

## CHAPTER 1 INTRODUCTORY PROVISIONS

### 1.1. OFFICIAL TITLE

The official title of this document is the "Land Development Code of El Paso County, Colorado." For convenience, it is referred to throughout this document as the "LDC" or "Code."

### 1.2. AUTHORITY

This Code is adopted under the powers granted and authority conferred by the laws of the State of Colorado, including, but not limited to, the following sections of the Colorado Revised Statutes (C.R.S.):

- §§ 22-32-124 et seq. (Zoning, Planning and Building Code Duties of School Boards)
- §§ 24-65-101-106 et seq. (Colorado Planning Act) Repealed June 1, 2005
- §§ 24-65.1-101 et seq. (Areas of State Interest)
- §§ 24-67-101 et seq. (Planned Unit Development)
- §§ 24.68-101 et seq. (Vested Rights)
- §§ 29-20-101 et seq. (Local Government and Land Use Control Enabling Act)
- §§ 30-11-101 et seq. (County Powers and Functions)
- §§ 30-15-101 et seq. (County Regulations Under Police Powers)
- §§ 30-20-100.5 et seq. (Solid Wastes Disposal Sites and Facilities)
- §§ 30-28-101 et seq. (County Planning, Zoning, Subdivision)
- §§ 31-12-101 et seq. (Municipal Annexation)
- §§ 32-1-101 et seq. (Special District Act/Provisions)
- §§ 33-1-101 et seq. (Wildlife)
- §§ 33-2-101 et seq. (Endangered Species Conservation)
- §§ 34-1-301 et seq. (Preservation of Commercial Mineral Deposits)
- §§ 38-30.5-101 et seq. (Conservation Easements)
- §§ 41-4-101 et seq. (Airports)
- §§ 43-2-101 et seq. (Highways)

### 1.3. APPLICABILITY

The provisions of this Code apply to the development of buildings, structures and uses of land throughout unincorporated El Paso County. To the extent permitted by law, this Code applies whether development is conducted by public, quasi-public or private entities. This Code does not apply to land within the territorial limits of any incorporated municipality.

### 1.4. PURPOSE

This Code is adopted for the purpose of preserving and improving the public health, safety and general welfare of the citizens and businesses of El Paso County. More specifically, it is the purpose of this Code to:

- Implement the Master Plan and related elements.
- Promote predictability, consistency and efficiency in the land development process for residents, neighborhoods, businesses, agricultural and development interests.
- Ensure appropriate opportunities for participation and involvement in the development process by all affected parties.
- Be fair to all by ensuring due consideration is given to protecting private property rights, the rights of individuals and the rights of the community as a whole.

- Guide the future growth and development of the County in accordance with the Master Plan.
- Guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public requirements and facilities.
- Establish reasonable standards of design and procedures for subdivision and resubdivision in order to further the orderly layout and use of land and to ensure proper legal descriptions and monumenting of subdivided land.
- Ensure that public facilities and services are available concurrent with development and will have a sufficient capacity to serve the proposed subdivision, and, in so doing, ensure that current residents will be required to bear no more than their fair share of the cost of providing the facilities and services by requiring the developer to pay fees, furnish land, or establish mitigation measures to cover the development's fair share of the capital facilities needs generated by the development.
- Prevent the pollution of air, streams, and ponds; assure the adequacy of drainage facilities; and encourage the wise use and management of natural and biological resources throughout the County in order to preserve the integrity, stability, and beauty of the community and the value of the land.

#### **1.5. RIGHT-TO-FARM**

Colorado is a “right-to-farm” state, meaning that certain protections are afforded agricultural operations by limiting the circumstances by which agriculture operations may be deemed to be a nuisance pursuant to C.R.S. §35-3.5-1-1 et seq.

#### **1.6. GENERAL RULES FOR INTERPRETATION OF THIS CODE**

##### **1.6.1. Language**

The language of this Code shall be read literally. The rules of construction, definitions of specific terms, and abbreviations applicable to the interpretation of this Code are provided in this Chapter.

##### **1.6.2. Headings, Illustrations and Text**

In case of any difference of meaning between the text of this Code and any heading, drawing, table, figure, or illustration, the text shall control.

##### **1.6.3. List and Examples**

Unless otherwise specifically indicated, lists of items or examples that use “including,” “such as,” or similar terms are intended to provide examples only. They are not to be construed as exhaustive lists of all possibilities.

##### **1.6.4. Computation of Time**

- The term days shall always refer to calendar days.
- In computing a period of days, the first day is excluded and the last day is included unless the last day of any period is a Saturday, Sunday, or legal holiday, in which case the last day shall be the next working day.
- In computing the number of months, the period ends on the same numerical day in the concluding month as the day of the month from which the computation is begun. If there are not that many days in the concluding month the period ends

on the last day of that month unless the last day is Saturday, Sunday, or legal holiday, in which case the last day shall be the next working day.

**1.6.5. Public Officials and Agencies**

All employees, public officials, bodies, and agencies to which references are made are those of El Paso County unless otherwise expressly stated.

**1.6.6. Exclusion of Uses**

The listing of any use as being permitted in a particular zoning district shall be deemed to be an exclusion of the use from any other zoning district in which the use is not listed. For uses not listed in any zoning district, an administrative determination concerning whether the use is allowed within the zoning district may be requested.

**1.6.7. Use Defined by Code**

When a use is expressly defined in this Code, or when a use is categorized by an administrative determination, similar uses which are not listed or defined shall fall within the same category of use by character, descriptor, and intensity as determined by the Development Services Department (DSD) Director.

**1.7. DELEGATION OF AUTHORITY**

Whenever a provision requires the head or Director of a department or another officer or employee of the County to perform an act or duty, that provision will be construed as authorizing the department head or officer to delegate that responsibility to others over whom they have authority.

**1.8. ZONING MAP**

**1.8.1. Adoption**

The boundaries of the zoning districts established by this Code are shown on a map or series of maps designated the "Zoning Map". The zoning map and all notations, references, data and other information shown on the map is hereby adopted and made a part of this Code as fully as if it were included in the pages of this Code. The zoning map and zoning resolution are maintained in the DSD. In case of any dispute regarding the zoning classification of property subject to this Code, the zoning resolutions will govern. The DSD Director is responsible for producing all updates of the zoning map.

**1.8.2. Zoning District Boundaries**

Unless otherwise indicated on the zoning map or otherwise clearly stipulated in the zoning resolution, zoning district boundaries follow: lot lines; the center lines of roads or alleys or the specified distance from such features; railroad right-of-way lines; property lines; the boundaries of El Paso County; or the corporate limit line of incorporated cities and towns.

**1.8.3. Interpretation of Zoning District Boundaries**

Where uncertainty exists about the boundaries of the zoning districts or when the road or property existing on the ground is different with that shown on the zoning map and zoning resolution, the DSD Director is authorized to determine the location of the boundaries.

**1.8.4. Drafting Errors and Changes to the Zoning Map**

The DSD Director is authorized to change the zoning map when the public record clearly indicates the zoning map does not accurately depict zoning district and overlay zoning district boundaries or zoning designations and subsequent amendments to those

boundaries or zoning designations approved by the Board of County Commissioners (BoCC).

## **1.9. OTHER REGULATIONS**

### **1.9.1. Compliance Required**

In addition to the requirements of this Code, all uses and development shall comply with all other applicable city, county, state, and federal regulations.

### **1.9.2. References to Other Regulations**

All references in this Code to other city, county, state, or federal regulations are for informational purposes only, and do not constitute a complete list of the regulations. These references do not imply any responsibility by El Paso County for enforcement of city, State, or federal regulations.

### **1.9.3. Current Versions and Citations**

All references to other city, county, state, or federal regulations in this Code refer to the most current version and citation for those regulations, unless specifically indicated otherwise. Where the referenced regulations have been repealed, this Code's requirements for compliance are no longer in effect.

### **1.9.4. Conflict with State or Federal Regulations**

If the provisions of this Code are inconsistent with those of the state or federal government, this Code's provisions shall be construed, if possible, so that effect is given to both. If the conflict between the provisions is irreconcilable, this Code's provision, as a local provision, prevails as an exception to the State or federal provision unless otherwise expressly prohibited by law.

### **1.9.5. Conflict with Other County Regulations**

If the provisions of this Code are inconsistent with one another, or if they conflict with provisions found in other adopted ordinances, resolutions, or regulations of the County, the more restrictive provision, or the provision that is more protective of public health, safety, and welfare, will control. The provisions of this Code are minimum requirements that do not preclude imposing more restrictive standards by agreement or by law. These provisions shall be construed broadly to promote the purpose for which they are adopted.

### **1.9.6. Conflict with Private Agreements and Covenants**

This Code is not intended to abrogate, annul, or otherwise interfere with any easement, covenant, or other private agreement or legal relationship otherwise in conformance with it, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than said easement, covenant, private agreement or legal relationship, these Code provisions will control to the extent that these provisions may be imposed without resulting in a breach or abrogation of the easement, covenant, private agreement or legal relationship.

## **1.10. TRANSITIONAL PROVISIONS**

### **1.10.1. Violations Continue**

Any violation of the County's previous regulations or ordinances will continue to be a violation under this Code or any subsequent amendment to this Code and will be subject to penalties and enforcement provisions of this Code or any subsequent amendment to this Code unless the use, development, construction or other activity is consistent with

the express terms of this Code or any subsequent amendment to this Code, in which case enforcement action will cease. The adoption of this Code or any subsequent amendments to this Code does not affect or prevent any pending or future prosecution of, or action to abate, violations of any previous County regulations or ordinances that occurred prior to the effective date of this Code or any subsequent amendment to this Code.

**1.10.2. Nonconformities**

Any nonconformity under the County's previous regulations or ordinances will continue to be a nonconformity under this Code or any subsequent amendment to this Code, as long as the situation that resulted in the nonconforming status under the County's previous regulations or ordinances continues to exist. If, however, a nonconforming situation under the County previous regulations or ordinances becomes conforming because of the adoption of this Code or any subsequent amendment to this Code, then the situation will no longer be considered a nonconformity. A situation that did not constitute a lawful nonconforming situation under the County's previous regulations or ordinances does not achieve lawful nonconforming status under this Code or any subsequent amendment to this Code merely by repeal of the County's previous regulations or ordinances.

**1.10.3. Development of Legal Lots**

Development of any legal lot existing on the effective date of this Code or subsequent amendments to this Code shall conform to all provisions of this Code unless otherwise provided.

**1.10.4. Projects Approved Prior to the Adoption or Subsequent Amendment of the Code**

Any variance, use subject to special review, or other zoning application approved under the County's previous regulations or ordinances remains valid until the expiration date of said approval, if any. The BoCC may, upon receipt of a written request and payment of the required fee, grant one extension not to exceed one year to complete the project or action approved under the County's previous regulations or ordinances. Any subsequent project or action shall comply with this Code. Any significant modification to an approved project or action shall comply with this Code. Nothing in this subsection is intended to restrict otherwise applicable vested applicant rights.

**1.10.5. Applications Submitted Before the Effective Date of this Code**

Any project or action for which a complete application was submitted to the County before the effective date of this Code or any subsequent amendment to this Code may, at the applicant's option, will be reviewed under the regulations or ordinances in effect at the time of application. If approved, the projects or actions may be carried out in accordance with said regulations or ordinances. Nothing in this subsection is intended to restrict otherwise applicable vested applicant rights.

**1.10.6. Permits Issued Before the Effective Date of this Code**

Any building, sign or structure for which a building permit was duly issued before the effective date of this Code or any subsequent amendments to the Code may be completed in conformance with the issued permit, even if the building, sign or structure does not fully comply with provisions of this Code or any subsequent amendments to the Code. If construction is not commenced or completed in accordance with the applicable permit terms, the DSD Director may, upon receipt of a written request and payment of the required fee, grant one 6-month extension for good cause shown. If the building, sign or

structure is not commenced or completed within the time allowed under the original permit or any extension granted, then any building, sign or structure shall comply with the requirements of this Code or any subsequent amendments to the Code. Nothing in this subsection is intended to restrict otherwise applicable vested applicant rights. Any expansion in size of an approved existing structure shall comply with this Code for the modification area.

**1.10.7. Subdivision Plats Approved Before the Effective Date of this Code**

Any subdivision for which a preliminary plan or final plat was approved before the effective date of this Code or any subsequent amendments to the Code may be completed according to the plat approval and other applicable permits and conditions, even if the subdivision does not fully comply with the provisions of this Code or any subsequent amendments to the Code. If the subdivision process is not completed within the time requirements established by the County's previous regulations and ordinances or within any schedule included in the approval of the subdivision, then the subdivision shall comply with this Code or any subsequent amendments to this Code. Nothing in this subsection is intended to restrict otherwise applicable vested applicant rights.

**1.10.8. Zoning District Names Before the Effective Date of this Code**

The zoning district names in effect before the effective date of this Code are changed as shown in Table 1-1.

**Table 1-1. Zoning District Name Changes.**

District Name Before the Effective Date of this Code	Zoning District Name Under this Code
<b>Agricultural (A) and Forestry (F) Districts</b>	
A-1, Agricultural	A-5, Agricultural
A-35, Agricultural	A-35, Agricultural
F, Forestry and Recreation	F-5, Forestry and Recreation
<b>Rural Residential (RR) Districts</b>	
RR-1, Rural Residential	RR-0.5, Residential Rural
RR-2, Rural Residential	RR-2.5, Residential Rural
RR-3, Rural Residential	RR-5, Residential Rural
<b>Residential Suburban (RS) Districts</b>	
R, Residential	RS-2000 Residential Suburban
R-1, Residential	RS-6000 Residential Suburban
R-2, Residential	RS-5000 Residential Suburban
<b>Residential Multi-Dwelling (RM) Districts</b>	
No existing equivalent	RM-12, Residential Multi-Dwelling
R-3, Residential	RM-30, Residential Multi-Dwelling
<b>Commercial (C) Districts</b>	
PBP, Planned Business Park	CC, Commercial Community
PBC, Planned Business Center	CR, Commercial Regional
PBD, Planned Business	CS, Commercial Service
<b>Industrial (I) Districts</b>	
PID, Planned Industrial	I-2, Limited Industrial
PHID, Planned Heavy Industrial	I-3 Heavy Industrial
<b>Special Purpose Districts</b>	
R-T, Residential-Topographic	R-T, Residential-Topographic
MHP, Mobile Home Park	MHP, Mobile Home Park
No existing equivalent	MHP-R Mobile Home Park, Rural
MHS, Mobile Home Subdivision	MHS, Mobile Home Subdivision
RVP, Recreational Vehicle Park	RVP, Recreational Vehicle Park
PUD, Planned Unit Development	PUD, Planned Unit Development
<b>Overlay Districts</b>	
OA-CGM, Airport Zone	CAD-O Commercial Airport District
OA-G, Airport-General Aviation District	GA-O, General Aviation Overlay District
O-HR, High Rise Zone	HR-O, High Rise Overlay District
No Existing Equivalent	RLUP-O, Rural Land Use Plan Overlay District
Zoning District (Added 08/11/2011)	WSE-O, Wind/Solar Energy Generation Plan Overlay District
<b>Obsolete Districts</b>	
C-1, Commercial	C-1, Commercial
C-2, Commercial	C-2, Commercial
M, Industrial	M, Industrial
R-4, Planned Development	R-4, Planned Development
<b>Zone Districts Removed from Land Development Code</b>	
CN	Commercial Neighborhood
CO	Commercial Office
I-1	Research and Development

### **1.11. SEVERABILITY**

If any portion of this Code is held to be invalid or unconstitutional by a court of competent jurisdiction, that portion held to be invalid or unconstitutional is to be deemed severed from this Code and in no way affects the validity of any other portion of this Code.

### **1.12. AMENDMENTS**

Any amendment to this Code, other than administrative interpretations as provided for herein, shall follow the prescribed amendment procedures. Upon consultation with the Office of the El Paso County Attorney (OCA), the DSD Director may make the following changes or corrections to the provisions of this Code when the changes or corrections do not alter the sense or meaning of its provisions:

- Misspelled words may be corrected.
- Erroneous legislative histories may be corrected.
- Cross-references may be changed to agree with new, amended, reenacted, renumbered, re-lettered, reallocated or corrected ordinances or resolutions.
- Improper capitalization may be corrected.
- Descriptive headings of titles, chapters, sections or subsections may be edited or added to briefly and clearly indicate the subject matter of the title, chapter, section or subsection.
- The numbering or lettering of sections, including duplicative numbering or lettering created by conflicting enactments, may be corrected or properly arranged.
- References in design standards to specific job titles or agency names that are changed without substantial affect on job or agency responsibilities may be changed to refer to the new job title or agency name.
- Punctuation, including hyphenization, may be corrected.
- Typographical or grammatical errors may be corrected.
- Gender-specific terms that occur may be changed to gender-neutral terms and necessary grammatical changes to properly use the gender neutral terms may be made.
- Conforming changes, when authorized by BoCC resolution in adopting a change to this Code.

### **1.13. BUILDING PERMITS**

#### **1.13.1. Building Permits Required**

Pursuant to BoCC Resolution 12-276, compliance with the Building Code, as amended is required in all unincorporated areas where the County has land use jurisdiction, with only the following exceptions:

- Buildings or structures specifically exempted in the Building Code, as amended, or which are otherwise exempted by State statute or federal law;
- Agricultural buildings or structures; and
- Accessory buildings or structures in the A-35 Zoning District which are not classified as habitable; are not for residential occupancy; are not intended to be normally or customarily open to public use; or which are not necessary to support and protect a non-exempted building or structure. (Examples of accessory buildings or structures that require a building permit include, but are not limited to: a guest house or mother in law apartment; a rural home occupation where the public is invited or allowed within the structure; a retaining wall necessary to

protect a residential structure; a wind powered generator supplying power to a residential structure, or to the power grid.)

#### **1.13.2. Building Permits to Conform to Code**

No building shall be constructed, reconstructed, or structurally altered, nor shall any building or land be used for any purpose except in conformity with this Code and any BoCC Resolution. No building permit, septic permit, sign permit, use permit or any other permit authorized by this Code shall be issued by the DSD unless the plans for the proposed construction, reconstruction, alteration, or use fully conform to the applicable requirements of this Code. Unless otherwise provided within this Code, DSD authorization of the issuance of a building permit by the Regional Building Department shall only be accomplished after the submission and approval of a site plan or site development plan.

#### **1.13.3. Final Plat to be Filed Before Building Permit Issued**

No building shall be erected, nor shall any building permit be issued within a subdivision before the final plat has been approved by the BoCC and filed for recording with the Clerk and Recorder, except as otherwise provided in this Code.

### **1.14. RULES OF CONSTRUCTION**

#### **1.14.1. Definition of Terms**

Words used in this Code have their dictionary meaning unless they are specifically defined in this Code. Words defined within this Code shall have the specific meaning assigned, unless the context clearly indicates another meaning.

#### **1.14.2. Tenses and Singular/Plural**

In general, words used in the present tense shall include the future; the singular shall include the plural; and the plural the singular.

#### **1.14.3. Mandatory and Permissive Language**

The words "shall," "must," "will," "shall not," "will", "may not," "no ... may," and "no ... shall" are always mandatory. The word "should" indicate that which is recommended but not required. The word "may" indicates a use of discretion in making a decision.

The word "used" includes "designed, intended, or arranged" to be used. The masculine gender includes the feminine and vice versa. References to "distance" shall mean distance as measured horizontally unless otherwise specified.

#### **1.14.4. Terms When Used with Numbers**

When used with numbers, "Up to x," "Not more than x" and "a maximum of x" all include x.

#### **1.14.5. Conjunctions**

Unless the context otherwise clearly indicates, conjunctions have the following meanings:

- "And" indicates that all connected items or provisions apply.
- "Or" indicates that the connected items or provisions may apply singularly or in combination.

"Either...or" indicates that the connected items or provisions apply singularly, but not in combination.

#### **1.14.6. Conflicts with State Statute or Building Code**

All definitions which reference the C.R.S. and Building Code are intended to duplicate the definitions used in these codes in effect on the effective date of this Code or as subsequently amended. If a definition in this Code conflicts with a definition under State statute or regulation, the State definition shall control over the Code definition.

#### **1.14.7. Definitions are Not Regulations**

These definitions are not intended to establish regulations, but are intend to define the limits of specific uses and other standards.

### **1.15. DEFINITIONS OF SPECIFIC TERMS AND PHRASES**

The following represent the definitions of the terms and phrases used in this Code. The terms are in alphabetical order.

#### **Abandon**

To terminate the use of a structure or land by an affirmative act, such as changing to a new use; or to cease, terminate, or vacate a use or structure through no activity or action. Except for agricultural activities, there shall be a presumption that a use has been abandoned if it is not undertaken, utilized, implemented or performed for a period of one year.

#### **Abutting**

Adjoining with a common lot, parcel or tract line or sharing any portion of a lot, parcel or tract boundary line.

#### **Access**

The place means, or way by which vehicles are provided with a safe, adequate and usable ingress and egress to a property, use or parking space.

