/or food service without monetary remuneration as a soup kitchen; laundry facilities not for profit; showers; and counseling to include alcohol and/or substance abuse counseling. This use expressly excludes the overnight sheltering of people. For the purposes of this use, "daytime" shall mean from 6:00 a.m. to 6:00 p.m. Mountain Standard Time. "Night" shall mean from 6:00 p.m. to 6:00 a.m. Mountain Standard Time.

Solar energy system, accessory means an accessory use allowed in all zone districts that converts the sun's radiant energy into thermal, chemical, mechanical, or electric energy.

Solar farm means a principal use on land containing multiple solar energy devices that convert sunlight into electricity for the primary purpose of wholesale sales of generated electricity.

Storage, outdoor means the keeping, in an unroofed area, of any equipment, goods, junk, material, merchandise or vehicles in the same place for more than twenty-four (24) hours.

Storage facility, construction equipment means an outdoor facility used by a contractor for the storage of construction equipment and supplies and may include a contractor's office.

Storage facility, fuels and chemicals mean an outdoor facility with above-ground storage tanks, containers or other structures for gasoline, propane, magnesium chloride and similar fuels or chemicals.

Storage facility, indoor means a structure or group of structures containing separate, individual, and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time. An indoor storage facility is also known as a self-storage or mini-storage facility.

Storage facility, outdoor means an outdoor area in which storage spaces are used by consumers/tenants for short- and long-term storage of personal property. Outdoor storage includes, but is not limited to, recreational vehicle, boat, and other large equipment storage.

Stormwater drainage system means a system designed to carry off and minimize the effects of run-off water. It may consist of surface grading or subsurface piping or other components as required.

Subdivide means any act which is intended to or does result in the creation of a subdivision of land.

Subdivision or subdivided land means a parcel of land which is divided into two or more parcels, lots, tracts or other interests including condominiums; townhouses, other common interest ownership properties; and any act creating such results. Provided, however, the following shall not be considered to be a subdivision for the purpose or application of these regulations:

- (1) A division of land which creates cemetery lots;
- (2) The creation of separate but undivided interests in a tract of land such as joint tenancy, tenancy in common, tenancy in entirety, trust, lien, mortgage, deed of trust or other security interest, unless such separate interests apply to less than all of the tract;
- (3) An interest severing the oil, gas, minerals or water from the surface estate;
- (4) Creation of a utility easement or an easement unrelated to the use of the surface; or
- (5) Any division of property created by official acts of the City, including, but not limited to, partial acquisitions and conveyances of land, partial annexations of land, easements, and public rights-of-way.

Sublot means a physical portion of the common interest community which is designated for separate ownership or occupancy and the boundaries of which are described in or determined from the declaration. The sublot may be comprised of only vertical boundaries or a combination of vertical and horizontal boundaries.

Supportive housing means housing that is designed to provide ongoing and on-site supportive services to help individuals and families experiencing homelessness or at risk of homelessness, and which persons have barrier(s) to employment and housing stability. Occupancy of supportive housing shall be designed and operated for stays of 30 consecutive days or more and not on a nightly or emergency basis.

T

Temporary use means a use intended for a limited duration.

Theater means a facility in which one or more auditoriums are located or a multi-screen cinema complex.

Tiny home community means a collection of three (3) or more tiny homes on one (1) lot.

Townhome means two (2) or more dwelling units, each with its own outside entrance, which are joined by a common party wall and are on adjoining individual lots.

Transportation Plan means that portion of the City's Comprehensive Plan which establishes the location, character and size of streets or other public ways. The term "Transportation Plan" may also be referred to as "Street Plan" or "Thoroughfare Plan."

Travel home means vehicles and structures commonly used for temporary dwelling during travel or recreation activities, including, but not limited to, those registered or required to be registered and licensed as a vehicle, such as campers, motor homes, RVs, pick-up truck campers, trailers and trailer coaches.

Travel home park means any open area, other than a street, alley or other public place, used exclusively for the parking or temporary storage of two or more travel homes.

U

Uncompahgre River means the river flowing through Montrose County, Colorado, shown on the United States Geological Survey, National Hydrologic Survey Map, in the area identified by Hydrologic Unit Code (basin) 14020006, and labeled thereon as the "Uncompahgre River;" also sometimes referred to herein as "the river."