#### **Access Control Management Plan**

A roadway design plan which designates preferred access locations and their designs for the purpose of bringing those portions of roadway included in the access control plan into conformance with their functional classification to the extent feasible (See C.R.S. §43-2-147 ).

#### **Acceptance, Final**

The acknowledgement by the County that the defects warranty period has expired and there are no outstanding items to be corrected under the provisions of the defect warranty.

#### **Acceptance, Preliminary**

An acknowledgement by the County that, to the best of the County's knowledge, all work on common development and subdivision improvements and required public improvements has been completed in accordance with the plans and specifications and the defect warranty period should begin.

#### **Accident Potential Zone I (APZ -1) [Class A Runway Accident]**

An area 3,000 feet wide extending 1500 feet either side of the centerline of the airport runway and 5000 feet long located beyond the Clear Zones at each end of the runway.

#### **Accident Potential Zone II (APZ-2) [Class A Runway]**

An area 3,000 feet wide extending 1500 feet either side of the centerline of the airport runway and extending 7000 feet beyond APZ I.

#### **Adjacent**

Nearby, meeting or touching at some point, or separated from a lot or parcel by one of the following: a road, alley, right-of-way, lake, stream or open space.

### **Administrative Determination**

The process used by the DSD Director to decide a written request to interpret the provisions of this Code or in issuing any other written interpretation of this Code. The interpretation of the provisions of any conditions of approval will be treated as an interpretation of this Code. An administrative determination of the provisions of this Code clarifies conflicting or ambiguous wording, or the scope or intent of the provisions of this Code.

### **Adult Arcade**

Any establishment in which the public is permitted or invited where, for any form of consideration, one or more motion picture projectors, slide projectors, image or virtual reality producing machines or similar machines, for viewing by 5 or fewer persons per machine at any one time, are used regularly to show films, motion pictures, video cassettes, slides, digital images, electronic reproductions or photographs describing, simulating or depicting specified sexual activities or specified anatomical areas.

### **Adult Cabaret**

A nightclub, bar, restaurant or similar establishment which, for any form of consideration, regularly features live performances which are characterized by the exposure of specified anatomical areas or by the exhibition of specified sexual activities.

### **Adult Motion Picture Theater**

An establishment which is characterized by the showing, for any form of consideration, of films, motion pictures, video cassettes, slides, compact discs, digital video discs (DVDs), digital images or other visual representations that have an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

### **Adult Store**

An establishment in which 10% or more of the total floor space available for access by the public is utilized for display, sale or rent for any form of consideration, one or more of the following: (a) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, compact discs, digital video discs (DVDs), digital images or other visual representations which are characterized by their emphasis on the depiction or description of specified sexual activities or specified anatomical areas; or (b) Instruments, devices or paraphernalia designed for use in connection with specified sexual activities.

### **Adult Theatre**

A theater, auditorium or similar establishment which, for any form of consideration, regularly features live performances which are characterized by an emphasis on exposure of specified anatomical areas or specified sexual activities.

### **Affidavit of Correction**

A recorded document correcting minor errors in a recorded final plat such as addresses, road names, boundaries, directions or distances.

### **Agricultural Business**

A commercial activity directly related to or resulting from the cultivation of the soil, production of crops or the raising of livestock which are not necessarily produced on the premises, which may also include feed and seed sales and hay sales which would otherwise be classified as retail sales.

**Agricultural Building**

See Structure, Agricultural

**Agricultural Stand**

A structure, booth or counter for the display and sale of consumable goods, including, but not limited to fruits, vegetables and grains, which have been raised, grown, or made on the same lot or parcel.

**Agriculture**

The science, art, and business of producing crops or raising livestock. This includes but is not limited to forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; emus and ostriches; livestock, including beef cattle, sheep, swine, horses, ponies, mules, donkeys, llamas, alpacas or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all these animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products; or lands devoted to a soil conservation or forestry management program.

**Air Pollutant**

Any fume, smoke, particulate matter, vapor, gas or combination thereof which otherwise enters the atmosphere including but not limited to any physical, chemical, biological, radioactive (including source material, special nuclear material, and by-product materials) substance or material. This does not include water vapor or steam condensate.

**Air Quality Management Plan**

A plan identifying potential sources of air pollution along with strategies for minimizing emissions.

**Aircraft Navigation Sub-Zone (ANAV)**

An area indicated at and above the ground as drawn on the Commercial Airport District Map.

**Airport Advisory Commission**

An organized body of volunteers from the Pikes Peak Region appointed by the Colorado Springs City Council. The Commission serves in an advisory capacity to the City Manager, the City Council, and the City Planning Commission; and may act in an advisory capacity to the El Paso County Planning Commission and the BoCC for matters relating to the Colorado Springs Municipal Airport.

**Airport Noise Sub-Zone (ADNL)**

The area indicated by lines of increasing projected annual average noise exposure (DNL) from 65DNL to 70DNL, 70DNL to 75DNL, and 75DNL to 80DNL. The boundary of the ADNL reflects the 65 DNL line.

**Airport, General Aviation**

A runway or landing area or other facility designed or used by public carriers or private aircraft for the landing and taking off of aircraft, which may include the following associated facilities: taxiways; aircraft storage and tie-down areas; hangars; servicing; and passenger and air freight terminals. Airport includes heliports.

**Airstrip, Personal**

A runway or landing area without general aviation airport functions maintained for the private use of the owner of the property on which it is located. Includes personal heliport.

### **Amusement Center, Indoor**

An establishment totally contained within a structure designed or intended to provide entertainment or recreation for the general public, but not including bars, nightclubs or sexually-oriented businesses. The term includes, among other things, arcades (pinball, video, etc.), theaters, dinner theaters, bowling alleys, skating rinks, billiard parlors, pool halls, teen clubs, indoor shooting ranges, laser tag, privately-owned recreational facilities, health clubs, and organizational clubs. Accessory uses may include the preparation and serving of food or sale of equipment related to the identified uses.

### **Amusement Center, Outdoor**

An establishment, which can be contained in part by a structure, but is largely exposed to the weather, designed or intended to provide entertainment or recreation for the general public characterized by being open for specific hours, receiving remuneration, advertising activities or use of the property, using sanctioned leagues, or holding organized events. The term includes, among other things, drive-in theaters, amusement parks, carousels, miniature golf courses, golf courses and driving ranges, go-cart tracks, skateboard parks, water parks, and privately-owned outdoor recreational facilities, but does not include bars, nightclubs, or sexually-oriented businesses. Accessory uses may include the preparation and serving of food or sale of equipment related to the identified uses.

### **Animal Day Care Facility**

A commercial establishment for the care of dogs or other household pets, predominantly for periods of less than 24 consecutive hours.

### **Animal Keeping**

The activity of having, owning, and caring for domesticated animals, including animals not commonly regarded as household pets.

### **Animal Refuge**

A facility, other than a veterinary hospital, for the care and keeping of abandoned, injured, or confiscated animals, including domesticated or exotic species. Also includes what is commonly considered animal rescue or similar type facilities.

### **Annexation**

The action by a city or town to bring a lot, parcel or tract into its boundaries and jurisdiction.

### **Annexation Impact Report**

A written report prepared by a municipality concerning the proposed annexation of any lot, parcel or tract.

### **Appeal**

A request by an applicant or citizen that a decision made pursuant to this Code is reviewed for its correctness and legality by another person, agency, approving authority, or court of law having jurisdiction to hear the appeal.

### **Applicant**

The individual, firm, business entity, trust, association, syndicate, partnership, or corporation of record or any person designated by the property owner who has applied for or is requesting a development permit under this Code including subdivider's.

### **Applicant Subdivider**

A subdivider that may be required by an approved cost recovery statement issued under this Code to reimburse a requestor subdivider for a fair share of the cost of certain improvements that

the County required to have installed. An applicant subdivider is also referred to as a benefited property owner.

#### **Approval Authority**

The DSD Director, the BoCC, Planning Commission, Board of Adjustment, El Paso County Engineering Criteria Manual (ECM) Administrator, Building Official, or other person or agency, depending on the type of development permit or decision specified by State Statute or this Code, sanctioned to make a final decision approving, denying or conditionally approving the development permit or other requested action.

#### **Approval of Location**

The process authorized by CRS §30-28-110(1) whereby the Planning Commission reviews and approves the location and extent of any road, park, public way, ground or space, public building or structure, or public utility (whether publicly or privately owned and constructed).

#### **Arterial**

A road that connects major activity centers, carries high volumes of traffic longer distances, and has access to abutting land as a small part of its function. The concept of service to abutting land is secondary to the provision of mobility. Arterials are designated on the Major Transportation Corridor Plan (MTCP).

#### **Auction**

A public sale in which real or personal property is sold to the highest bidder.

#### **Auditorium**

A large building for public meetings or artistic performances, which usually includes a stage and seating.

#### **Augmentation Plan**

A detailed program, which may be either temporary or perpetual in duration, to increase the supply of water available for beneficial use in a subdivision or portion thereof by the development of new or alternate means or points of diversion, by a pooling of water resources, by water exchange projects, by providing substitute supplies of water by development of new sources of water, or by any other appropriate means. "Plan for augmentation" does not include the salvage of tributary waters by the eradication of phreatophytes, nor does it include the use of tributary water collected from land surfaces that have been made impermeable, thereby increasing the runoff but not adding to the existing supply of tributary water. Refer to C.R.S §37-92-103. "Plan for augmentation" refers to the plans approved by a water court. "Replacement Plan" refers to similar plans approved by the Colorado Groundwater Commission. See, Replacement Plan.

#### **Automobile**

Any powered vehicle, including cars, trucks, buses, motorcycles or motor homes, or any vehicle requiring licensing under State law, such as campers, travel trailers or fifth wheels.

#### **Automobile and Boat Storage Yard**

A lot, parcel, or structure used for temporary storage of operable automobiles, trucks under 5 tons rated capacity, campers, recreational vehicles, trailers, or boats, not owned by the property owner, where typically the storage occurs when they are not in use and for a fee. The term shall not include scrap metal processing yards, vehicle dismantling yards, or salvage yards.

#### **Automobile and Trailer Sales Area**

An open area used for the display, sale, or rental of automobiles, trailers, boats, recreational vehicles, mobile homes and manufactured homes, and where no repair work is done except

minor incidental repair and preparation work on automobiles, mobile homes and manufactured homes to be displayed, sold or rented on the premises.

**Automobile Recycling Center**

An establishment primarily engaged in the wholesale or retail distribution of used automobile parts, including establishments dismantling automobiles for the purpose of selling parts.

**Automobile Sales**

The use of any structure, lot or parcel for a business involving the sale of automobiles. These establishments may include office space, parking lots for the display and storage of automobiles available for sale, parking areas for customers and employees, automobile repair facilities, facilities for bodywork, painting, or restoration, and sale of parts.

**Average Daily Traffic**

The total two-directional volume of traffic during a given time period (in whole days), greater than one day and less than one year, divided by the number of days in that time period.

**Avigation Easement**

A document granting rights pertaining to the passage of aircraft over a grantors' property, along with other statements, requirements, and criteria accompanying that grant, which is generally recorded against the grantors property as a condition of development approval.

**Bar**

An establishment serving alcoholic beverages as prescribed in C.R.S. §12-47-409 (beer and wine license) or C.R.S. §12-47-412 (tavern license) of the Colorado Liquor Code and having an occupant load as defined in the Building Code of less than 100.

**Batch Plant**

Processing plant, together with its accessory facilities, for the manufacturing of concrete or asphalt and related materials and products.

**Batch Plant, Temporary**

A batch plant placed on a lot or parcel on a temporary basis, usually in association with a federal, State, or local government public improvement project.

**Bed and Breakfast Home**

A residence which provides temporary overnight lodging for remuneration with a maximum of 2 guest rooms. A bed and breakfast home is a home occupation as further defined and regulated by this Code.

**Bed and Breakfast Inn**

A residence which provides temporary overnight lodging for remuneration with a minimum of 3 and a maximum of 10 guest rooms.

**Bee Keeping**

The cultivation of bees on a commercial scale for the production of honey and pollination of crops.

**Beneficial Use Agreement**

An agreement between a landowner and the County establishing the limitations and conditions whereby waste tires may be utilized in the construction of a fence.

**Benefited Property**

A property identified in a pending or approved cost recovery statement as being potentially benefited by adjacent or off-site improvements constructed by a requestor subdivider.

**Berm**

A mound of soil, either natural or manmade, used to obstruct views, attenuate noise, or direct the flow of stormwater

**Best Management Practice**

Systems of practices, schedules of activities, prohibitions, maintenance procedures, and management measures that prevent or minimize adverse impacts to the environment.

**Billboard**

An off-premise sign erected to direct attention to a business, commodity, service, activity or product sold, conducted, or offered off the lot or parcel where the sign is located.

**Billiard Parlor**

An establishment for the games of or relating to billiards or pool. In the event liquor is served, the establishment is classified as a bar.

**Block**

An area of land within a subdivision entirely bounded by roads or the exterior boundary or boundaries of the subdivision designated as a block on a recorded subdivision plat.

**Board of Adjustment**

The Board of Adjustment of El Paso County.

**Board of County Commissioners**

The El Paso County governing body authorized to exercise the powers of the County.

**Board of Directors**

A board of directors of a special district having the ability to directly influence the major financial decisions of the special district or a combination of related districts.

**Boarding and Rooming House**

A building, other than a hotel or motel, where lodging for 5 or more persons, not including members of the operator's immediate family, is provided for compensation; meals may be provided for the lodgers where the owner or manager lives on the same ownership. This term shall not include child care center or family care home. The word compensation shall include compensation in money, services or other things of value.

**Buffering**

The installation of plant materials, fencing, or landforms (or a combination of these measures), between 2 or more lots or parcels which inhibits visibility or mitigates the transmission of noise, dust, smoke, lights, and other nuisances from one lot or parcel to another, or which provides for future public improvements or additional open space.

**Buildable Area**

The portion of the lot that can be occupied by the principal and accessory uses, excluding the front, side and rear yards and other areas constrained by setbacks, easements, floodplain, and other restrictions so noted on the plat or by this Code.

**Building**

A structure having a roof, supported by columns or walls.

**Building Code**

The Pikes Peak Regional Building Code, as adopted by the BoCC.

**Building Department**

The Pikes Peak Regional Building Department.

**Building Height**

The vertical distance measured from the average elevation of the finished grade adjoining the building to the highest point of the roof surface, if a flat roof; to the deck line of mansard roofs; and to the mean height level between eaves and ridges for gable, hip and gambrel roofs.

**Building Official**

The administrator of the Building Department or his designee.

**Building Permit**

A permit issued by the Building Department for construction of a structure following a determination by the DSD and Building Department that the construction plans comply with the provisions of this Code and the Building Code.

**Business Event Center**

A for-profit business whose purpose is to provide a place for people to assemble for events in the nature of, but not limited to, recreational, social, cultural, political, or educational purposes.

**Caliper**

The American Association of Nurserymen standard for trunk measurement of nursery stock, as measured at 6 inches above the ground for trees up to and including 4-inch caliper size, and as measured at 12 inches above the ground for larger sizes.

**Car Wash**

A facility for the cleaning of automobiles. The term includes, among other things, truck or recreational vehicle wash.

**Caretaker's Quarters**

A dwelling, mobile home, manufactured home, or apartment unit within the principal building occupied only by a caretaker and immediate family, which is accessory to the principal commercial or industrial use.

**Cemetery**

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

**Cemetery, Personal**

A cemetery that is limited to the personal use of the property owner for themselves, immediate family members or other relatives.

**Central Sewer System**

A system or facility for treating, neutralizing, stabilizing, or disposing of sewage, which system or facility has a designed capacity to receive more than 2,000 gallons of sewage per day from one or more lots or parcels, but not including an onsite wastewater system (OWTS). The term central sewer system includes appurtenances such as interceptors, collection lines, outfall and the outlet sewers, pumping stations, and related equipment.

**Central Water System**

A system for the provision to the public of water for human consumption through pipes or other constructed conveyances, and which provides at least 15 service connections used by year-

round residents of the area served by the system; or that regularly serves at least 25 year-round residents.

**Certificate of Designation**

A document issued by the BoCC, upon favorable recommendation from the Colorado Department of Public Health and Environment (CDPHE), authorizing the operation of a solid waste disposal site and facility pursuant to the Solid Wastes Disposal Sites and Facilities Act (C.R.S. §§30-20-101, et. seq.).

**Certificate of Occupancy**

A certificate issued by the Building Department after final inspection and a finding that the building, structure, or development complies with all provisions of the applicable County codes, permits, requirements and approved plans.

**Change of Use**

Any use that substantially differs from the previous use of a structure, lot, or parcel, including a change from a public use to a private use, in which the new use requires review of parking, landscaping, screening, buffering, drainage facilities, water supplies, wastewater facilities, or other changes to the site to determine compliance with this Code.

**Child Care Center**

A facility with the capacity to care for more than 5 children who are under the age of 16 years and are not related to the owner, operator, or manager, whether the facility is operated with or without compensation for the care, and with or without stated educational purposes. The term includes facilities commonly known as day care centers, day nurseries, nursery schools, montessori school, kindergartens, preschools, day camps, summer camps, centers for developmentally disabled children and those facilities which give 24 hour care for dependent and neglected children; and includes those facilities for children under the age of 6 years with stated educational purposes operated in conjunction with a public, private, or parochial college or private or parochial school; except that the term shall not apply to a kindergarten maintained in connection with a public, private, or parochial elementary school system of at least 6 grades, which is defined as an educational institution under this Code. Kindergarten means any facility providing an educational program for children only for the year preceding their entrance to the first grade, whether the facility is called a kindergarten, nursery school, preschool, or by any other name. The term child care center shall not include any facility licensed as a family care home.

**Child Care Facilities**

A licensed child care center, family care home, or residential child care facility, as provided for under the Child Care Act, C.R.S. §§26-6-101 et. seq. and its implementing regulations, 12 C.C.R. 2509-8, except as otherwise defined or restricted by this Code.

**Christmas Tree Lot**

An area for the temporary retail sale of Christmas trees usually set up in the parking lot of a large commercial business.

**Clear Zone**

An area defined by Federal Aviation Administration (FAA) regulations that extends 3000 feet beyond the end of the runway, where the potential for aircraft accidents is considered measurable enough to warrant additional land use restrictions.

**Clerk and Recorder**

El Paso County Clerk and Recorder.

### **Clerk to the Board**

The custodian of records and documents of the BoCC.

### **Clubs**

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, including country clubs and lodges but excluding clubs operated for profit and places of worship or assembly.

### **Cluster Development**

A design technique which concentrates buildings or lots in specific areas of a site in order to reduce the overall need for infrastructure or to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive or visually significant features.

### **CMRS (Commercial Mobile Radio Service) Facility**

An unmanned facility consisting of antennae, accessory equipment, and equipment storage shelters used for the reception, switching, transmission or receiving of wireless telecommunications operating at 1000 watts or less effective radiated power and using frequencies authorized by the Federal Communications Commission, including, but not limited to, paging, enhanced specialized mobile radio, personal communication systems, personal wireless service, cellular telephone, point-to-point microwave signals, and similar technologies. Also known as a wireless telecommunications service facility.

### **CMRS Facility, Accessory Equipment for a**

Equipment, including buildings and structures, used to protect and enable radio switching equipment, back-up power, support structures, and other devices incidental to a CMRS facility, but not including antennae.

### **CMRS Facility, Building Roof-Mounted**

A CMRS facility with antennae that are mounted and supported entirely on the roof of a legally existing building or structure.

### **CMRS Facility, Building Wall-Mounted**

A CMRS facility with antennae that are mounted and supported entirely on the wall of a legally existing building, including the walls of architectural features such as parapets, chimneys, and similar appurtenances.

### **CMRS Facility, Freestanding**

A CMRS facility that consists of a stand-alone support structure, such as a tower or monopole, and antennae and accessory equipment.

### **CMRS Facility, Pole-Mounted**

A CMRS facility with antennae that is mounted and supported entirely on a legally existing traffic signal, utility pole, street light, flagpole, co-located freestanding CMRS facility, electric or transmission line support tower, or other similar structure.

### **CMRS Facility, Stealth**

A CMRS facility with an alternative design which camouflages or conceals the presence of antennae or towers, such as, but not limited to, artificial trees, clock and bell towers, and steeples.

**Code**

The El Paso County Land Development Code, including any companion documents referenced in the Code and otherwise adopted. The Code comprises the zoning resolution and the subdivision regulations of the County.

**Co-Location**

Placement of two or more transmitters, antennas, or other forms of telecommunication device on a common support structure.

**Colorado Springs Municipal Airport**

The general aviation airport now known as City of Colorado Springs Municipal Airport, or any future name or common reference that may be promulgated adopted or referred to.

**Combination Agreement**

A voluntary acknowledgement by property owner filed for recording with the Clerk and Recorder whereby a property line is removed between two or more contiguous lots or parcels for the purpose of modifying the exterior boundaries of the resulting parcels. The execution and filing of a combination agreement eliminates the lot or parcel line between two or more parcels for the purpose of meeting the requirements of this Code.

**Combustible**

Any material that, in the form in which it is used and under the conditions anticipated will ignite and burn or will add appreciable heat to an ambient fire.

**Commercial Airport District Map**

The series of maps developed for the Colorado Springs Municipal Airport which together defines the geographic extent of the boundaries of the OA-CAD District and the associated noise and accident potential based upon the Federal Aviation Regulations (FAR) Part 77 and Part 150 Studies.

**Commercial Airport Overlay District (CAD-O)**

An overlay zone district applicable to airports which may include associated sub-zones noted herein that are together superimposed on existing base zones.

**Commercial Center**

The area of land contained within the same zoning or rezoning approval resolution, which may include multiple owners, lots, or parcels; which utilizes common access; and which functions as a unified commercial development.

**Commitment to Serve**

A written commitment by the public water or sewer provider that constitutes a binding agreement to provide service to the subject property, which may include conditions necessary to provide service and quantifiable amounts of service.

**Common Open Space**

An area of land, water, or a combination of land and water designed and designated for the use or enjoyment of residents, occupants, and owners within the subdivision or development.

**Community Building**

A facility used for the assembling of people for recreational, social, cultural, political or educational purposes operated by a not-for-profit, special district, or governmental entity, a homeowners' association, or a mobile home or recreational vehicle park owner generally designed to serve a neighborhood or development. A community building may include outdoor

recreation facilities including tennis courts, basketball courts, playgrounds, bike trails, picnic areas, or other facilities approved as part of the site development plan or special use.

**Compatibility**

The characteristics of different uses, activities or designs which allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include height, scale, mass and bulk of structures. Other important characteristics that affect compatibility are landscaping, lighting, noise, odor and architecture. Compatibility does not mean "the same as." Rather, compatibility refers to the sensitivity of the proposed use, activity or design in maintaining the character of existing development within the vicinity.

**Complete Application**

All submittals required for processing a specific type of development application.

**Composting Facility**

A site where compost is produced, except at a residential location.

**Condominium**

A legal form of ownership whereby an owner gains title to an interior air space of individual units in a multi-unit project together with interest in the common areas and facilities appurtenant to the units where the land within the project is owned in common.

**Conservation Area**

The land set aside in a RLUP Exemption Plat and permanently preserved, through a conservation easement or other County-approved mechanism, for conservation, agricultural, or other low-impact uses as provided by this Code.

**Conservation Easement**

A recorded deed restriction under which a property owner retains title to real property in order to maintain the property in a manner that will preserve its value for recreation, education, habitat, open space, or historical importance, but gives up some or all of the development rights associated with it, the terms and restrictions of which are specified in a conservation easement document for the property. For a conservation easement to be recognized under federal law, the easement document shall transfer the rights to enforce property restrictions to a qualified conservation organization or government agency.

**Construction Equipment Storage and Field Office, Temporary**

A heavy equipment and materials storage area for an establishment engaged in the business of constructing or demolishing buildings or infrastructure. The term also includes, but is not limited to, businesses engaged in the installation of air conditioners, electrical equipment, flooring, heating, painting, plumbing, roofing, tiling, ventilation, pools, and service facilities of utilities. The term also includes field offices that support the construction activities including field offices located in construction trailers. The term does not include salvage yards, junkyards, vehicle dismantling yards, or scrap metal processing yards.

**Construction Permit**

A permit issued by the ECM Administrator for: (1) the construction, alteration or reconstruction of public improvements within any County right-of-way or easement; (2) the construction, alteration or reconstruction of common development improvements covered by the ECM, LDC, development agreement, or subdivision improvement agreement; or (3) site preparation activities including grading, stripping of soil or vegetation, depositing fill material, and trenching or excavating.

### **Construction Plans**

Project drawings that show the location, character and dimensions of the proposed work.

### **Contiguous**

Sharing an edge or a lot, parcel or tract boundary line. The contiguity of land areas shall not be affected by the existence between them of a private road, road easement, driveway or alley; a private right-of-way; a public or private transportation or utility right-of-way; a river, creek, stream, or other natural or artificial waterway; or an intersecting mining claim. The contiguity of land areas shall be assumed to be disrupted by the existence of established public roads and by lands contained within the legal boundaries of any municipality unless otherwise provided by this Code.

### **Contractor's Equipment Yard**

A service establishment primarily engaged in general contracting or subcontracting in the construction, repair, maintenance or landscape trades. It may include administrative offices, workshops and the indoor or outdoor storage of tools, equipment, materials, and vehicles used by the establishment.

### **Convenience Store**

An establishment for the purpose of offering for sale to the neighborhood in which it is located such items as groceries, ready to eat food, over the counter drugs, and sundries. A convenience store may include retail sale of gasoline and other petroleum products.

### **Copy Shop**

A retail and service store for the purpose of small scale publishing, copying, fax receipt, and shipping serving the needs of the general public.

### **Correction Plat**

A re-recording of a previously approved final plat which is intended to correct a technical error in the plat.

### **County Assessor**

The El Paso County Assessor.

### **County Engineer**

The County Engineer for El Paso County with authority and duties as designated in Colorado Revised Statute, or authorized designee.

### **County Hydrogeologist**

A person designated by the BoCC to advise the County on matters pertaining to compliance with the County's water regulations, and other water matters.

### **Covenants**

Covenants, conditions and restrictions ("CC&R's") by which the declarant or other executing party or parties impose contractual obligations on the present and future owners and assignees of real property. CC&Rs are connected with land or other real property and run with the land, so that the grantee of the land is invested with and bound by the CC&Rs. CC&Rs include but are not limited to declarations for condominiums. CC&Rs are not enforced by the County.

### **CSFS (Colorado State Forest Service) Guidelines**

Guidelines, publications, and design manuals as published by the CSFS relating to forest management and wildfire protection.

**Cut-Off Angle**

The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source above which no light is emitted.

**Date of Completion of an Improvement**

The earlier of the date that the County accepts dedication of the relevant improvement that is the subject of the cost recovery statement or, in the case of improvements to which the County does not require dedication, the earlier of the date of the County's release of the collateral for the construction of the relevant improvement or the date that any building permit is issued within the subdivision.

**Datum Plane**

A horizontal plane or surface which includes the surface point of the airport elevation at mean sea level.

**Day Care Center**

A non-residential facility for the care and supervision of more than 8 children for periods of less than 24 hours per day. Day care centers include preschools and nursery schools.

**Day Care Home, Adult**

A private residence used for the care of 8 or fewer adults, other than the operator or operator's family, for a period of less than 24 hours per day. A license from the Colorado Department of Social Services is not required.

**Day Care Home**

A private residence used for the care of up to 12 children other than the operator's own children for a period of less than 24 hours per day for which the operator possesses a license from the Colorado Department of Social Services.

**Day-Night Average Sound Level**

The 24-hour average frequency-weighted sound level, in decibels, that recognizes the added impact of nighttime noise. It is a 24 hour average noise level based on A-weighting with 10 dBA (decibels) added between the hours of 10:00 p.m. to 7:00 a.m. DNL is expressed visually via contour lines in 5 DNL increments.

**Day-Night Equivalent Sound Level**

The average sound level over a 24-hour period with noise events occurring between the hours of 10:00 p.m., and 7:00 a.m., subject to a penalty of 10 decibels.

**Dedication**

A right to use land for the public that involves a transfer of property rights by plat, title, deed or other legal method and acceptance of the dedicated property by the appropriate public agency.

**Deed Restriction**

Clauses in a deed limiting the future use of a property.

**Defensible Space**

An area as defined by the Fire Marshal (typically a width of 30 feet or more) between an improved property and a potential wildland fire where material capable of allowing a fire to spread unchecked has been treated, cleared, or modified to slow the rate and intensity of an advancing wildfire and create an area for fire suppression operations.

**Density, Gross Residential**

The total number of residential dwelling units divided by the total land area of the subject property including publicly dedicated roads, open space or other public facilities.

**Density, Net Residential**

The number of residential dwelling units divided by the land area within the subject property excluding publicly dedicated roads, open space or other public facilities.

**Design Standards**

All requirements and regulations relating to design and layout of subdivisions as contained in this Code and the ECM.

**Detention**

The temporary storage of stormwater runoff to control peak discharge rates and allow settling of stormwater sediment.

**Detention Facility**

An above or below ground drainage facility, such as a pond or tank, that temporarily stores stormwater runoff and releases it at a slower rate than it is collected by the drainage facility. The facility includes the flow control structure, the inlet and outlet.

**Development**

The act of carrying out any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into 2 or more parcels. When appropriate in context, development shall also mean the act of developing or the result of development. Development shall also include: (a) Any construction, placement, reconstruction, alteration of the size, of a structure on land; (b) Any increase in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on a tract of land or a material increase in the intensity and impacts of the development; (c) Any change in use of land or a structure; (d) Any alteration of a shore or bank of a river, stream, lake, pond, reservoir or wetland; (e) The commencement of drilling oil or gas wells, mining, stockpiling of fill materials, filling or excavation on a parcel of land; (f) The demolition of a structure; (g) The clearing or grading of land as an adjunct of construction; (h) The deposit of refuse, solid or liquid waste, or fill on a parcel of land; (i) The installation of landscaping within the public right-of-way, when installed in connection with the development of adjacent property; and (j) The construction of a roadway through or adjoining an area that qualifies for protection as a wildlife or natural area. Development shall not include: (a) Work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way; (b) Work by any public utility for the purpose of inspecting, repairing, renewing or constructing in established rights-of-way any mains, pipes, cables, utility tunnels, power lines, towers, poles, or the like; provided, however, that this exemption shall not include work by a public entity in constructing or enlarging mass transit or fixed guide way mass transit depots or terminals or any similar traffic-generating activity; (c) The maintenance, renewal, improvement, or alteration of any structure, if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure; (d) The use of any land for an agricultural activity; (e) A change in the ownership or form of ownership of any parcel or structure; or (f) The creation or termination of rights of access, easements, covenants concerning development of land, or other rights in land.

### **Development Agreement**

An agreement with the County, including a subdivision improvements agreement, which clearly establishes the terms and conditions of the development approval, including the applicant's responsibility regarding project phasing, the provision of public and private facilities and improvements, and any other mutually agreed to terms and requirements. The agreement may also serve to implement the site specific development plan which establishes vested rights under C.R.S §§24-68-101, et seq.

### **Development Application**

Any application required by this Code or companion documents for a change in land use, for approval of plans, or for the issuance of a permit, including, but not limited to, the following: rezoning; use variances; special uses; variances; temporary use; approval of location; administrative approval or permit pursuant to Appendix B Guidelines and Regulations For Areas and Activities of State Interest of El Paso County ("Appendix B Guidelines and Regulations"); site plans; site development plans; preliminary plan; final plat; maintenance plans; landscape and parking plans; building permit review; certificate of designation; vacation; exemption plat; construction permit; builder's erosion and sediment control permit (BESQCP); erosion and sediment control permit (ESQCP); grading permit; development agreement; and subdivision improvement agreement (SIA).

### **Development Guide**

The written and graphical documents that detail the provisions for development of a PUD or R-4 development. These provisions may include, and need not be limited to, easements, covenants and restrictions relating to use; location and bulk of buildings and other structures; intensity of use or density of development; utilities, private and public streets, ways, roads, pedestrians, areas, and parking facilities; common open space, and other public facilities.

### **Development Permit**

An approval of a development application and associated documents including, but not limited to, the following: rezoning; variance in use; special use permit; approval of location; administrative approval or permit pursuant to Appendix B Guidelines and Regulations; variance; temporary use permit; site plan; site development plan; preliminary plan; final plat; maintenance plan; landscape and parking plan; building permit; certificate of designation; vacation, exemption plat, construction permit; builder's erosion and sediment control permit (BESQCP); erosion and sediment control permit (ESQCP); grading permit; development agreement; and subdivision improvements agreement (SIA).

### **Development Plan**

A document prepared pursuant to submittal of a PUD application (or in the R4 zoning district) that is intended to establish the overall land use and density parameters for a large development precedent to submittal and approval of one or a series of more detailed site specific development plans that are fully compliant with the requirements and standards of the PUD or R4 zoning district regulations.

### **Development Review Process**

The process of reviewing development applications for consistency with the requirements of this Code and other applicable laws, rules, and regulations.

### **Development Services Department (DSD)**

The office, department, branch or division of the El Paso County government designated by resolution of the Board of County Commissioners to administer the Land Development Code.

**Development Services Director**

The person designated by resolution of the Board of County Commissioners to manage the Development Services Department or the person's equivalent position or delegated representative.

**Development Standards**

Standards and regulations pertaining to the physical development of a site including requirements pertaining to yards, heights, lot area, fences, walls, landscaping area, access, parking, signs, setbacks, and other physical requirements.

**Deviation**

A modification of the ECM standards approved by the ECM Administrator.

**Disconnection**

The action which removes property from the legal boundaries of a city or town, rendering the property unincorporated.

**Drainage Plan**

A plan depicting the overall approach for managing stormwater drainage associated with the subject property prepared in accordance with the ECM.

**Driveway**

A facility for the passage of vehicles that provides access from a public or private road to no more than 3 lots.

**Driveway Permit**

A permit issued pursuant to the requirements of the ECM to allow access to a lot, parcel or tract from a public or private road. Temporary access may be allowed through the issuance of a Work in the Right-of-Way Permit.

**Dry Cleaning Plant**

An industrial establishment or area for the purpose of cleaning garments and fabrics with any of a variety of non-aqueous agents.

**Dry Hydrant**

An arrangement of pipe permanently connected to a water source other than a piped, pressurized water supply system that provides a ready means of water supply for fire-fighting purposes and that utilizes the drafting (suction) capability of fire department pumpers.

**Dwelling, Additional**

A dwelling unit, allowed in the A-35 District only, either within or added to an existing single-family detached dwelling or located as a separate accessory structure on the same lot or parcel as the principal single-family dwelling, for use as a complete, independent living facility with provisions within the dwelling unit for cooking, eating, sanitation, and sleeping. The additional dwelling shall be considered an accessory use to the principal dwelling.

**Dwelling, Multifamily**

A structure containing 3 or more dwelling units designed for or used exclusively as a residence by 3 or more families, living independently of one another with accessory uses, limited to an office, laundry and recreational facilities, used in common by the occupants.

**Dwelling, Single-Family**

A structure containing one dwelling unit designed for or used exclusively as a residence by one family.

### **Dwelling, Single-Family Attached**

A structure containing more than one dwelling unit, each of which has primary ground floor access to the outside and are attached to each other by party walls without openings, where each dwelling unit is generally located on its own lot. The common or abutting wall shall be shared for at least 50% of the length of the side of the dwelling units. A single-family attached dwelling does not share common floor/ceilings with other dwelling units. A single-family attached dwelling is also sometimes called a townhouse or row house.

### **Dwelling, Two-Family**

A structure containing 2 dwelling units that are structurally attached and designed for or used exclusively as a residence by 2 families, living independently of one another.

### **Dwelling Unit**

One or more rooms or structures designed for occupancy by an individual or family for living and sleeping purposes, containing rooms with internal accessibility and no more than one kitchen, for use solely by the dwelling unit's occupants. The word "dwelling unit" shall not include tents, recreational vehicles, trailer coaches, hotels, motels, guest house, mother in law apartment, or other structures designed or used primarily for transient residents.

### **Easement**

An area which is reserved, conveyed or dedicated for a specialized or limited purpose without the transfer of fee title.

### **ECM Administrator**

The County Engineer or his/her authorized designee.

### **Educational Institution**

Educational institution shall mean public schools, non-public schools, and schools administered and operated by the State. The following definitions shall apply to the various types of educational institutions: (a) 'Public schools' shall mean those schools administered by legally organized school districts; (b) 'Non-public schools' shall mean all private, parochial and independent schools which provide education of compulsory school age pupils comparable to that provided in the public schools of the State.

### **Electric Substation**

An assemblage of equipment and appurtenant facilities designed for voltage transformation or voltage control of electricity in amounts of 115,000 volts or more, and any addition increasing the existing design capacity.

### **Electric Transmission Lines**

Non-private electric transmission lines and appurtenant facilities which transmit electricity at 115 kilovolts or more, and any addition thereto increasing the existing design capacity.

### **Elevation**

The external vertical plane of a building. Elevations are considered different if they have different roof lines, building materials, details, or overall stylistic expression.

### **Eligible Cost**

Any monetary expense incurred and paid for the installation of an improvement that the County required to have installed under the subdivision approval process and that is directly related to the construction, inclusive of design and planning, of an improvement eligible for a fair share reimbursement. The eligible cost may be incurred by the requestor subdivider or by any metropolitan district, local improvement district, transportation authority, or similar type of

governmental entity. These expenses may include but are not limited to land acquisition, materials, labor, engineering, survey, title, management, supervision, consulting, legal, and other professional matters. Eligible costs do not include the expenses incurred in preparing or processing a cost recovery statement.

**Emergency Medical Facility**

A facility at which medical care is provided for situations or occurrences that would require immediate action and providing primarily outpatient emergency care for the diagnosis and treatment of individuals. This term does not include, among other things, hospitals, medical clinics, fire stations, or ambulance headquarters.

**Emission**

The discharge or release into the atmosphere (ambient air) of one or more air pollutants.

**Emission Permit**

The instrument issued by the CDPHE allowing construction, demolition, sandblasting, and open burning activities.

**Energy Generation Facilities**

An electrical energy generating facility with generating capacity of less than 50 megawatts for commercial delivery and any appurtenant facilities.

**Equipment Storage Shelter**

Buildings, storage shelters and cabinets used to house CMRS facility equipment.

**Equivalent Sound Level**

The level of a constant sound which, in a given situation and time period, has the same energy as does a time varying sound. For noise sources which are not in continuous operation, the equivalent sound level may be obtained by summing individual sound exposure level (SEL) values and normalizing over the appropriate time period.

**Establishment**

A place of business together with its employees, merchandise, and equipment.

**Exemption from Platting**

A release from the requirements of platting by resolution of the BoCC in accordance with the terms set forth in this Code.

**Exotic Animal**

Any vertebrate animal except fishes and amphibians that is not defined as a pet or livestock.

**Expansion of Capacity, Road**

Expansion of the capacity of a road includes widening, intersection improvement, signalization or other capital improvements designed to increase the existing road's capacity to carry vehicles.

**Extended Family Dwelling**

See Guest House

**Expressway**

A public way designed to handle heavy volumes of vehicular traffic with limited access. An expressway is a divided highway for through traffic with full or partial control of access.

**Fair Share Reimbursement**

A reimbursement to the requestor subdivider not to exceed the costs of the improvement, plus interest, for that share of the costs related to excess capacity not needed to meet the demands of the requestor subdivider.

### **Family**

An individual, or 2 or more persons related by blood, marriage, adoption, or as guardian and ward, or a group of not more than 5 persons, excluding servants, who are not so related, living together in a dwelling unit. A family shall not include more than one person required to register as a sex offender pursuant to Section 18-3-412.5, C.R.S., as amended, unless related by blood, marriage or adoption, or in foster care.

### **Family Care Home**

A facility for child care in a place of residence of a family or person, for the purpose of providing family care and training for a child under the age of 16 who is not related to the head of the home and, under Family Foster Home provisions, to include children from 16 to 18 years of age and those persons to 21 years of age who are placed by court order prior to their 18th birthday. The term includes any family care home receiving a child for regular 24 hour care and any home receiving a child from any State-operated institution for child care or from any child placement agency as defined in C.R.S. §26-6-102(2), or any day care home receiving a child for less than 24 hour care. The term "Family Care Home" shall not include any facility licensed as a "Child Care Center".

### **Farm**

Any parcel of land containing at least 35 acres used primarily for the commercial, soil-dependent cultivation of an agricultural crop; the raising of aquatic plants or animals; or the raising of livestock. This does not include livestock feed yard or exotic animal facilities.

### **Farm/Ranch Residence**

A farm/ranch residence is a dwelling unit occupied by persons principally employed at or engaged in the operation of the farm or ranch.

### **Farming**

The commercial, soil-dependent cultivation of an agricultural crop; the raising of aquatic plants or animals; or the raising of livestock. Farming includes traditional farming, sod farming, tree farming, and animal farming in unconfined operations.

### **Fee Schedule**

The schedule of development application and permit fees adopted by the BoCC.

### **Feepayer**

A person commencing traffic-generating land development activity who is obligated to pay a regional traffic impact fee in accordance with the terms of this Code.

### **Field Office**

A manufactured structure or commercial vehicle used for a temporary time period for office use or the storage of construction-related plans, supplies, equipment and related items to be accessed exclusively by construction personnel.

### **Financial Assurance**

A financial guarantee, naming El Paso County as beneficiary, that public infrastructure and subdivision improvements required for a project will be constructed and certified according to the plans and specifications and all applicable Standards.

### **Financial Assurance Estimate**

An estimation of the cost of the construction of the public and common subdivision improvements associated with a subdivision or development.

**Fire Department**

An organization equipped for the prevention or extinguishment of fires including municipal fire departments, fire districts, and fire companies.

**Fire District**

A special district created according to State Statutes to provide fire protection and prevention services.