Unenclosed means open on two or more sides of the subject structure.

Use means the activity or purpose for which property, a building or other structure is designed, arranged, intended, occupied or maintained.

V

Vehicle means any device which is capable of moving itself, or of being moved, from place to place upon wheels or endless tracks. The term "vehicle" includes any bicycle, but does not include any wheelchair, or any device moved by muscular power or moved exclusively over stationary rails or tracks or designed to move primarily through the air.

Vehicle sales, repair or service establishments mean an establishment that specializes in the sale, display, lease, rental, repair or indoor storage of motor vehicles, including automobiles, vans, trucks, and recreational vehicles. Accessory uses may include sales of parts for, washing, and servicing of vehicles.

Veterinary clinic or hospital, large animal means a facility for the on-site medical treatment of large animals, including livestock, that may include outdoor enclosures, pens, runs or exercise areas. Accessory uses may include the supplementary sale of associated products and associated office space.

Veterinary clinic or hospital, small animal means any facility maintained by or for the use of a licensed veterinarian in the diagnosis, treatment or prevention of animal diseases wherein the animals are limited to dogs, cats or other comparable household pets and wherein the overnight care of said animals is prohibited except when necessary in the medical treatment of the animal.

Visitor center means a building or group of buildings that provides information for tourists, often with video displays and exhibitions.

W

Warehouse and wholesale distribution operation means any establishment primarily engaged in selling durable and nondurable goods to retailers, to industrial, commercial, institutional, farm, building trade contractors or professional business uses or to other wholesalers. Activities may include physically assembling, sorting and grading goods into large lots and breaking bulk for redistribution in smaller lots in such a way as to have a minimal impact on surrounding properties.

Warrant or warranty means the subdivider shall take such steps and incur such costs as may be needed so that all public and necessary on- and off-site improvements or any portion or phase thereof as repaired and/or replaced, shall comply with the subdivider's construction plans and/or site plan and City standards and specifications until the end of the warranty period.

Wireless Communication - Related Definitions:

The following words, terms and phrases, when used in Chapter 11-14 of this Title, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Antenna means any exterior transmitting or receiving device mounted on a tower, building, or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals, or other communication signals, including, but not limited to, antenna used for personal wireless services as defined in 47 USC 332(c) (7).

Eligible telecommunications facilities request means any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station and that involves the collocation of new transmission equipment, the removal of transmission equipment or the replacement of transmission equipment.

Substantial change means a modification which substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria, including a single change or a series of changes over time whether made by a single owner or operator or different owners/operators over time, when viewed against the initial approval for the support structure:

- (1) For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one 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 10% or more than ten feet, whichever is greater;
- (a) Changes in height should be 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 should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the federal Spectrum Act, effective February 22, 2012.

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- (2) For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;
 - (3) 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; or, for towers in the public rights-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 10% larger in height or overall volume than any other ground cabinets associated with the structure;
 - (4) It entails any excavation or deployment outside the current site;
 - (5) It would defeat the concealment elements of the eligible support structure; or
 - (6) It does not comply with conditions associated with the original siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in paragraphs 1 through 6 of this definition.

Telecommunications facilities means the plant, equipment and property, including, but not limited to, cables, wires, conduits, ducts, pedestals, antennas, towers, alternative tower structures, electronics and other appurtenances used to transmit, receive, distribute, promote, or offer telecommunications services.

Tower means any structure designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term "tower" includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, and other similar structures. The term "tower" also includes any antenna or antenna array attached to the tower structure.

Tower height means, when referring to a tower or alternative tower structure, the distance measured from the lowest point within ten feet of the structure to the highest point on the tower or other alternative tower structure, including the base pad and any antenna.

X

Y

Yard means an open space, other than a court, on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in these regulations.

Yard, front means a yard extending across the full width of the lot between the front lot line and the nearest line or point of the building.

Yard, rear means a yard extending across the full width of the lot between the rear lot line and the nearest line or point of the building.

Yard, side means a yard extending from the front yard to the rear yard between the side lot line and the nearest line or point of the building or accessory building attached thereto.

Yurt means a portable, circular tent-like dwelling.

Z