**Fire Hazard**

Any situation, process, material, or condition that, on the basis of applicable data, can cause a fire or an explosion or provide a ready fuel supply to augment the spread or intensity of the fire or explosion and that poses a threat to life or the property of others.

**Fire Marshal**

El Paso County Fire Marshal.

**Firewood Sales**

A freestanding facility for the storage, display and sale of cut wood that is used for fuel. A firewood sales facility may also include wood splitting.

**Fireworks Stand**

A temporary stand or location for the sale of fireworks.

**Flea Market**

An occasional or periodic market held in an open area or structure where groups or individual sellers offer goods that are homemade, homegrown, handcrafted, old, obsolete or antique for sale to the public. This may include the selling of goods at retail by businesses or individuals generally engaged in retail trade.

**Floodplain, 100-Year**

The relatively flat area or lowlands adjoining the channel of a stream or water course and subject to floodwater overflow resulting from a 100-year flood which is defined as that flood equivalent of a 1% or greater chance of flooding in any given year.

**Floodplain Administrator**

The person designated by the Building Code to administer the provisions of the Floodplain Regulations.

**Floodplain Regulations**

The Floodplain Code as included in the Building Code, as supported or clarified by any additional requirements as included in the LDC.

**Floor Area, Gross**

Total area of all floors within a structure, exclusive of vents, shafts, and courts. The floor area of a structure or portion of a structure without walls shall be the area under the horizontal projection of the roof or floor above.

**Floor Area Ratio**

Ratio of total floor area of the structure or structures to the total area of the lot.

**Food Processing**

Preparing, treating, converting, or packaging food which has not been produced on the premises.

**Forest Health**

A summary of vegetative conditions determined by an inventory by a qualified professional of a forest for insect and disease presence or potential, exotic plant species and stand structure.

**Forestry and Noxious Weed Manager**

The manager of the Forestry and Noxious Weed Division of the El Paso County Environmental Services Department.

**Forestry Management Plan**

A written report with implementation recommendations to aid owners in increasing the health, vigor, productivity and beauty of their forest land through use of forest management practices.

**Frontage**

The boundary line of a lot, parcel, tract, or proposed subdivision that abuts an existing or proposed public road or right-of-way, as the context of the applicable provision of this Code specifically limits or modifies the term.

**Fuel Modification**

Any manipulation or removal of fuels to reduce the likelihood of ignition or the resistance to fire control.

**Fuel Sales and Storage**

Facilities for the storage and wholesale sales of large quantities of fuel or petroleum, including liquefied gases.

**Full-Cutoff Light Fixture**

A luminary device which cuts off all upward transmission of light.

**Full-Time Care**

Care for a person on a full day and night, 24 hour basis. Several hours' absence for temporary purposes such as school shall not cause the care to be less than full-time.

**Funeral Home**

A building used for the preparation of the deceased for burial or cremation, for the display of the deceased or for ceremonies or services related thereto, including cremation and the storage of caskets, funeral urns, funeral vehicles and other funeral supplies. Shall also include funeral parlor, mortuary, and crematory.

**Garbage Service Facility**

Buildings and yards where vehicles and containers used for the transport of garbage are stored, maintained, or cleaned and which may include maintenance facilities for the company.

**Gas Regulator Station**

An assemblage of equipment which reduces regulates and meters natural gas pressure in the transmission line, holder, main, pressure vessel or the compressor station piping. This may include auxiliary equipment such as valves, control instruments, or control lines as well as piping.

**Gas Station**

A property where the retail sale of gasoline, diesel fuel, oil, or other fuel for vehicles and which may include, as an incidental use, the retail sale and installation of vehicle accessories, the making of minor repairs, and facilities for washing and servicing of not more than 3 vehicles completely enclosed in a structure.

### **Gas Transmission Pipeline**

Pipelines and appurtenant facilities installed for the purpose of transmitting gas from a source to a distributing center, to a large volume customer, or to interconnect sources of supply.

### **General Aviation District Map**

The map developed for the Meadowlake Airport which defines the geographic extent of the boundaries of the OA-GAD zoning district.

### **Geologic and Soils Report**

A report prepared by a professional geologist that identifies the geologic and soil conditions related to a specific development application site and the relationship of those conditions to the intended land use.

### **Geologic Hazard**

A geologic condition including but not limited to potentially unstable slopes, undermining, faulting, landslides, rockfalls, flood, or similar naturally occurring dangerous features or soil conditions or natural features unfavorable to development and which may pose a significant threat to persons or property.

### **Glare**

Discomfort experienced by an observer with a direct line of sight to a light source which often results in visual impairment.

### **Golf Course**

An area of land laid out for the game of golf with a series of 9 or 18 holes each including tee, fairway, and putting green and often one or more natural or artificial hazards. It may also include a clubhouse and other accessory structures.

### **Golf Course, Miniature**

A game played with a putter and golf ball in which each hole constitutes an obstacle course consisting of alleys, tunnels, bridges and the like through which the ball must be driven.

### **Grade, Finished**

The final elevation of the ground surface adjoining all walls of a structure after development.

### **Grade, Natural**

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

### **Grading**

Stripping, cutting, filling, or stock-piling earth including land in its cut or filled condition to create new grade.

### **Greenhouse**

A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the propagation, cultivation, or growing of nursery stock such as flowers, bulbs, plants, trees, shrubs or vines.

### **Greenhouse, Personal Use**

A greenhouse for the personal use or enjoyment of the property owner.

### **Groundwater**

Any water not visible on the surface of the ground as defined by C.R.S. §37-90-103(19). Used interchangeably with "undergroundwater."

**Groundwater, Alluvial**

Groundwater found in unconsolidated clay, silt, sand, and gravel of relatively young geologic age. Alluvial groundwater includes, but is not limited to, groundwater found in the Holocene and Pleistocene Piney Creek Alluvium, Broadway Alluvium, Slocum and Vedros Alluvium and Nussbaum Alluvium.

**Groundwater, Bedrock**

Groundwater found in consolidated or semi-consolidated sedimentary rocks or in igneous or metamorphic rocks. Includes groundwater found in the Denver Basin aquifers known as the Dawson, Denver, Arapahoe and Laramie-Fox Hills.

**Groundwater, Nontributary**

Groundwater as defined in C.R.S. §37-90-103 (10.5). Groundwater is considered nontributary solely on the basis of determinations made by the State Engineer's Office or water decrees issued by a State court of competent jurisdiction.

**Groundwater, Not Nontributary**

Groundwater in the Dawson, Denver, Arapahoe or Laramie-Fox Hills aquifers located outside the boundaries of any designated groundwater basin withdrawal of which will, within 100 years, deplete the flow of a natural stream at an annual rate of greater than one-tenth of one percent of the annual rate of withdrawal, C.R.S. §37-90-103 (10.7).

**Groundwater, Tributary**

Any groundwater tributary to a natural stream as defined by the Water Right Determination and Administration Act of 1969, C.R.S. §§37-92-101 et. seq.

**Group Home**

A home intended to provide a normal residential family setting for certain unrelated groups of people and limited to group homes for persons with mental illness, group homes for developmentally disabled persons, group homes for the aged, and group homes for handicapped or disabled persons.

**Group Home for the Aged (including Assisted Living Residences)**

A group home for persons who are 60 years of age or older, who do not need nursing facilities or skilled and intermediate care facilities, and who desire to live in normal residential surroundings. The criteria, requirements, and restrictions for group homes for the aged shall be those prescribed by C.R.S. §30-28-115(2) (b) (except for distance separations) and in this Code. Group homes for the aged include assisted living residences as defined in C.R.S. §25-27-102 (1.3). "Assisted living residence" means a residential facility that makes available to three (3) or more adults not related to the owner of such facility, either directly or indirectly through an agreement with the resident, room and board and at least the following services: personal services; protective oversight; social care due to impaired capacity to live independently; and regular supervision that shall be available on a twenty-four-hour basis, but not to the extent that regular twenty-four-hour medical or nursing care is required. The term "assisted living residence" does not include any facility licensed in this state as a residential care facility for individuals with developmental disabilities, or any individual residential support services that are excluded from licensure requirements pursuant to rules adopted by the Department of Public Health and Environment.

**Group Home for Developmentally Disabled Persons (including Intellectually and Developmentally Disabled Persons)**

A State-licensed group home for persons with developmental disabilities or intellectual and developmental disabilities, as those terms are defined in C.R.S. §§ 27-10.5-102(11)(a) and 25.5-10-202(26)(a). “Developmental disability” has the same meaning as “intellectual and developmental disability.” The criteria, requirements, and restrictions for group homes for developmentally disabled persons shall be those prescribed by C.R.S. §§ 30-28-115(2)(a), §27-10.5-109, and 25.5-10-214, and any regulations implemented by the Department of Public Health and Environment, the Department of Health Care Policy and Financing, and the Department of Human Services in support of this statutory provision, and elsewhere in this Code. This includes a community residential home as defined in C.R.S. § 25.5-10-202(5).

**Group Home for Handicapped or Disabled Persons**

A group home for 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, particularly as they relate to recovering (not currently using) alcoholics and persons with drug addictions, may also be known as sober living arrangements.

**Group Home for Persons with Mental Illness**

A State-licensed group home for persons with mental illness, as that term is defined in C.R.S. §27-65-102(14). The criteria, requirements, and restrictions for group homes for persons with mental illness shall be those prescribed by C.R.S. §30-28-115(2) (b.5) (except for separation requirements) and elsewhere in this Code. The term group home for persons with mental illness shall not include any facility licensed as a residential child care facility.

**Guest House**

Lodging attached to the principal dwelling or located within a garage or accessory structure which may be occupied only by occasional, non-paying guest of, the family residing in the principal dwelling. A guest house is not considered a dwelling unit. Extended family housing is a form of guest house utilized on a non-permanent basis to house immediate family members that require housing due to age, disability, or family need. A family member shall be related blood, half blood or at law, and which term “at law” also includes in-law relationships arising from a deceased or former spouse.

**Gunsmith**

A person who repairs, modifies, designs, or builds firearms to factory or customer specifications, using hand tools and machine shop tools (such as lathes, milling machines, and grinders).

**Habitable Space**

That area located inside a dwelling consisting of bathrooms, bedrooms, living rooms, dining rooms, kitchens, dens, lofts or similar space.

**Half-Way House**

Group care facilities for adults who have been placed on probation or parole.

**Hard-Surfaced**

A concrete or asphalt surface meeting the pavement and concrete design specifications of the ECM including the required base and subbase.

**Hazard to Air Navigation**

Any improvement or use of land which obstructs or otherwise has a significant adverse impact on the airspace required for the flight of aircraft, as determined by the FAA under 14 CFR Part 77 and related FAA Orders and Regulations as may be changed or amended.

**Hazardous Substance**

Any material which is defined as a Hazardous Substance by the United States Code or the United States Environmental Protection Agency.

**Hazardous Waste**

Any material which is defined as a Hazardous Waste by the United States Code or C.R.S. §25-15-302, as amended.

**Hazardous Waste Disposal Facility**

A facility used for the storage and treatment of hazardous waste.

**Health Club**

A structure or a portion thereof, including associated grounds and facilities, providing areas and equipment for the enhancement of a person's physical conditioning, the use of which is typically limited to individuals holding membership and their guests.

**Heavy Equipment Rental, Sales or Storage**

An establishment where large machinery and tools used for construction and building purposes are rented, sold or stored, which may include maintenance and parts sales. Heavy equipment shall include but not be limited to bulldozer, tractor, grader, caterpillar tractor, crane, backhoe, trencher, and earthmover.

**Heavy Equipment Storage Yard**

A storage yard for heavy equipment.

**Hobby Farm**

A parcel of land where livestock, animals, or birds are raised or garden crops grown in a manner either incidental to the principal residential use of the property or where the production of livestock or garden crops on the property does not constitute a principal income for the property owner. This would include 4H and similar types of programs.

**Home Improvement Center**

A business that offers for sale hardware, tools, lumber, electrical, plumbing, home, lawn, and garden supplies; landscaping materials; plants; brick; lumber; and other similar materials. This use may include the outside storage of materials.

**Home Occupation**

An accessory commercial activity or business service conducted on the site of a dwelling unit, only by residents of the dwelling unit, in a manner clearly incidental to the residential character of the site and surrounding neighborhood, and in compliance with the provisions of this Code.

**Home Occupation, Residential**

An accessory use of a dwelling or detached accessory structure on a residentially-zoned lot or parcel and is for gainful employment or work of the resident of the dwelling.

**Home Occupation, Rural**

A home occupation allowed in the A-35 Zoning District only and as a Special Use in other Zoning Districts, intended to recognize the unique land use characteristics in low density agriculturally zoned areas and to reasonably accommodate the home-based businesses that traditionally occur in these areas.

**Homeowners' Association**

An incorporated nonprofit organization operating under recorded land agreements, including but not limited to CC&Rs, through which: (1) each real property owner is automatically a member; (2) each real property is automatically subject to a proportionate share of the expenses for the organization's activities, such as maintaining common property; and (3) a charge, if unpaid, becomes a lien against the real property. Also commonly referred to as a property owners' association.

**Hospital**

A facility providing health services primarily for inpatients and medical and surgical care of the sick and injured. This includes, as an integral part of the institution, such related facilities as laboratories, outpatient departments, training facilities, emergency departments and staff offices

**Hospital, Convalescent**

An institution other than a hospital for the treatment and care of human illness or infirmity, and in which ongoing care, rather than diagnosis or treatment, constitutes the principal function. The term convalescent hospital shall include sanitarium, nursing home, and long-term care facility, but not rehabilitation facility.

**Hospital, Veterinary**

A facility where animals requiring medical care are treated, or temporarily housed. The facilities may include veterinarian offices, administrative offices, space for examination, surgery, recovery, and may include boarding of animals while under treatment, but does not include animal boarding generally.

**Hotel**

A building occupied as the more or less temporary abiding place of individuals who are lodged with or without meals in which, generally, the rooms are occupied singly for hire. This term shall include motel but not child care center, family care home, or human service shelter.

**Household Use Only Well Permit**

A well permit which restricts water use to in house purposes, and does not allow outside watering of animals and plants.

**Human Service Shelter**

An establishment which is a residential operation which provides lodging and supportive services to individuals and families in need due to family medical circumstances, economic circumstances, or social difficulties.

**Immediate Family**

Those family members who are by blood or marriage recognized as parent, sibling or child.

### **Improvement Location Certificate**

A representation of the boundaries of a parcel of land and the improvements thereon, prepared pursuant to C.R.S. §38-51-108.

### **Improvements**

Road grading, road surfacing and paving, curb and gutters, street lights, road signs, sidewalks, crosswalks, water mains and lines, water meters, fire hydrants, sanitary sewers, storm drainage facilities, culverts, bridges, public utilities, or other installations designated by the BoCC.

### **Improvements, Eligible**

Any road and any facilities related to roads, water distribution systems, sewage collection systems, storm drainage facilities, or any other type of structure of facility the County requires as a condition or requirement of final plat approval of a subdivision, and which is determined by the County to have excess capacity which will benefit one or more applicant subdivider. The improvement may be internal as well as adjacent to or outside of the legal description of the requester subdivider's subdivision.

### **Impulse Noise**

Noise of short duration (typically less than one second), especially of high intensity, abrupt onset and rapid decay, and often rapidly changing spectral composition. Impulse noise is characteristically associated with such sources as explosions, impacts, the discharge of firearms, the passage of supersonic aircraft (sonic boom) and many industrial processes.

### **Inclusion**

The process by which a special district's boundaries are altered through the addition of real property.

### **Industrial Park**

The area of land contained within the same industrial zoning or rezoning approval resolution, which may include multiple owners, lots or parcels and functions as a unified development.

### **Industry, Light**

Any branch of trade, production or creative endeavor employing labor and capital in an industrial or manufacturing process which is not noxious or offensive by reason of the emission of odor, dust, smoke, gas, fumes, noise or vibrations, whose waste products are not allowed to emerge or accumulate where they will cause discomfort or be unsightly to adjoining property owners or the public generally, and which operates independent of railroad sidings, extensive loading docks and steam generation as prime power.

### **Inert Material Disposal Site**

A site and facility that accepts for disposal exclusively those materials defined as inert material.

### **Inert Materials**

Non-water soluble and nonputrescible solids together with such minor amounts and types of other materials as will not significantly affect the inert nature of such solids according to the rules and regulations of the Board of Health. The term includes but is not limited to, earth, sand, gravel rock, concrete which has been in a hardened state for at least 60 days, masonry, asphalt paving fragments, and other inert solids that the CDPHE or the Board of Health may identify by regulation. Road sweepings from road cleaning machines are not considered inert material and are instead considered solid waste.

### **Infectious Waste**

Non-hazardous waste containing pathogens or biologically active material which, because of its type, concentration or quantity, could present a potential hazard to human health when improperly handled, stored, processed, transported or disposed.

### **Infectious Waste Transfer Station**

A facility at which infectious wastes are collected and temporarily stored pending removal to facilities or sites where the wastes will be rendered non-infectious or permanently disposed. The facility may consist of a mobile storage units into which wastes are transferred from collection vehicles.

### **Infrastructure**

Those man-made structures which serve the common needs of the population, such as potable water systems; wastewater disposal systems; solid waste disposal sites or retention areas; storm drainage systems; electric, gas or other utilities; bridges; roadways; bicycle paths or trails; pedestrian sidewalks, paths or trails; and transit stops.

### **Institution, Philanthropic**

A not-for-profit establishment whose purpose is to increase the well-being of mankind, as by charitable aid or donations.

### **Institutional Uses**

A general term meant to encompass a variety of public and quasi-public uses such as educational facilities, religious institutions, hospitals, libraries, cemeteries and various governmental facilities.

### **Interceptor Sewer**

A sewer line with an internal pipe diameter of equal to or greater than 24 inches intercepting wastewater from a final point in a collection system and conveying waste directly to a treatment plant, or meeting other requirement of the CDPHE to be classified as an interceptor sewer.

### **Interests**

Any and all rights, claims, or shares in the surface of land but excluding any and all subsurface rights, claims, or shares.

### **Intermediate Processing Facility**

A solid waste processing facility designed to remove recyclables from unprocessed municipal solid waste.

### **Joint Use Well**

A well which is permitted for use by more than one dwelling, property, or ownership.

### **Kennels**

Any place or premises used in whole or in part for the purpose of keeping, training, boarding, breeding or sale of domesticated dogs or cats in which 5 or more domestic animals exist, and all of which exceed 4 months in age, to include animal pounds and shelters. Establishments where animals are offered for sale as the primary use, such as pet stores, are not classified as kennels.

### **Kitchen**

A room, or part of a room, used for the preparation of food inside a dwelling consisting of a refrigerator, a sink with one or more basins and one or more cooking devices (i.e., stove, range, oven). Multiple kitchen devices located in the same room does not result in consideration as separate kitchens.

**Laboratory**

A room, rooms, or building equipped for scientific experimentation, research or testing.

**Landfill**

The location and facility at which the deposit and final treatment of solid, liquid or hazardous wastes occurs or a discrete area of land or an excavation where solid wastes are placed for final disposal, which is not a land application unit, waste impoundment, or waste pile. Landfills include, but are not limited to, ash monofills, construction and demolition landfills, industrial landfills, sanitary landfills, tire monofills and similar facilities where final disposal occurs.

**Landscape Area**

The part of a property exclusively set aside for living plant materials and associated nonliving ornamental materials such as mulch, fencing, walls or decorative pavers. These areas may include pedestrian spaces and certain other low impact uses but cannot include any artificial plant materials, areas behind opaque fences or areas that can be accessed by vehicles.

**Landscaping**

Any combination of living plants, such as trees, shrubs, vines, ground covers, flowers or grass; natural features such as rock, stone, bark chips or shavings; and structural features, including but not limited to, fountains, reflecting pools, outdoor art work, screen walls, fences or benches. Landscaping shall also include irrigation systems, mulches, topsoil use, soil preparation, revegetation or the preservation, protection and replacement of existing trees.

**Landscaping Area, Roadway**

A minimum required landscaping area on a private property which is located along the lot, parcel or tract frontage between or within the road right-of-way, easement, or tract boundary lines and any building or use. Driveways and sidewalks to afford limited access may be allowed to interrupt this required area; however, structures, buildings and parking are not allowed within the roadway landscape area.

**Light Trespass**

A light projected onto a property from a fixture not located on that property.

**Lighting Inventory**

A list of lamps indicating the bulb type, bulb wattage, and manufacturer through which the rated lumens can be determined.

**Livestock**

Cattle, sheep, llamas, goats, swine, mules, poultry, horses, alternative livestock as defined by Colorado statutes (e.g., elk), and such domesticated animals as fox, mink, chinchilla, beaver, and rabbits, and all other animals raised or kept for profit, except dogs and cats, that are used for working purposes on a farm or ranch and any other animal designated by the State Agricultural Commissioner, which animal is raised for food or fiber production.

**Livestock Feed Yard**

A place of confinement (whether by structure, fence, pens, or corrals) for cattle, sheep, goats, swine, or other livestock for the purposes of concentrated feeding operations for meat or milk production where crop or forage growth or production is not sustained in the area of confinement. This definition specifically excludes educational agricultural projects (hobby farm) and horses as defined under Stable.

**Livestock Sales Yard**

A confined enclosure used for the purpose of selling livestock.

**Loading Area**

A portion of a lot for the temporary parking of a commercial vehicle while loading or unloading materials for use or sale on the lot.

**Long-Term Care Facility**

Any of the following: (a) Convalescent center means a health institution that is planned, organized, operated and maintained to offer facilities and services to inpatients requiring restorative care and treatment and that is either an integral patient care unit of a general hospital or a facility physically separated from, but maintaining an affiliation with, all services in a general hospital; (b) Nursing care facility means a health institution planned, organized, operated and maintained to provide facilities and health services with related social care to inpatients who require regular medical care and 24 hour per day nursing services for illness, injury or disability. Each patient shall be under the care of a physician licensed to practice medicine in the State of Colorado. The nursing services shall be organized and maintained to provide 24 hour per day nursing services under the direction of a registered professional nurse employed full time; (c) Intermediate health care facility means a health-related institution planned, organized, operated and maintained to provide facilities and services which are supportive, restorative or preventive in nature, with related social care, to individuals who because of a physical or mental condition, or both, require care in an institutional environment but who do not have an illness, injury or disability for which regular medical care and 24 hour per day nursing services are required.

**Lot**

An area of land in which is typically platted for development as part of a subdivision, the plat of which has been legally approved by the BoCC and recorded in the office of the Clerk and Recorder. (see Lot, Legal and Lot of Record)

**Lot, Adjoining**

The lots, parcels, or tracts sharing a common boundary line.

**Lot, Buildable**

A lot, parcel or tract of sufficient size and location to: (a) comply with all the standards and requirements of this Code, with the exception of the density provisions contained herein; and (b) support an OWTS or connected to a central sewer system and support an individual water system (i.e., well) or connect to a central water system that is consistent with the policies, standards and requirements of El Paso County Public Health (EPCPH) and CDPHE as they now exist or may hereafter be amended, and any other applicable policies, standards or regulations of the CDPHE. This definition is intended to apply only to lots of record as defined herein. With the exception of the density provisions of this Code, nothing in this definition shall be construed to excuse compliance with any other provisions of this Code or any provision of local, State or federal law or any other applicable regulations governing the provision of infrastructure.

**Lot, Corner**

A lot, parcel, or tract which has roads on two or more abutting sides.

**Lot, Double Frontage**

A lot, parcel, or tract that fronts 2 parallel roads, or a lot that fronts 2 roads that do not intersect at the boundaries of the lot, parcel, or tract. A double frontage lot is often referred to as a Through Lot.

**Lot, Flag**

A lot, parcel, or tract with the appearance of a flag and flagpole where the main use or building area does not front or abut a public roadway and where the narrow "flagpole" part of the lot,

parcel, or tract is used to provide access to the public roadway. Typically, the widest part of a flag lot is located at the rear of another lot, parcel, or tract and the flagpole part of the lot, parcel, or tract is comprised entirely of a private right-of-way or driveway.

**Lot, Irregularly Shaped**

A lot, parcel, or tract which may exhibit one or more of the following characteristics: (a) triangular, wedge, or pie-shaped configuration; (b) More than four boundary lines; or (c) varies significantly from a rectangular shape.

**Lot, Legal**

A lot, parcel or tract of land created by a legal conveyance of the lot, parcel or tract prior to July 17, 1972; a lot, parcel or tract shown on a subdivision plat which was approved and recorded prior to July 17, 1972, according to the subdivision regulations in effect at the time of approval; a lot, parcel or tract created by legally prepared survey dated prior to July 17, 1972; a lot, parcel or tract created by approval of the County commissioners in conformance with the subdivision regulations in effect at the time of approval; a lot, parcel or tract created by a contract for deed or signed but unrecorded deed, each dated prior to July 17, 1972 ; a parcel exempted from subdivision by the BoCC, or any parcel of 35 acres or more, which, when created, did not cause a parcel of less than 35 acres to remain; a parcel created by any court pursuant to the law of eminent domain, operation of law, or by order of any court if the BoCC has been given timely notice and opportunity to join in the action; a parcel modified or reduced in size due to land acquisition by a governmental entity.

**Lot, Nonconforming**

A nonconforming lot is a legally created lot or parcel of land which due to subsequent amendments of this Code, right-of-way acquisition by a government entity, or to the zoning or rezoning of the lot or parcel, does not conform with the minimum lot area requirement of this Code.

**Lot, Reverse Frontage**

A double frontage lot that is not accessible from one of the parallel or non-intersecting roads on which it fronts.

**Lot, Zoning**

A single lot or parcel of land which, at the time of application for a building or use permit, is designated by the owner as a lot or parcel to be used, developed or built on as a unit, under single ownership and control. A zoning lot shall coincide with a lot of record except where an owner merges or combines one or more lots or parcels using a merger by contiguity or combination agreement in conformance with Chapters 5 and 7 where the merged or combined lots or parcels shall be considered a zoning lot.

**Lot Area**

The total area within the boundary lines of a lot, parcel or tract.

**Lot Coverage, Maximum**

The percentage of the lot, parcel, or tract area that may be covered by structures. The calculation shall not include any areas covered by parking areas, platforms, landings, or ramps if such improvements do not exceed 18 inches in height as measured from the top-most finished surface of the improvements to any adjacent point of the finished grade. The calculation shall also not include open and unenclosed patios if such patios do not exceed 18 inches in height as measured from the top-most finished surface of the patio to any adjacent point of the finished grade. Patios, including patios that are less than 18 inches in height, which have a roof or other

overhead cover and/or patios which incorporate a wall or walls as a method of partially or fully enclosing the patio shall be included in the calculation of maximum lot coverage.

**Lot Depth**

The shortest horizontal distance between the front and rear boundary lines of a lot, parcel or tract.

**Lot of Record**

A lot or tract of land shown on an officially recorded plat and described by platted lot or tract number or a parcel of land officially recorded or registered as a unit of property and described or by metes and bounds and lawfully established for conveyance on the date of recording of the instrument first referencing the lot, parcel, or tract. The term "lot of record" does not imply that the lot, parcel, or tract was created in conformity with the legal regulatory requirements for subdivision of property in accordance with this Code.

**Lot Line, Front**

The boundary line dividing a lot, parcel, or tract from a road. On a corner lot, parcel, or tract both boundary lines dividing the lot, parcel, or tract from the roads shall be considered the front lot line, unless otherwise provided in this Code.

**Lot Line, Rear**

The boundary line opposite and most distant from the front lot line. A triangular lot has two side lot lines but no rear lot line. For other irregularly shaped lots, the rear lot line is all boundary lines that are most nearly opposite the front lot line.

**Lot Line, Side**

Any lot line other than the front or rear lot line.

**Lot Width**

The mean horizontal distance between side lot lines of the lot measured at right angles to the depth.

**Maintenance Plan**

A plan for private maintenance of roads, common areas, recreational areas, open space, bikeways, parking areas, or water and sanitation facilities where County maintenance is not proposed.

**Manufactured Home**

A single-family dwelling which is partially or entirely manufactured in a factory, is not less than 24 feet in width and 36 feet in length, is installed on an engineered permanent foundation, has brick, wood or cosmetically equivalent exterior siding and a pitched roof, and is certified pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 USC 5401, et seq., as amended, and is built for the Colorado climate and snow loads according to the Department of Housing and Urban Development standards established under the provisions of 42 USC 5401, et seq. (See C.R.S. §30-28-115). A manufactured home not placed on a permanent foundation is considered a post-1976 mobile home.

**Manufacturing, Light**

Manufacturing and processing in which no operations are carried on which will be likely to create smoke, fumes, noise, odor, vibration, or dust, or which will be detrimental to the health, safety, or general welfare of the community. The following are examples of light manufacturing or processing: beverage manufacturing; book binding; canvas products manufacturing; clothing or cloth manufacturing; computer manufacturing; dry cleaning plant; electronics manufacturing; fish

hatchery; furnace installation, repair, and cleaning; hosiery manufacturing; machine shops; machine tool manufacturing; machinery sales; public utility storage, yards, and service installments; sheet metal shops; shoe manufacturing; sign manufacturing, repair, and maintenance.

**Map Amendment**

A revision to the Zoning Map which modifies the zoning district which is applicable to a lot, parcel, or tract.

**Marijuana Club**

Any organization of persons, however otherwise defined or described, formed or operated with a primary or secondary purpose of using or consuming marijuana at a common location and characterized by membership qualifications, dues or regular meetings.

**Marijuana Land Use, Medical**

Medical Marijuana Land Use shall mean and include only the following land uses which are defined in and subject to licensing pursuant to §CRS 12-43-101 et. seq.

- Medical Marijuana Center
- Medical Marijuana Infused Products Manufacturer
- Optional Premises Cultivation Center

**Massage Business**

An establishment providing massage, but does not include training rooms of public and private schools accredited by the State Board of Education or approved by the division charged with the responsibility of approving private occupational schools, training rooms of recognized professional or amateur athletic teams, and licensed health care facilities. A facility which is operated for the purpose of massage therapy performed by a massage therapist is a massage business.

**Massage Therapist**

A person who has graduated from a massage therapy school accredited by the State Board of Education or division charged with the responsibility of approving private occupational schools, or from a school with comparable approval or accreditation from another state with transcripts indicating completion of at least 500 hours of training in massage therapy. A massage therapy school may include an equivalency program approved by the State Board of Education or division charged with the responsibility of approving private occupational schools.

**Master Plan**

A plan and any functional element to the plan as adopted and amended, for the physical development of the unincorporated territory of the County. Also known as the El Paso County Comprehensive Plan, El Paso County Master Plan, the Master Plan for El Paso County, and the El Paso County Land Use Plan.

**Material Modification**

A basic or essential change to the method of providing services including the exclusion or addition of services to a special district service plan.

**Material Recovery Facility**

A solid waste facility designed to receive and process recyclable materials.

**Materially Diminish**

A measurable change that has significance for existing or proposed development or for the existing environment.

**Maximum Extent Feasible**

When no prudent or feasible alternative exists and all possible efforts to comply with regulations and minimize potential harm or adverse impacts have been undertaken.

**Maximum Extent Practicable**

When, under the circumstances, reasonable efforts have been taken to comply with the regulation or requirement, the costs of full compliance clearly outweigh the potential benefits to the public or would unreasonably burden the proposed project and reasonable steps have been taken to minimize any potential harm or adverse impacts resulting from non-compliance with this Code.

**Meat Processing, Custom**

The slaughter or processing for a fee or other remuneration of an animal delivered to the processor by the owner of the animal.

**Medical Clinic**

A facility used for the provision of medical, dental, surgical, health or mental health care of the sick or injured, operated by one or more duly licensed members of the human health care professions including, but not limited to, physicians, dentists, chiropractors, psychiatrists and osteopaths, where patients are not lodged overnight but are admitted for examination or treatment.

**Merger Agreement**

An agreement executed by the owner and filed for recording with the Clerk and Recorder, whereby two or more contiguous nonconforming lots are combined into a zoning lot for the purposes of meeting the requirements of this Code with respect to minimum lot size, or in changing the conformity of the lots or parcels pursuant to the nonconforming lot provisions of this Code.

**Microwave Antenna**

A disk-type antenna used to link communication sites together by wireless voice or data transmission.

**Mineral**

An inanimate constituent of the earth, in either solid, liquid, or gaseous state which, when extracted from the earth, is usable in its natural form or is capable of conversion into usable form as a metal, a metallic compound, a chemical, an energy source, a raw material for manufacturing or construction material. This definition includes, but is not limited to, sand, gravel, aggregate, coal, gold, clay and limestone. This definition does not include surface or groundwater useable for domestic, agricultural, or industrial purposes, nor does it include geothermal resources subject to regulation under C.R.S. §37-90.5-101 et seq. or oil and gas resources subject to regulation under C.R.S. §34-60-101, et seq.

**Mineral and Natural Resource Extraction**

An operation involved in the act of removing naturally occurring minerals from the earth for an economic use. Mineral extraction includes material washing, sorting, crushing or more intensive modification and alteration through mechanical or chemical means to a mineral resource extracted within the same ownership provided such activities are approved as part of the special use.

**Mineral Deposit, Commercial**

A natural mineral deposit of limestone used for construction purposes, coal, sand, gravel, and quarry aggregate, for which extraction by an extractor is or will be commercially feasible and regarding which it can be demonstrated by geologic, mineralogical, or other scientific data that the deposit has significant economic or strategic value to the area, State, or nation.

**Mineral Estate Owner**

The owner or lessee of minerals located under a surface estate that are subject to an application for development.

**Mineral Processing Plant**

An operation involved in material washing, sorting, crushing or more intensive modification or alteration through mechanical or chemical means to a mineral resource which was extracted on a different lot, parcel or tract than the lot, parcel or tract on which the mineral processing plant is located. This does not include asphalt or concrete batch plants or the incidental (less than 10% by volume) mixing of materials at a mineral and natural resources extraction site with materials from off site in order to meet road material specifications.

**Mini-Warehouse**

Buildings designed primarily for the storage of household items and inventory of small commercial businesses where storage units are individually leased or rented, where access to storage units is infrequent, and where no utilities are provided except for the service of a manager's apartment and for lighting and climate control of individual storage units.

**Mixed Use Building**

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.

**Mixed Use Development**

A combination of uses including residences of varying types and densities, employment, shopping and schools, located in proximity with one another, but which are designed to ensure compatibility and minimize transportation and environmental costs and impacts.

**Mixed Use Residential**

Residential dwelling units located above the ground floor in a mixed use building.

**Mobile Home, Junk**

A mobile home that is partially or totally damaged by fire, earthquake, wind or other natural causes, or is in a state of general dilapidation, dereliction, deterioration or decay resulting from improper lack of maintenance, vandalism or infestation with vermin or rodents.

**Mobile Home, Post-1976**

A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation, and which has been certified under the "National Manufactured Housing Construction and Safety Standards Act" (42 U.S.C. 4501 et seq., as amended) in effect after June 15, 1976 or which has been certified according to the Building Code.

**Mobile Home, Pre-1976**

A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation, and which has not been

certified under the "National Manufactured Housing Construction and Safety Standards Act" (42 U.S.C. 4501 et seq., as amended).

**Mobile Home Pad**

Part of an individual lot which has been reserved for placement of the mobile home, appurtenant structures or additions, including an adequate foundation and anchoring facilities to secure the mobile home against any accidental movement.

**Mobile Home Park**

An area designated for the accommodation of mobile homes used as housing units and containing facilities for connection of mobile homes to utility systems.

**Mobile Home Subdivision**

A parcel of land subdivided into lots, each lot individually owned and utilized as the site for placement of a mobile home and its facilities.

**Model Home**

A dwelling temporarily used as a sales office or demonstration home for a residential development under construction, said dwelling being used as an example of a product offered for sale to purchasers by a realtor, building developer or contractor. The dwelling may be furnished but not occupied as a residence while being used as a model home.

**Monuments**

The actual points set on the ground to locate, delineate or describe lots, parcels or tracts of land or the points set to define a legal description of a lot, parcel or tract of land including the points or corners set by a Colorado Registered Land Surveyor in accordance with the C.R.S..

**Monuments, United States Land Survey**

The points or corners established by the survey of public lands for the United States Government, including the re-establishment or restoration of said corners.

**Mother-in-Law Apartment**

Supplemental living quarters, including a kitchen, that is attached to or part of the main dwelling unit, used exclusively by family members or an employee of a person residing in the main dwelling, and otherwise not rented or leased. A mother-in-law apartment is not considered a dwelling unit.

**National Wetland Inventory**

The official maps produced by a branch of the U.S. Fish & Wildlife Service that collects and distributes information on the characteristics, extent, and status of the nation's wetlands and deepwater habitats.

**Natural Hazard**

A geologic, wildfire, or flood condition which is adverse to past, current, or foreseeable construction or land use and constitutes a significant hazard to public health and safety or to property.

**Neighborhoods**

Primarily residential areas unified by shared characteristics, functional connections and spatial perceptions. Elements which define or reinforce a neighborhood orientation include common design themes, pedestrian and bicycle linkages, shared facilities and public spaces and identifiable boundaries, edges or gateways.

**Nightclub**

A food service establishment operating a bar in conjunction with providing patron dancing or live, non-adult entertainment or a bar having an occupant load, as defined in the Building Code of 100 or greater. This would not include a piano bar having an occupant load of less than 100.

**Noise Analysis, Traffic**

An analysis of the potential noise attributed to a development project, which includes the following: (a) identification of existing activities, developed lands, and undeveloped lands for which development is planned, designed and programmed, which may be affected by noise from the highway; (b) prediction of traffic noise levels; (c) determination of existing noise levels; (d) determination of traffic noise impacts; and (e) examination and evaluation of alternative noise abatement measures for reducing or eliminating the noise impacts.

**Noise Barrier**

Solid obstructions built between the highway, road, or railroad and the adjacent homes, which may include berms or walls made out of wood stucco, concrete, masonry, metal, or other materials.

**Noise Disturbance**

Any sound which is (a) harmful or injurious to the health, safety, or welfare of any individual; (b) of a volume, frequency, or intensity that it unreasonably interferes with the quiet enjoyment of life of an individual of ordinary sensitivity and habits; or (c) unreasonably interferes with the value of real property or any business conducted thereon.

**Noise Easement**

A document granting rights pertaining to noise affecting a grantor's property, along with other statements, requirements, and criteria accompanying that grant, which is generally recorded against the grantor's property as a condition of development approval.

**Noise Level Reduction (NLR)**

The difference, in decibels, between the A-weighted sound level outside a building and the A-weighted sound level inside a designated room in the building. The NLR is dependent upon the transmission loss characteristics of the building surfaces exposed to an exterior noise source, the particular noise characteristics of the exterior noise source and the acoustic properties of the designated room in the building.

**Noise Reduction Certificate**

A certificate issued by a qualified professional which quantifies the amount of noise level reduction in decibels achieved through incorporation of noise attenuation, between outdoor and indoor levels, in the design and construction of a structure.

**Nondiscretionary Review**

An administrative evaluation of a specific land use or application where compliance with the regulations can be determined based on objective standards. Decisions are made administratively and do not require a public hearing, notice or written interpretation. Examples of these reviews include: whether the proposed use is or is not allowed, whether the site area is or is not large enough for the proposed number of housing units, and whether a proposed building meets all setback, height, and parking requirements.

**Notice of Violation**

A written notice provided to the owner or tenant, in accordance with this Code, which declares that the property is in violation of this Code or County Ordinance, and describes remedies and penalties for the violation.

**Notice to Proceed**

A document issued by the ECM Administrator authorizing a permit holder to begin construction of common development, subdivision or public improvements in accordance with an approved set of plans.

**Noxious Weed**

An alien plant or parts of an alien plant that have been designated by rule as being noxious or has been declared a noxious weed by a local advisory board, and meets one or more of the following criteria: (a) aggressively invades or is detrimental to economic crops or native plant communities; (b) is poisonous to livestock; (c) is a carrier of detrimental insects, diseases, or parasites; (d) the direct or indirect effect of the presence of this plant is detrimental to the environmentally sound management of natural or agricultural ecosystems.

**Noxious Weed Management Plan**

A written report to aid landowners in the control of noxious weeds on their property, by prescribing integrated management practices. Specifically the planning and implementation of a coordinated program utilizing a variety of methods for managing noxious weeds, the purpose of which is to achieve specified management objectives and promote desirable plant communities. These methods may include but are not limited to education, preventive measures, good stewardship, and the following techniques: biological management, chemical management, cultural management, and mechanical management.

**Nursery, Retail**

An establishment which may include a greenhouse for the retail sale of trees, shrubs, and plants to the general public. Commonly known as a garden center, products and services related to gardening, growing of plants, and outdoor landscaping may also be included.

**Nursery, Wholesale**

A wholesale (as defined by this Code) business, which may include a greenhouse(s), where trees, shrubs, or plants are grown or warehoused for transplanting or for use as stocks for budding and grafting.

**Nursing Home**

A facility, or a distinct part of a facility, which meets the State nursing home licensing standards, is maintained primarily for the care and treatment, under the direction of a physician, of inpatients who for reason of illness or physical infirmities are unable to care for themselves, and meets the requirements in federal regulations for certification as a qualified provider of nursing home services. "Nursing home" includes private, nonprofit, or proprietary intermediate nursing facilities for the mentally retarded or developmentally disabled.

**Office, General**

Use of a site for business, professional, or administrative offices excluding medical offices. General offices are characterized by a low proportion of vehicle trips attributable to visitors or clients in relation to employees. Typical uses include real estate, insurance, management, travel, or other similar business offices; organization and association offices; law, architectural, engineering, accounting, telemarketing or other professional offices.

**Office, Accessory**

A place within an industrial or warehouse building such as room, or suite, in which services, clerical work or professional duties are carried out which are directly related to the industrial or warehousing activities on the site.

**Off-Site Improvements**

Public or common development or subdivision improvements located beyond the boundaries of a development which are the responsibility of an applicant or permit holder as mitigation for off-site impacts of the project. These improvements are typically specified in a technical report, such as a Transportation Impact Study, and may be eligible for cost recovery.

**Off-Site Road Study**

An area-specific study and plan authorized, prepared, facilitated, or accepted by the County for the purposes of identifying road improvements necessary to serve developing, developable, and benefited properties, along with the planning and construction requirements or costs of these improvements allocated to those properties.

**Off-Site Source**

Groundwater in aquifers which naturally lie beneath a property which is not part of the subject property but from which groundwater will be extracted for the subject property, and surface water which naturally flows across a property which is not part of the subject project.

**Oil and Gas Operation**

Any structure, facility, or activity which is constructed on or disturbs land in association with oil or gas drilling, production, or waste treatment and disposal, including but not necessarily limited to wells, tanks or tank batteries, pits, access roads for ingress and egress, and pipelines.

**Onsite Source**

Groundwater in aquifers which naturally lie beneath a subject property, and surface water which naturally flows across the subject property.

**Onsite Wastewater Treatment System (OWTS)**

A system of any size or flow or a system or facility for treating, neutralizing, stabilizing, or disposing of sewage that is not part of or connected to a central (community) sewer system. Includes, by way of example only, septic tanks and absorption areas.

**Open Burning**

Burning any material or substance in the ambient air or in a receptacle other than a properly designed furnace such as an incinerator or other equipment connected to a stack or chimney. Cutting and welding torches are exempted.

**Open Space**

Publicly or privately owned parcels of land which have been permanently set aside or otherwise preserved to retain land, water, historic and other aesthetic features in a primarily natural state. Open space includes trail corridors and may serve one or more of the following functions: (a) identify or separate communities and other developed areas, and to provide expansive visual relief; (b) buffer and provide transitions between different land uses; (c) preserve or protect scenic areas and vistas, prominent landforms, floodplains, riparian areas and critical ecosystems; (d) provide outdoor recreation opportunities such as hiking, biking and equestrian uses; or (e) assist with the preservation of on going ranching and agricultural uses.

**Owner**

Any individual, corporation, partnership or other legal entity holding or controlling title on property, including mineral interests, that is the subject of development covered by this Code, or that are intended to come under the ownership or control of the County including subdividers.

**Ownership**

One or more adjoining lots or parcels that are owned by the same person, partnership, association, or corporation. Ownership also includes lots or parcels that are in common ownership but are separated by a right-of-way.

### **OWTS Regulations**

The regulations of the EPCPH regarding OWTS.

### **Panel Antennae**

An array of antennae, rectangular in shape, used to transmit and receive telecommunication signals.

### **Parcel**

A designated area of land which is not part of a subdivision plat that has been created by deed, survey map, or exemption and recorded in the office of the Clerk and Recorder. A parcel is described by metes and bounds.

### **Parent Parcel**

The lot or parcel proposed for division or subdivision.

### **Park, Community**

Parks of typically 24 to 199 acres which primarily serve the active and passive recreation needs of residents within specific communities or subareas of the County.

### **Park, Neighborhood**

Parks of 3 to 23 acres which are generally within walking or easy bicycling distance of the neighborhoods or subcommunities they serve.

### **Park, Regional**

Parks of more than 200 acres in area which are intended to serve the resource preservation and recreation needs of the entire County population, especially those residents within a radius of from approximately 5-10 miles.

### **Park Board**

El Paso County Parks Advisory Board.

### **Park Fee Fund, Regional**

A fund established for use in acquiring and developing regional parks, open space or regional trails in accordance with El Paso County Parks and Leisure Services Department (EPCPLSD) long-range plans. Fees collected in lieu of, or in combination with, the dedication of land for regional park purposes shall be deposited within the regional park fee fund and shall be used solely to acquire and develop regional parks, open space or regional trails which will reasonably serve and benefit the property owners within the proposed subdivision within the respective regional park district. Interest earned on regional park fees shall remain within the regional park fee fund and shall be used solely for the purposes set forth by this Code.

### **Park Fee Fund, Urban**

A fund established for use in acquiring and developing urban park lands that will be transferred to or developed by some other governmental or quasi-governmental entity for ownership for urban park purposes, within the neighborhood or community planning unit from which the urban park fee was collected. Fees collected in lieu of, or in combination with, the dedication of land for urban park purposes shall be deposited within the urban park fee fund and shall be used solely to acquire and develop urban park lands which will reasonably serve the needs of the intended neighborhood or community planning unit. Interest earned on urban park fees shall remain within

the urban park fee fund and shall be used solely for the purposes set forth in this Code; provided, however, that the earned interest may be used by the EPCPLSD to provide for necessary and required minimum levels of annual public health and safety maintenance of the "reserved lands" properties until transfer to another entity is affected.

**Parking, Tandem**

Parking 2 cars in a driveway or parking space so that one car is right in front of the other and the front car cannot move until the back car is moved.

**Parking Area**

Parking areas and spaces designed, used, required or intended to be used for the parking, storage, , display or operation of vehicles, including driveways or access ways in and to these areas, but not including any outdoor storage area used principally as a recreational vehicle, boat or truck storage use, storage areas for landscaping and other bulk items or public roads and rights-of-way. The term parking area includes parking lots and parking structures.

**Parking Lot**

An area, structure, or building used for the sole purpose of parking vehicles in legal operating condition, excluding recreational vehicles, and which is generally paved and striped for parking spaces.

**Peddler Sales**

The temporary use of outdoor parking areas or lots for sale of merchandise or produce not produced on the premises, or food from a mobile food vendor.

**Performance Standards**

Regulations and criteria established to control the operation of a use, including noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, dust, radio-activity, electrical disturbance, heat, glare, or other factors generated by or inherent in uses of land or structure.

**Person**

A natural person, firm, partnership, association or corporation, but this definition does not include any governmental unit.

**Personal Wireless Service**

Commercial mobile services.

**Pet**

A domesticated animal kept for pleasure rather than utility, subject to the standards and limitations of this Code.

**Pigeon Keeping**

The raising, keeping, housing and breeding of pigeons as a hobby.

**Planned Unit Development**

An area of land to be developed under unified control or a unified plan of development which include any combination of dwelling units, commercial, educational, recreational, or industrial uses, pursuant to a plan which does not correspond in lot size, bulk or type of use, density, lot coverage, open space or other restriction to the existing land use regulations.

**Planning Commission**

The Planning Commission of El Paso County.

**Planting Strip**

That portion of a right-of-way between the curb line and the sidewalk, or between the sidewalk and the right-of-way line, used for the planting of trees, shrubs, groundcover or grass, or the space between the edge of the pavement or the back of the curb and the sidewalk.

**Plat**

A map and supporting materials and documentation of certain described land prepared in accordance with this Code and C.R.S. §38-51-106 as an instrument for recording of real estate interests with the Clerk and Recorder and providing a permanent and accurate record of the legal description, dedications, exact size, shape, and location of lots, blocks, roads, easements, and parcels of land. The plat, when recorded by the Clerk and Recorder, becomes the legal instrument whereby the location and boundaries of separate parcels of land within a subdivision or subdivision exemption are identified.

**Plat, Amended**

A plat which contains mapping modifications to an existing approved and recorded plat which do not significantly affect the land use of an area or are technical in nature and do not involve the construction of public improvements, or an increase in density in a subdivision.

**Plat Restriction**

A restriction placed upon a subdivision plat or separate recorded document that may prohibit issuance of building permits or sale, transfer or conveyance of lots while serving as the security to guarantee construction of public improvements or other facilities.

**Premise**

One or more contiguous lots or parcels of record (exclusive of any right-of-way), owned or managed by the same individual or entity.

**Principally Employed**

The main or primary place of employment.

**Prison**

A facility for the processing and confinement of individuals either awaiting trial or serving sentences. This term does not include halfway houses. A prison may be publicly or privately-owned and operated.

**Procedures Manual**

The manual of the DSD intended to help users of the LDC understand the review and decision making processes outlined in the LDC. The manual includes information on application submittal requirements and review procedures for applications and processes.

**Professional Geologist**

As defined in C.R.S. §34-1-201, a person who is a graduate of an institution of higher education that is accredited by a regional or national accrediting agency with a minimum of 30 semester hours (45 quarter hours) of undergraduate or graduate work in a field of geology and whose post-baccalaureate training has been on the field of geology with a specific record of an additional 5 years of geological experience to include no more than 2 years of graduate work

**Proof of Ownership**

A current title insurance policy insuring the status of an applicant as the owner in fee title to real property unless otherwise provided by this Code.

**Property Line Adjustment**

The relocation of a property line which does not create additional lots, non-conforming lots or structures, and does not result in any non-buildable lots.

**Proprietary School**

A facility offering special instruction in such activities as art, business, driving, or construction. The term includes, among other things, karate schools, dance studios, handicraft and hobby instruction, trade schools, secretarial schools, and dance schools.

**Prudent Line**

The limit of a buffer zone adjacent to streams for erosion and flooding potential within which development would not be considered prudent if the channel is to remain in a minimally-altered state.

**Prudent Line Approaches**

The use of minimum separations from regulatory floodplain limits to allow for the channel migration or bank failure which is reasonably anticipated over a 30 to 50 year period.

**Public Improvement**

Any drainageway, roadway, parkway, sidewalk, pedestrian way, tree, lawn, parking area, lot improvement, or other facility which benefits the public.

**Public Park**

A lot, tract or parcel of land devoted primarily to recreation, operated by a governmental or quasi-governmental entity.

**Public Utility**

Public utility as defined by C.R.S. §40-1-103, 1973. "Public utility" is defined more specifically for applications under Appendix B Guidelines and Regulations For Areas and Activities of State Interest of El Paso County.

**Public Utility Facility**

Any physical structure or improvement necessary or desirable to deliver service to a public utility's customers.

**Publishing Companies**

Facilities for the preparation and issuance of printed material for public distribution or sale. This term shall include facilities where newspaper printing, lithography, offset printing, or blueprinting are a primary business component, but not include a copy shop as defined by this code.

**Putrescible Waste**

Those solid wastes that contain organic matter capable of being decomposed by microorganisms and of such character and proportion as to be capable of attracting or providing food for birds or disease vectors.

**Qualified Conservation Organization**

A non-profit organization, as defined under Section 501.C-3 of the Internal Revenue Code, and usually a conservation organization or land trust, designated to enforce the recorded deed restrictions on the use of property, as typically defined through a conservation easement.

**Qualified Professional**

A professional acceptable to the County, and who is either licensed by the State of Colorado to perform the type of work involved, who is accredited by or registered with a professional group and who is operating within the scope of accreditation or registration, or who is specifically or specially qualified to perform the type of work involved.

### **Race Track**

A course on which races are run and are characterized by organized events or by being open or available to the public, or for public use, which may result in remuneration. Includes accessory structures and uses such as concessions, grandstands, bleachers, horse barns, kennel structures, parking lots, etc. The definition includes animal races, autocross, motocross, and similar facilities, but specifically excludes school facilities or related indoor and outdoor running tracks and the recreational and unstructured use of motor vehicles on private property with the property owner's permission.

### **Ranch**

A parcel of land containing at least 35 acres which is used primarily for the raising of livestock; breeding of horses; practice equestrian courses and arenas not used for scheduled, public or club events; and ancillary sales and previews of livestock and occasional weekend activities.

### **Recreation Camps**

A place used as a destination point for visitors, for vacationing or other recreational purposes which may include permanent structures and temporary facilities such as tents or yurts for the use of guests which facilities may contain cooking facilities and are used for temporary occupancy(not to exceed 30 consecutive days or a total of 90 days in one calendar year). This term shall not be interpreted to include hotels, motels, restaurants, and theaters but would include land uses commonly considered as campgrounds, resorts or retreats.

### **Recreational Vehicle**

A vehicle used for temporary habitation and used for travel, vacation or recreation purposes. The term shall include travel trailers, campers, motor homes, truck campers and similar terms.

### **Recreational Vehicle Park**

Any open area, other than a street, alley or other public place, used exclusively for the parking or temporary storage of 2 or more recreational vehicles: (a) overnight is usually located along or near main highways, where recreational vehicles stop for only one or two nights on the way to some further destination; (b) destination is usually located at or near a scenic, historical, or outdoor recreational area where recreational vehicles are attracted for extended stays of several days or weeks.

### **Recreational Vehicles Space**

A piece of land in a recreational vehicle park for the placement of a single recreational vehicle and the exclusive use of its occupants.

### **Recyclable Materials**

A type of material subject to reuse or recycling. Recyclable materials include metal, glass, cloth, paper, plastic, or any other material which presently has a commercial use or value as a commodity, raw material, or feedstock and is intentionally separated from a waste stream for reprocessing or remanufacture. Recyclable materials do not include any material meeting the definition of a hazardous waste under C.R.S. §25- 15-101(6), any material meeting the definition of an infectious waste under C.R.S. §25-15-402(1), any material meeting the definition of a putrescible waste, or any other materials likely to contaminate groundwater, create off-site odors, or otherwise pose a threat to human health or the environment as a result of processing, reclaiming, recycling, storage prior to recycling, or use of the material.

### **Recycling Collection Center**

A small establishment for the acceptance, recycling, and temporary storage of recyclable materials to be transferred to a processing facility.

### **Recycling Facility**

A facility, which may be part of a solid waste disposal facility where used material is separated, processed by such means as baling, compacting, flattening, grinding, crushing, mechanical sorting or cleaning, and stored prior to shipment to others who use the materials to make new products.

### **Regional Facility**

An improvement or a part of a network or system of improvements that serve a larger area than a single subdivision and have value to a subdivision based on the nature and use of the improvement for roads, drainage, utilities, bridges, trails and open space, or floodplain requirements that insure the fullest use and development of an individual subdivision.

### **Regional Road Capital Improvements**

Road facilities and other improvements which are or will be dedicated to the County or another governmental or quasi-governmental entity for substantially public use, and which serve the needs of the region and the transportation planning consisting of preliminary engineering, engineering design studies, land surveys, alignment studies, right-of-way acquisition, engineering, permitting and construction of all necessary features for any regional road on the MTCP undertaken to accommodate additional traffic resulting from new traffic-generating development. This includes but is not limited to construction of new through lanes; construction of new bridges; construction of new drainage facilities in conjunction with new road construction; purchase and installation of traffic signals including new and upgraded signalization; construction of curbs, gutters, sidewalks, medians and shoulders; relocating utilities to accommodate new road construction; construction and reconstruction of intersections; widening of existing regional roads; bus turnouts; acceleration and deceleration lanes; interchanges; and traffic control devices.

### **Regional Trail**

A bike, equestrian, or pedestrian facility designated by the County as a regional trail.

### **Rehabilitation facility**

An institutional use-type facility, and not a group home, whether public, quasi-public, not-for-profit, providing accommodation, treatment and medical care for patients suffering from alcohol or drug-related illness.

### **Relevant Improvement**

A road or facility related to a road, water distribution system, sewage collection system, storm drainage facilities, or any other type of structure the County requires as a condition or requirement of final plat approval of a subdivision, and which is determined by the County to have excess capacity which will benefit one or more applicant subdivider. The improvement may be internal as well as adjacent to or outside of the legal description of the requester subdivider's subdivision.

### **Religious Housing**

A residential dwelling for permanent or overnight occupation associated with a religious institution, including religious retreats, convents, monasteries, seminaries operating in conjunction with a religious institution on site, religious-sponsored orphanages, and similar religious dormitories and housing facilities. This term does not include major religious facilities that have significant recreation and outdoor activity components associated with them, such as religious camps.

**Religious Institution**

An establishment primarily for the conduct of religious activities, limited to sanctuary, educational classrooms, daycare, committee and office work, a single parsonage/rectory, or religious camp.

**Remainder Parcel**

A part of a larger parcel that is not platted during the subdivision of that larger parcel and which is described by metes and bounds

**Renewable Water**

Surface water and alluvial groundwater. Renewable groundwater is found in, but not limited to, the alluvium found in the drainage systems of Big Sandy Creek, Black Squirrel Creek, Cherry Creek, Fountain Creek, Jimmy Camp Creek, Kiowa Creek, Monument Creek, Sand Creek and Williams Creek.

**Rental Services**

An establishment where home owners equipment, lawn and garden equipment, party and wedding supplies, tent and events rental, and automotive tools are rented, which are generally utilized by homeowners, rather than contractors. Incidental sales of tools, materials, and services may occur in conjunction with the rental services. This may include outside storage of equipment utilized in the business.

**Repair Shop**

A business, the primary purpose of which is to engage in repair of household appliances, television, furniture, clocks and watches, stereos, or various types of small electronic equipment and computers.

**Replacement Plan**

A program defined in C.R.S. §37-90-103(12.7) to increase the supply of water available for beneficial use in a designated groundwater basin or portion thereof for the purpose of preventing material injury to other water rights by the development of new points of diversion, by pooling of water resources, by water exchange projects, by providing substitute supplies of water, by the development of new sources of water, or by any other appropriate means, consistent with the rules adopted by the Colorado Groundwater Commission. "Replacement Plan" does not include the salvage of designated groundwater by the eradication of phreatophytes, nor does it include the use of precipitation water collect from land surfaces that have been impermeable, thereby increasing the runoff, but not abiding to the existing supply of water.

**Replat**

The changing of any existing lot or lots, rights-of-way, or easements of a subdivision plat previously recorded with the Clerk and Recorder.

**Requestor Subdivider**

A subdivider who requests a fair share reimbursement of the cost of certain improvements that the County requires to have installed under the subdivision approval process.

**Reserved Land**

Any property required by this Code to satisfy the urban park needs within an urban density subdivision or school needs within the County and acquired by the County for future transfer to some other governmental or quasi-governmental entity within the County for ownership, development, operation and maintenance as an urban park area or school.

**Residential Child Care Facility**

A facility licensed by the Colorado Department of Social Services pursuant to C.R.S. §26-6-101 et seq. to provide 24 hour group care and treatment for 5 or more children.

**Resolution of Approval**

A written declaration adopted by an approving authority as authorized by this Code or State Statute approving or conditionally approving the proposed development permit. The resolution is maintained in the records of the approving authority, and includes any specified conditions or modifications as reflected in the official record of the approving authority.

**Restaurant**

A food service establishment whose primary business is the sale of food in a ready-to-consume state. Any such establishment serving alcoholic beverages under C.R.S. §12-47-119 (Hotel and Restaurant License) shall also be regarded as a restaurant.

**Retail Sales**

Establishments engaged in the sale of goods or merchandise to the general public and rendering services incidental to the sale of these goods. A retail sales establishment is usually a place of business and is engaged in activity to attract the general public to make purchases. Including but not limited to: antiques or art, clothing, department store items, drugs, dry goods, feed and seed, hay, flowers, furniture, gifts, groceries, hardware, hobby items, office supplies, package liquor, paint, pets, shoes, sporting goods, appliances and repairs, copies and toys.

**Retention**

The storage of storm water runoff in a basin without release except by means of evaporation or infiltration.

**Retention Facility**

An above or underground facility, such as a pond or tank, that stores storm water runoff without release, except by means of evaporation and infiltration.

**Retirement Center**

A specialized location and facility for the residence of retired people only. Individuals may be able to live entirely on their own or may require varying degrees of care. The residents may either own or rent their dwelling unit.

**Rezoning**

A zoning map amendment.

**Riding Academy**

An establishment which rents boards or leases riding horses or ponies or gives lessons to develop horsemanship.

**Right-of-Way**

Property in which the County has any form of ownership or title or that is intended to be used by the public for, or occupied by, a road, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main or for another similar use.

**RLUP Exemption Plat**

A subdivision exemption plat to create the lots, parcels, or tracts identified in a RLUP overlay zoning district.

**Road**

A facility for the passage of vehicles that where appropriate may include pedestrian, equestrian, and bicycle facilities.

**Road, Maintained**

A road that has been accepted by El Paso County, a municipal government, or other government agency for maintenance.

**Road, Non-Arterial**

Those roads not designated as arterial roads or above by the MTCP.

**Road, Private**

Privately-owned and privately maintained road provided for by a tract, easement or other legal means, typically serving more than 3 lots, parcels, or tracts that do not have frontage on a public road right-of-way. Access to these facilities by the public is restricted. Like public roads, these facilities shall be built to public road standards, unless otherwise dictated by provisions within this Code.

**Road, Public**

A road located in a public right-of-way or easement and open to the public for travel and accepted for maintenance by El Paso County or another governmental jurisdiction.

**Roadway Capital Improvement**

The transportation planning of, preliminary engineering, engineering design studies, land surveys, alignment studies, right-of-way acquisition, engineering, permitting, and construction of necessary features for a road construction project on an arterial or higher classification of road on the County's major road system, undertaken to accommodate traffic resulting from new traffic-generating development. Road capital improvements may include but not be limited to: (a) construction of new through lanes; (b) construction of new bridges; (c) construction of new drainage facilities in conjunction with new road construction; (d) purchase and installation of traffic signals, including new and upgraded signalization; (e) construction of curbs, gutters, sidewalks, medians and shoulders; (f) relocating utilities to accommodate new road construction; (g) the construction and reconstruction of intersections; (h) the widening of existing roads; (i) bus turnouts; (j) acceleration and deceleration lanes; (k) interchanges; and (l) traffic control devices.

**Rodeo**

A public performance which includes bronco riding, calf roping, steer wrestling, bull riding, or other related events.

**Rural**

For purposes of this Code, the zoning, use and development of land in zoning districts or areas which allow lot sizes that are 2.5 acres in size or greater, characterized by dispersed residential development, agricultural uses and activities, or vacant land.

**Rural Land Use Plan (Process)**

A land use plan and overlay zoning district depicting residential lots, open space and roads, authorized pursuant to C.R.S. §30-28-401, which provides an alternative to dispersed 35 acre residential development and traditional subdivision design, allowing the lots and open space to be sited creatively to maintain a rural open character.

**Rural Residential Development**

Land development and uses which are characterized by predominantly residential lots or parcels ranging from 2.5 to 10.0 acres in area. The areas are typically provided with a less-than-urban

level of services (i.e. individual wells and septic systems, some unpaved roads) and allowing for only a limited amount of supporting commercial, office or industrial development. Designation in the rural residential category does not automatically imply the acceptability of lots as small as 2.5 acres.

**Salvage Yard**

A building, structure or yard open to the air, used for the display, sale, or storage of broken, used or discarded pieces of automobiles, metal, paper, glass, rope, rags, wood or other discarded material, whether of value or valueless, and which may or may not be partly or wholly assembled into vehicles, machinery or other useful objects of any kind. This definition includes junkyards, automobile wrecking yards and scrap processing or shredding, but not implements of husbandry, farm tractors, farm or ranch equipment or vehicles customarily operated in a farm or ranch operation.

**Scrap Tire Only Disposal Facility**

A location and facility at which the deposit, final treatment and disposal of whole, split, or shredded scrap tires occurs. A scrap tire only disposal facility is also commonly referred to as a monofill.

**Scrap Tire Recycling Facility**

A facility where scrap tires are processed for recycling or for the extraction of useful materials or energy from the tires through thermal, chemical, or physical processing.

**Screening**

A method of visually shielding or obscuring a structure or use from view by fencing, walls, trees, or densely planted vegetation. Screening provides a complete, opaque, year round visual separation between differing land uses.

**Seasonal Produce Sales**

A stand or locations where fruits and vegetables are sold only during certain months of the year.

**Severe Change in Grade**

A change in grade of more than 10%.

**Service Plan**

The documentation submitted to El Paso County by an applicant proposing the organization of a special district, including text, maps, charts, and tables, and containing all the information required in the C.R.S. and these standards and regulations.

**Service Plan, Approved**

The final service plan to be submitted to the Court which reflects any conditions or requirements imposed by the BoCC in their approval action.

**Service Plan, Draft**

A complete service plan submitted for review and recommendation of the SD/LID Committee.

**Service Plan, Final**

A final service plan submitted for consideration by the BoCC reflecting any recommendations or changes from the SID/LID Committee.

**Service Plan, Model**

The standard template(s) to be utilized for a Service Plan to be submitted to the County, as adopted by Resolution 07-273 and any amendment thereto.

**Setback**

The minimum distance between the lot, tract or parcel boundary line and the location of structures or buildings.

**Setback Line**

A line that is the required minimum distance from any lot, tract or parcel boundary line and that establishes the area within which the principal or accessory structure shall be erected or placed.

**Sexually-Oriented Business**

An adult arcade, adult store, adult cabaret, adult motion picture theater or adult theater, except an establishment where a medical practitioner, psychologist, psychiatrist or similar professional licensed by the State of Colorado engages in approved and recognized sexual therapy and except any college, junior college or university supported, in whole or in part, by tax revenue and offering educational programs which, for educational purposes, may include the depiction of specified sexual activities or specified anatomical areas.

**Shall**

The specified criteria are mandatory.

**Shed**

An accessory building, structure, or enclosure generally used for the storage of lawn and garden equipment and tools.

**Shooting Range, Indoor (See Amusement Center, Indoor)**

**Shooting Range, Outdoor**

An outdoor facility for the firing of any gun or the shooting with bow and arrow. The term also includes rifle and pistol shooting and skeet and trap shooting. An indoor facility may be operated as an ancillary facility to an approved outdoor shooting range. Excluded from this use type shall be general hunting and unstructured and nonrecurring discharging of firearms on private property with the property owner's permission.

**Shopping Center**

A group of retail and service establishments located in a complex which is planned, developed, owned or managed as a unit, with off-street parking provided on the property.

**Should**

The condition is advisory or recommended, but not mandatory.

**Sign**

Any object, device, vehicle, trailer, display or structure, or part thereof, situated outdoors or indoors, which is used to identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images having the capacity of being visible from any public road, except any display on a vehicle using the highway. A vehicle or trailer parked so as to be visible from a road for more than 24 hours and have the effect of directing attention to a business or profession, to a commodity or service sold, offered, or manufactured, or to an entertainment offered on the premises where the vehicle or trailer is located or to another location within the County shall be considered a sign.

**Sign, Announcement**

A sign which directs attention to a business or profession conducted, or to a commodity, service, or entertainment sold, or offered upon the premises where the sign is located or to which it is affixed.

**Sign, Attached**

A sign which is fastened to, connected to, or painted on and wholly or partially supported by a building.

**Sign, Awning**

A wall sign which is painted, stitched, sewn or stained onto the exterior of an awning.

**Sign, Billboard or Board**

An off premise large format advertising displays intended for viewing from extended distances, generally more than 50 feet. Billboard displays are include but are not limited to posters copies, junior posters, vinyl-wrapped posters, bulletins, wall murals and stadium signage, mechanical message displays, or electronic.

**Sign, Canopy**

A wall sign affixed to a permanently roofed shelter attached to and supported by a building, by columns extending from the ground or by a combination of a building and columns.

**Sign, Changeable Copy**

A sign that is designed so that characters, letters, or illustrations can be replaced or rearranged non-electronically without otherwise altering the face or structure of the sign, and is considered as sign area for a business for which it advertises.

**Sign, Changing Illumination**

Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times.

**Sign, Development**

A temporary sign promoting the sale of a development, lots, or new homes within a development or subdivision.

**Sign, Directional**

Signs which guide instruct or direct viewers to a place or event. These signs do not advertise, promote or identify a product, service or commercial development.

**Sign, Display Face (panels)**

The flat area normally rectangular in shape where the advertisement is displayed.

**Sign, Double Face**

A billboard structure that has two display panels, which are parallel to each other and facing in opposite directions.

**Sign, Electronic Message Display (EMD)**

A sign that is capable of displaying words, symbols, figures or images that can be electronically changed by the remote or automatic means.

**Sign, Freestanding**

A sign constructed and supported by uprights, or braces, placed upon the ground and not attached to any part of any building.

**Sign, Hanging**

A sign located under a permitted awning or canopy at the entrance to the premises. The sign shall identify only the name of the business or premises and shall be perpendicular to the entrance wall of the building.

**Sign, Identification**

A sign which states the name of such developments as subdivisions, shopping centers, business parks, industrial parks, and similar uses.

**Sign, Illumination**

Light fixtures attached to a sign so that the message is visible in hours of darkness.

**Sign, Information**

A sign which is erected to guide or direct the flow of traffic on the premises on which the device is located or which is non-commercial in nature. The sign may designate addresses, one-way, handicap parking, visitor parking, loading/unloading, and fire lanes.

**Sign, Low-Profile**

A freestanding sign not exceeding 6 feet in height measured from the finished grade to the top of the sign, however, bonus provisions may allow for heights greater than 6 feet.

**Sign, Mechanical Message Display (MMD)**

A sign that is capable of displaying words, symbols, figures or images that can be mechanically changed by remote or automatic means (also known as tri-fold, tri-vision).

**Sign, Menu Board**

A wall or free-standing sign which lists the foods or other products available at drive-through facilities.

**Sign, Message**

Any static, non animated, communication, advertisement, or frame displayed within an on or off premise signs (A complete, static display message on an Electronic Message Display).

**Sign, Message Hold Time**

The time interval a static message or frame must remain on the display before transitioning to another message or frame.

**Sign, Nameplate**

A sign limited to identifying the street name, building or property number, and the name of the owner or occupant of the building or property.

**Sign, Nonconforming**

A legally existing sign which does not conform to the requirements of this Code either on the effective date of this Code or as a result of subsequent amendments to this Code.

**Sign, Off-Premise**

Any sign which is not on the same premises as the business or use with which it is identified, or which cannot be classified as an on-premise sign. Off-premise signs include billboards, bus bench and shelter signs (typically in ROW owned by public entity), direction signs (general signs that can potentially be in any zone district).

**Sign, On-Premise**

A sign which displays copy specifically related to a principal use of the lot, parcel or tract on which it is located.

**Sign, Pennant**

Strings of banners or flags or the placement of them in a sequential manner giving the appearance of being strung together.

**Sign, Pole**

A sign whose primary means of support is one or more poles set into a concrete footing, located at or below ground level. A pole sign is considered a freestanding sign.

**Sign, Political**

A sign that carries a message intended to influence the outcome of an election, including supporting or opposing the election of a candidate, the recall of a public official, or the passage of a ballot issue.

**Sign, Portable**

A sign which is not permanently affixed to a structure and is designed for or capable of movement, except those signs explicitly designed for people to carry on their persons or permanently affixed to vehicles operating in their normal course of business.

**Sign, Poster Display**

Message display which is static, non mechanical, and non electronic and is changed manually, or requires a manual changing of the message displayed.

**Sign, Projecting**

A sign projecting in excess of 18 inches from any part of a building.

**Sign, Real Estate**

A sign displayed for a limited time and offering the immediate premises for sale, rent or lease.

**Sign, Real Estate Directional**

An off-premise sign displayed only when the real estate company representative, agent or seller is in attendance at the property for sale, rent or lease. A real estate directional sign is regulated as an on-premise sign.

**Sign, Single Face**

Billboard structure that has single display panel facing in only one direction.

**Sign, Temporary**

A sign which is erected for a limited time and may be used to advertise business, community or civic projects, real estate for sale or lease, or other special events.

**Sign, Time-Temperature-Date**

A sign that displays the current time, outdoor temperature, date of the month, or any combination of that information.

**Sign, Traffic**

A sign used to direct traffic in accordance with the MUTCD.

**Sign, Transition Duration**

The time interval it takes the display to change from one complete static message or frame to another complete static message or frame.

**Sign, Transition Method**

A visual effect applied to a message to transition from one message to the next.

**Sign, Wall**

A sign attached to or painted on the wall of a building. Wall signs also include awning, fascia, and canopy signs.

### **Sign, Window**

A sign that is painted on applied or attached to a window or that can be read through the window from the public right-of-way.

### **Sign Area**

The total area of the face, plate, and frame, as well as the display surfaces but not including the structure or bracing of the sign. When the sign consists only of letters, logos, designs, or figures engraved, painted, or projected or fixed on a wall or freestanding, or when a sign is of an irregular shape, the total area of the sign shall be the smallest area enclosed by a single right angle figure surrounding all of the fixed lettering, designs and irregular shape. On double-faced signs where the sign faces are placed back to back, only one face is counted in computing the sign area; for signs with more than 2 faces, the area of all faces shall be counted.

### **Significant Wildlife Habitat and Migration Corridors**

Areas designated by the Colorado Division of Wildlife or the Colorado Natural Diversity Information Source ([www.ndis.nrel.colostate.edu](http://www.ndis.nrel.colostate.edu)) as areas of landscape that provide food, cover and water sufficient to meet the needs of a given species to survive and reproduce.

### **Site**

The site is an ownership except as follows: (a) If a proposed development includes more than one ownership, then all the ownerships are included as the site; (b) If a proposed development includes only a portion of an ownership, and the balance of the ownership is vacant, then the applicant may choose to define the site as the portion of the ownership that is proposed for development; and (c) If a proposed development includes only a portion of an ownership, and there is other development on the ownership, then the applicant may choose to define the site as the portion of the ownership that is currently developed plus the portion proposed for development.

### **Site Application**

The State and local process for approving and permitting domestic waste treatment works, including waste water treatment plants, lift stations, and interceptor sewers.

### **Site Development Plan**

The development plan for one or more lots showing the existing and proposed conditions of the lot and any improvements existing or to be constructed on the lot. This includes topography; vegetation; drainage; floodplains; wetlands and waterways; landscaping and open spaces; walkways; means of ingress and egress; circulation; utility services; structures and buildings; signs and lighting; berms, buffers and screening devices; surrounding development; and other information that may be reasonably required for the DSD Director to determine compliance with the requirements of this Code, and subsequently authorize issuance of a building or development permit.

### **Site Plan**

An accurately scaled drawing of a lot or parcel showing the existing and proposed conditions of the lot, showing the actual measurements, the size and location of any existing or proposed buildings, the location of the lot in relation to abutting streets, and other details such as parking areas, access points, landscaped area, building areas, setbacks from lot lines, building heights, floor areas, densities, utility locations and easements.

### **Site-Related Improvements**

Road capital improvements and right-of-way dedications, which provide direct access to the development including, but not limited to the following: (a) driveways and streets leading to and

from the development; (b) right and left lanes leading to those driveways and roads; (c) one through lane; (d) curb, gutter, and sidewalks where applicable; (e) acceleration and deceleration lanes; (f) traffic control measures for those driveways; and (g) internal streets. Credit is not provided for site-related improvements under an off-site road study or transportation improvement study (TIS).

#### **Site Specific Development Plan**

A detailed graphic representation drawn to scale of a proposed development which depicts the specific land uses, site design, and dedication requirements for the property utilized for purposes of establishing vested rights. The site specific development plan provides information including, but not limited to, the building locations and exact footprints, parking areas and designs, ingress or egress, access and utility easements, a detailed landscape plan and location and size of signage. The approved site specific development plan becomes the official plan for the property and is the final site plan submitted with the request for a vesting of property rights. Physical development of the property shall be in strict conformance with the approved site specific development plan. A final plat for a residential subdivision shall constitute a site specific development plan.

#### **Slash Piles**

The accumulation of tree limbs, tree tops and miscellaneous natural vegetation residue left by forest management activities, such as thinning, pruning, and timber harvesting and clearing.

#### **Small Area Plan**

A sub-area Master Plan adopted as a component of the overall Master Plan, which provides specific land use guidance and detailed direction for the specific geographic area included within the plan.

#### **Solar Energy Generation Facility**

A large-scale electrical energy generation facility with a minimum energy generation capacity of 500 kilowatts typically consisting of photovoltaic panels, heliostats (mirrors), collection tower(s), turbine(s), collection lines, electrical substation(s), transmission line(s), and other appurtenant facilities.

#### **Solid Waste**

Any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial or commercial operations or from community activities. "Solid waste" does not include:

Any solid or dissolved materials in domestic sewage; Agricultural wastes; Solid or dissolved materials in irrigation return flows; Industrial discharges which are point sources subject to permits under the provisions of the "Colorado Water Quality Control Act", article of title 25, C.R.S; Materials handled at facilities licensed pursuant to the provisions on radiation control in article 11 of title 25, C.R.S; Exploration and production wastes, as defined in section 34-60-103 (4.5), C.R.S., except as such wastes may be deposited at a commercial solid waste facility; Excluded scrap metal that is being recycled; or shredded circuit boards that are being recycled. (C.R.S. §30-20-101.)

#### **Solid Wastes Disposal Site and Facility**

The location and facility at which the deposit and final treatment of solid wastes occur. (See C.R.S. §30-20-101, Certificate of Designation, Inert Materials.)

**Sound Level**

The weighted sound pressure level obtained by the use of the sound level meter and frequency weighing network, as specified in the American National Standards Institute Specifications.

**Sound Level, A-Weighted**

The A-scale sound level is a quantity, in decibels, read from a standard sound-level meter with A-weighting circuitry. The A-scale weighting discriminates against the lower frequencies according to a relationship approximating the auditory sensitivity of the human ear. The A-scale sound level measures approximately the relative "noisiness" or "annoyance" of many common sounds, while the low and high frequencies are de-emphasized.

**Sound Level, C-Weighted**

A quantity, in decibels, read from a standard sound level meter with C-weighting circuitry. The C-scale incorporates slight de-emphasis of the low and high portion of the audible frequency spectrum.

**Special District**

A special district organized under and existing by virtue of the provisions of C. R. S §§32-1-101, et seq.

**Special District Policies**

The El Paso County Special District Policies as adopted by Resolution 07-272, as may be subsequently amended.

**Special Flood Hazard Area**

Land in the floodplain subject to a one percent chance of flooding in a given year. Also called Area of Special Flood Hazard.

**Specialized Group Facility**

A facility which is established and supervised by a County Department of Social Services or a licensed child-placement agency for the purpose of providing 24-hour care for children from 3 years to 18 years old and those persons to 21 years old who are placed by court order prior to their 18th birthday whose special needs can best be met through the medium of a small group.

**Specified Anatomical Areas**

Includes any of the following: (a) human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola, which are not completely and opaquely covered; and (b) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**Specified Sexual Activities**

Includes any of the following: (a) fondling or other intentional touching of human genitals, pubic region, buttocks, anus or female breasts; (b) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation and sodomy; (c) masturbation, actual or simulated; (d) human genitals in a state of sexual stimulation or arousal; or (e) human excretory functions as part of or in connection with any of the activities set forth in parts (a) through (d) hereof.

**Stable**

A building, structure, barn, shed or similar enclosure for the purpose of housing and feeding of horses or other livestock and for the storage of equipment relating to the care, maintenance and operation of the farm animals.

**Stable, Commercial**

Any stable where horses or other livestock are boarded for remuneration or where horses or other livestock are kept for sale or hire, except as permitted under the definition of ranch.

**Stable, Private**

Any stable where farm animals are boarded and owned by the occupants of the premises and are not kept for remuneration or hire.

**Stadium**

A large, often unroofed structure in which sporting events and other forms of entertainment are held.

**Stand**

A booth, stall or counter for the display and sale of goods.

**Storage**

The act of stocking or supplying a product reserved for future use.

**Storage, Outside**

Open air storage of vehicles, raw materials, supplies, finished or semi-finished products or equipment.

**Store**

An establishment operating from an enclosed building engaged in providing of services or the retail sale of products that are not primarily consumed or used upon the premises but may be assembled or installed upon the premises. The term shall not include adult uses or gasoline filling stations.

**Story**

That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

**Structural Alterations**

Any change in the supporting members of a building or structure such as bearing walls, columns, beams, girders, floor joists or roof joists.

**Structure**

Anything constructed or erected, the use of which requires more or less permanent location on the ground or attachment of something having a permanent location on the ground. The term shall include "building" as defined herein, but not include fences or walls 6 feet in height or less, retaining walls less than 4 feet in height, or poles, lines, cables or other transmission or distribution facilities of public utilities.

**Structure (when located in CAD-O zoning district)**

An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, overhead transmission lines, and vegetation. This definition is applicable to the CAD-O only.

**Structure, Accessory**

A subordinate detached structure, the use of which is customarily incidental to that of the principal structure or to the principal use of the land, which is located on the same lot or parcel (or on a contiguous lot or parcel in the same ownership upon the recording a combination or use

agreement that binds the accessory structure to both lots or parcels in common ownership) with the principal structure or use.

**Structure, Agricultural**

For the purpose of determining exemption from the Building Code, any structure used for the sole purpose of providing shelter for agricultural implements, farm products, livestock (including horses) or poultry as intended in C.R.S. §30-28-201(1).

**Structure, Nonconforming**

Any legally existing structure which does not conform to the "location and bulk" regulations of this Code, either at the effective date of this Code or as a result of subsequent amendments which may be incorporated into this Code.

**Structure, Principal**

A structure or combination of structures of chief importance or function on a lot or parcel. In general, the principal use of the site is carried out in a principal structure. The difference between a principal and accessory structure is determined by comparing the size, placement, similarity of design, use of common building materials, and the orientation of the structures on a site.

**Studio**

A place, where an art is taught or studied; an artist's or photographer's establishment.

**Subdivider**

Any person, firm, partnership, joint venture, association or corporation who shall participate as owner, applicant, promoter, developer or sales agent in the planning, platting, development, promotion, sale or lease of a subdivision.

**Subdivision**

Any parcel of land in unincorporated El Paso County which is divided into 2 or more parcels, separate interests, or interests in common, including land to be used for condominium, apartments or any multiple dwelling units, unless the land when previously subdivided was accompanied by a filing which complied with the provisions of this Code with substantially the same density. The term "subdivision" shall not apply to any division of land which creates parcels of land each of which comprises 35 or more acres of land and none of which is intended for use by multiple owners, C.R.S. §30-28-101(10)(b). Unless the method of disposition is adopted for the purpose of evading C.R.S. §§30-28-101, et. seq., the term "subdivision", as defined above, shall not apply to (1) any division of land the BoCC determines is not within the purposes of C.R.S. §§30-28-101, et. seq.; or (2) any division of land which (a) creates parcels of land, such that the land area of each of the parcels, when divided by the number of interests in any parcel, results in 35 or more acres per interest; (b) is created by a lien, mortgage, deed of trust or any other security instrument; (c) could be created by any court in this State pursuant to the law of eminent domain, or by operation of law, or by order of any court in this State if the BoCC is given timely notice of any such pending action by the court and given opportunity to join as a party in interest in such proceeding for the purpose of raising the issue of evasion of provisions of this Code prior to entry of the court order; and, if the Board does not file an appropriate pleading within 20 days after receipt of such notice by the court, then such action may proceed before the court; (d) is created by a security or unit of interest in any investment trust regulated under the laws of this State or any other interest in any investment entity; (e) creates cemetery lots; (f) creates an interest or interests in oil, gas, minerals, or water which are now or hereafter severed from the surface ownership of real property; (f) is created by the acquisition of an interest in land in the name of a husband and wife or other persons in joint tenancy, or as tenants in common and any such interest shall be deemed for the purposes of this Section as only one interest; (g) is created

by a contract concerning the sale of land which is contingent upon the purchaser's obtaining approval to subdivide, pursuant to this Code and any applicable County regulations, the land which is to be acquired pursuant to the contract; (h) is created by the combination of contiguous parcels of land into one larger parcel. Easements and rights-of-way shall not be considered interests for purposes of this definition.

**Subdivision, Minor**

A division of land that creates 4 or fewer lots.

**Subdivision Improvements Agreement**

An enforceable development agreement between an applicant or owner and El Paso County that serves as the security arrangement to secure the cost of public improvements associated with a subdivision required by the ECM and LDC.

**Subdivision Regulations**

The provisions of this Code, as they apply to the division of land within the jurisdiction of El Paso County.

**Subject Property**

The site for which an application for land use, development or subdivision approval has been submitted.

**Surcharge**

For purposes of this Code, surcharge means any mass of earth or other material being held in place by a wall structure.

**Surveyor**

A Professional Land Surveyor licensed by the State of Colorado.

**Target Weeds**

A list and B list Noxious weeds as defined and identified by the Colorado Noxious Weed Act.

**Temporary Housing**

The temporary placement of a manufactured home or recreational vehicle to serve as living quarters while the principal dwelling is under construction.

**Temporary Occupancy**

A time period not to exceed 30 consecutive days or a total of 90 days in any one calendar year.

**Thinning**

The selective removal of trees and shrubs based on a management prescription as determined by a professional forester or someone with fuel mitigation expertise.

**Threatened or Endangered Species**

Plants and animals identified by the federal government as threatened or endangered or proposed for threatened or endangered status, plants and animals identified as rare or sensitive by the CDW, and plants or animals identified as ranking G1 or G2 by the Colorado Natural Heritage Program.

**Title Commitment**

Formal documentation from a title company committing to insure the property and listing the name of the owner of the subject property, the legal description of the subject property and any legal holdings on the subject property such as easements, rights-of-way, liens, and other encumbrances.

**Tower, Commercial (Non-CMRS)**

The structure on which transmitting or receiving antennas are located and not considered a CMRS Facility. This term shall include the following: VHF and UHF television and AM and FM radio. Private towers and citizens band radios shall not be included within this definition.

**Tower, Private (Non-CMRS)**

Any external tower, antenna, attached apparatus, and supporting structure not defined as a Commercial Tower or CMRS Facility. This term includes television reception antennas, citizens' band (C.B.) radio facilities, amateur radio facilities, or satellite dishes.

**Townhouse**

A single-family attached dwelling situated on its own lot but attached to one or more similar dwelling units by a common wall and each unit has its own front and rear access to the outside and no unit is located over another unit.

**Tract**

An area of land that is not a lot or a public right-of-way, platted as part of a subdivision, and the use of which is restricted to those uses consistent with the stated purpose as described on the plat, in the maintenance agreements, or through CC&Rs. Examples include stormwater management tracts, private street or alley tracts, school tracts, open space tracts, and tracts for future development.

**Trade Schools**

Educational facilities which are publicly or privately operated and provide training for trades, such as welding, automobile mechanic, dog grooming, barbers, etc.

**Traffic Markings**

All lines, patterns, words, colors or other devices, except signs and power operated traffic-control devices, set into the surface of, applied upon, or attached to the pavement or curbing or to objects within or adjacent to the roadway, placed for the purpose of regulating, warning or guiding traffic.

**Trails**

A corridor or recreational easement developed for non-motorized uses such as biking, hiking, horseback riding.

**Transportation Impact Study**

A report that documents a study of traffic conditions before and after construction of a proposed development prepared in accordance with the ECM. It addresses any deficiencies in the transportation system, either current or after development, and proposes recommended mitigation.

**Trash Transfer Facility**

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

**Treatment Plant**

A facility for the collection, treatment, and disposal of sanitary sewage that complies with the minimum standards specified in the Design Criteria Considered in the Review of Wastewater Treatment Facilities, Colorado Department of Health and Environment, Water Quality Control Commission, and generally has a design capacity to receive more than 2000 gallons of sewage per day ; or a facility for the treatment, purifying, supplying, and holding of raw water designed to

meet the water quality requirements contained in the Colorado Primary Drinking Water Regulations.

**Tree Farm**

Any parcel of land used to grow and harvest trees for wood products, such as lumber, posts and poles, fuel wood and Christmas trees, where forest products are sold on-site or transported to market.

**Truck and Recreational Vehicle Repair Garage**

A building used for the care or repair of trucks generally larger than ½ ton and recreational vehicles including major or minor work such as body and fender work or engine and transmission overhaul and incidental storage or parking of repaired vehicles, but excluding the dismantling or wrecked vehicles or storage of junk vehicles.

**Truck Farm**

An intensive agricultural operation for the growing of produce for sale.

**Truck Stop**

An establishment that provides maintenance, repair, storage and other services to commercial vehicles and their drivers, which may include but are not limited to fuel, accessory or parts sales, overnight accommodations, restaurant facilities, or any combination thereof.

**Trucking and Motor Freight Terminal**

A facility designed or intended to be used for the receiving or discharging of cargo and providing for the temporary or permanent storage of the conveyance vehicle.

**Turf Grass**

Continuous plant coverage consisting of hybridized grasses that, when regularly mowed, form a dense growth of leaf blades and roots.

**Turnout**

A widening in a road of sufficient length and width to allow vehicles to pass one another.

**Unified Control**

Control of two or more lots, parcels or tracts of land by one or more landowners through a joint operating agreement, right to purchase, or similar agreement, but developed and implemented under a unified plan to which the owners, successors, heirs, or assigns shall be bound by the approved development plan, including any amendments thereto approved by the County.

**Urban Density Development**

Land development of higher density and intensity which is characteristically provided with services of an urban nature (i.e. central water and sewer, fire hydrants, paved roads often with curb and gutter, and shorter emergency service response times). This category of development ordinarily includes most commercial, office and industrial uses and residential uses with densities of more than one dwelling unit per 2.5 acres.

**Use, Accessory**

A subordinate use, incidental and related to the principal structure or use and located on the same lot or parcel as that of the principal structure or use (or on a contiguous lot or parcel in the same ownership upon the recording a combination or use agreement that binds the use to both lots or parcels in common ownership).

**Use, Allowed**

Any use permissible in a zoning district provided all provisions and standards of this Code have been satisfied.

**Use, Commercial**

A business use or activity at a scale greater than a home business or cottage industry involving retail or wholesale marketing of goods and services. Examples of commercial uses include offices and retail shops.

**Use, Industrial**

A use engaged in the basic processing or manufacturing of materials or products predominately from extracted or raw materials or natural resources, or component parts; a use engaged in storage of, or manufacturing processes using flammable, hazardous or explosive materials; or manufacturing processes that potentially involve hazardous or commonly recognized adverse conditions.

**Use, Nonconforming**

Any legally existing use, whether within a structure or on a piece of land, which does not conform to the use regulations of the zoning district in which the use is located, either at the effective date of this Code or as a result of the subsequent amendments which may be incorporated into this Code.

**Use, Principal**

An activity or combination of activities of chief importance on the lot or parcel. The main purposes for which the land is intended, designed, or ordinarily used.

**Use, Special**

A use that, owing to some special characteristics attendant to its operation or installation (e.g. potential danger, traffic, smoke or noise impact), is allowed in a zoning district, subject to approval and special requirements, different from those usual requirements for the zoning district in which the special use may be located.

**Use, Temporary**

A seasonal, short-term or transient land use allowed on a property on a temporary basis.

**Utilities**

Water, sewer, gas, electric power, stormwater, telephone and cable television and other facilities or services necessary to reasonably provide for the needs of a development or subdivision.

**Utility**

Any public or private entity whose principal purpose is to provide electricity, water, sewer, storm drainage, gas, radio, television, telephone, and other forms of communication utilizing the electromagnetic spectrum to the public.

**Utility Substation**

Any electric transmission lines, substations or electric utilities, major gas regulator station, transmission and gathering pipelines and storage areas of utilities providing natural gas or petroleum derivatives and their appurtenant facilities.

**Vacation of a Plat, Right-of-Way, or Public Easement**

The process through which recorded plats, rights-of-way, or public easements, or portions thereof are made null and void by action of the BoCC pursuant to the statutory procedure by which the County may relinquish its interest in roads, alleys, or easements, and may authorize the vacation of plats.

**Variance**

The means by which an adjustment is made in the application of the specific bulk, dimensional, or performance standards set forth in this Code to a specific property.

**Variance, Use**

The means by which a use not otherwise authorized as an allowed, special, or accessory use by this Code may be approved for a specific property.

**Vehicle, Inoperable**

A vehicle which is damaged or dismantled to a degree that it is unable to move under its own power or is unsafe or illegal to operate on public road rights-of-way. This definition does not include implements of husbandry, farm tractors, farm or ranch equipment, or vehicles customarily operated in a farm or ranch operation.

**Vehicle Repair Garage**

An establishment used for the care or repair of passenger vehicles and light trucks, including major or minor work such as paint, body and fender work or engine and transmission overhaul and incidental storage or parking of repaired vehicles, but excluding the dismantling of wrecked vehicles and the storage of junk vehicles.

**Vested Property Rights**

The right to undertake and complete the development and use of the property under the terms and conditions of a site specific development plan.

**Violator, Alleged**

The owner of record, whether person, partnership, firm, corporation, governmental agency or other association of persons, any authorized agent or representative of the owner of record and any occupant of the premises or property upon which there is probable cause to believe a violation of this Code, a County Ordinance, or a development permit or approval exists or has occurred.

**Waiver**

The request or action for relief from compliance with a specific development standard, subdivision standard, or submittal requirement or action.

**Warehouse**

A building or portion thereof used by the occupant for the inside storage, safekeeping, distribution or selling at wholesale of goods and materials in the regular course of commercial dealing and trade. This generally includes land and buildings used as a relay station for the transfer of goods from one vehicle or party to another, and the parking and storage of tractor and other trailer units, and may include incidental retail sales. Bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions is considered flammable material storage or hazardous material storage.

**Waste Water Lift Station**

A wastewater pumping station used to pump wastewater when the continuance of a gravity sewer line is not feasible.

**Water, Non-Renewable**

Unless otherwise specified by the State Engineer or a State court of competent jurisdiction, all tributary, nontributary and not nontributary groundwater, as defined by appropriate State Statute, found in the Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers, and other bedrock aquifers.

### **Water, Surface**

Water which flows in rivers and streams. Surface and alluvial groundwater include waters diverted out of surface streams and water diverted out of wells or other structures which are hydraulically connected to a surface stream. Water meeting this definition is governed by the Water Right Determination and Administration Act of 1969, C.R.S. §§ 37-92-101, et seq., Surface water and alluvial groundwater are said to be tributary, and thus, are governed by Colorado's prior appropriation doctrine.

### **Water Demand**

The total quantity of water a proposed subdivision will require for a period of 300 years.

### **Water Right, Adjudicated**

A decree issued by a Colorado State Water Court or a determination issued by the Colorado Groundwater Commission that grants an appropriation of water to an owner.

### **Waters of the State**

All surface and undergroundwater in or tributary to all natural streams within the State of Colorado, except designated groundwater as referred to in C.R.S § 37-90-103(6) pursuant to C.R.S. § 37-92-103(13).

### **Well**

Any structure or device used for the purpose or with the effect of obtaining groundwater for beneficial use from an aquifer. Well does not include a natural flowing spring or spring where the natural spring discharge is captured or concentrated by installation of a near-surface structure or device less than ten feet in depth located at or within fifty feet of the spring or springs' natural discharge point and the water is conveyed directly by gravity flow or into a separate sump or storage. C.R.S. §37-90-103 (21) (a) and (b); §37-92-103 (14) (a) and (b).

### **Well Permit, Domestic Use**

Permitted water use for up to one acre foot per year which may include household use, irrigation and watering of domestic animals.

### **Well Permit, Exempt**

Water permits issued by the State of Colorado for certain small capacity wells based on the presumption of non-injury to senior water rights in accordance with C.R.S §37-90-105 and §37-92-602. The presumption does not apply when the well is located in a subdivision.

### **Wet Bar**

An area in a dwelling used for the preparation of refreshments and cocktails. A wet bar shall be limited to a one-basin sink with no garbage disposal, a small refrigerator, and counter and storage areas. The installation of any cooking device (other than a portable microwave or similar device) shall constitute a kitchen.

### **Wetlands**

Areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

### **Wetlands Analysis**

A report that identifies any existing wetlands in the National Wetlands Inventory or from field inspection that are located on a lot, parcel, or tract, or affected by drainage from a lot, parcel, or tract and any proposed wetlands. The report provides a description of potential impacts from a

proposed activity and identifies methods or strategies to address or mitigate the described impacts.

**Whip Antenna**

An array of antennae that is cylindrical in shape.

**Wholesale**

A business use characterized by the selling of goods primarily to retailers, contractors, manufacturers, industrial users, commercial users or professional business users.

**Wildfire Mitigation**

The actions taken to reduce the occurrence of or reduce the damage from wildfire.

**Wildland Fire**

An unplanned and uncontrolled fire spreading through vegetative fuels, at times involving structures.

**Wildland Fire Area**

An area where improved property and wildland fuels meet at a well-defined boundary, which includes areas identified as forested on the Vegetation Map.

**Wildland/Urban Intermix**

An area where improved property and wildland fuels meet with no clearly defined boundary.

**Wildlife Habitat Map**

Maps that represent the general geographic extent of habitats occupied by various wildlife species. Species are anticipated to occur within these areas during all or a portion of their life cycle.

**Wildlife Report**

A written document that identifies the wildlife resource within the general area of a development project and that describes the impacts to the resource as a result of a project. The report shall also identify methods that will mitigate any potential impacts to the resource.

**Wildlife Rehabilitation**

The act of rehabilitating sick, injured, or orphaned wildlife by a person licensed by the Colorado Division of Wildlife, but excluding veterinarians, for the purpose of returning them back to the wild.

**Wind Energy Generation Facility**

A large-scale electrical energy generation facility with a minimum energy generation capacity of 500 kilowatts typically consisting of wind turbines, meteorological data gathering devices, collection lines, electrical substation(s), transmission line(s), and other appurtenant facilities.

**Wind/Meteorological Measuring Facility (Met Tower)**

The location and devices used to monitor or transmit weather data and/or wind speed and wind flow characteristics over a period of time, either for instantaneous wind information or to characterize weather conditions or wind resources at a given location. This includes the tower, base plate, anchors, guy wires and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment for anemometers and vanes, data loggers, instrument wiring, and any telemetry devices

**Wind Powered Generator**

A machine by which mechanical energy supplied by the wind is changed to electric energy, generally located in association with a single dwelling or business.

**Xeriscape**

The application of the principles of landscape planning and design, soil analysis and improvement, appropriate plant selection, limitation of turf area, use of mulches, irrigation efficiency, and appropriate maintenance that result in water use efficiency and water-saving practices.

**Yard**

The unoccupied or vacant portion of a lot, parcel or tract between the lot, parcel or tract boundary line and a structure.

**Yard, Front**

A yard extending across the width of the lot, parcel, or tract and measured from the front boundary line of the lot, parcel or tract on which the lot, parcel, or tract fronts or is addressed by to the nearest building. A lot, parcel, or tract bordered by roads on both sides shall have two front yards for setback purposes.

**Yard, Rear**

A yard extending across the width of the lot, parcel or tract and measured from the rear boundary line of the lot, parcel or tract to the nearest building. The rear line of the lot, parcel or tract shall be that line most nearly parallel with the line of the road on which said lot, parcel or tract is numbered and toward the rear of said lot, parcel or tract as it faces on that road.

**Yard, Side**

A yard on each side of the building between the building and the side line of the lot, parcel or tract and extending from the front yard to the rear yard.

**Yard Sale**

The sale or offering for sale on site of articles of tangible personal property by the owner, lessee or other occupant of the residential dwelling. The term yard sale shall include patio sale, garage sale, rummage sale, auction, or any other similar sale.

**Yard Waste Recycling Facility**

See Composting Facility.

**Zero Lot Line**

The location of a structure on a lot, parcel or tract in such a manner that one or more of the structure's sides rest directly on a lot, parcel or tract boundary line with no easement or setback requirement, including two adjoining structures on separate lots, parcels or tracts sharing a common wall.

**Zone A Floodplain**

The area of Special Flood Hazard as depicted on the Flood Insurance Rate Maps where detailed ratemaking has not been completed.

**Zoning District**

A specifically delineated area within which uniform regulations and requirements govern use, placement, spacing, and size of lots, parcels and buildings.

**Zoning District, Agricultural**

A zoning district where the primary intent of the zoning district is to provide for agricultural use or forestry while accommodating residential or other uses.

**Zoning District, Base**

All general zoning districts, special purpose zoning districts, and obsolete zoning districts. The land use restrictions in a base zoning district may be modified by an overlay district.

**Zoning District, Commercial**

A zoning district where the primary intent of the zoning district is to provide for commercial and office use while accommodating some other uses.

**Zoning District, Industrial**

A zoning district where the primary intent of the zoning district is to provide for industrial and manufacturing use while accommodating some other uses.

**Zoning District, Obsolete**

A zoning district which remains applicable to land but which has been determined by the BoCC to be outdated and which cannot be applied to any additional land within the county.

**Zoning District, Overlay**

An overlay zone is generally defined as any specially mapped zoning district which is subject to supplementary regulations or requirements for development. Overlay zoning districts, by either adding restrictions to or removing restrictions from the base zoning district, include specific provisions designed to address issues unique to a particular geographic area.

**Zoning District, Residential**

A zoning district where the primary intent of the zoning district is to provide for human habitation in dwelling units or recreational vehicles while accommodating some other uses.

**Zoning District, Special Purpose**

Zoning districts designed to accommodate unique uses or development types or to address special development conditions. Special purpose zoning districts are base zoning districts.

**Zoning Map**

The official zoning map of El Paso County as originally adopted May 11, 1942 and subsequently amended by various resolutions to apply zoning or to change the previous zoning of a property.

**Zoning Resolution**

The provisions of this Code including all amendments to this Code that regulate the use of land within any zone district and any resolution of approval adopted by the BoCC that applies zoning or changes the zoning of land within unincorporated El Paso County. The zoning resolution includes the Zoning Map.

**1.16. ABBREVIATIONS OF TERMS AND PHRASES**

The following represent the abbreviations used in this Code. The abbreviations are in alphabetical order.

**AASHTO**

American Association of State Highway and Transportation Officials

**ADA**

Americans with Disabilities Act of 1990

**ADT**

Average Daily Traffic

**BESQCP**

Builder's Erosion and Sediment Control Permit

**BMP**

Best Management Practice

**BoCC**

Board of County Commissioners

**CD**

Certificate of Designation

**CRS**

Colorado Revised Statute

**CC&Rs**

Covenants, conditions and restrictions

**CDOT**

Colorado Department of Transportation

**CDPHE**

The Colorado Department of Public Health and Environment

**CGS**

Colorado Geologic Survey

**CMRS**

Commercial Mobile Radio Service Facility

**CO**

Certificate of Occupancy

**CSFS**

Colorado State Forest Service

**CLOMR**

Conditional Letter of Map Revision

**CSU**

Colorado State University

**dbA**

Sound Level, A-Weighted

**DBPS**

Drainage Basin Planning Study

**DNL**

Day-Night Average Sound Level

**DOW**

Colorado Division of Wildlife

**DSD**

Development Services Department

**DSD Director**

Development Services Department Director or delegated representative

**ECM**

The El Paso County Engineering Criteria Manual

**ECM Administrator**

The County Engineer or delegated representative

**EPCCSD**

El Paso County Community Services Department

**EPCPH**

El Paso County Public Health (formerly El Paso County Department of Health and Environment)

**EPCPSD**

El Paso County Public Services Department (formerly Department of Transportation)

**ESD**

El Paso County Environmental Services Department

**ESQCP**

Erosion and Sediment Quality Control Permit

**FAA**

The United States Department of Transportation Federal Aviation Administration

**FAR**

Federal Aviation Regulations

**FAR**

Floor Area Ratio

**FCC**

Federal Communications Commission

**FEMA**

Federal Emergency Management Agency

**FIRM**

Flood Insurance Rate Map

**HOA**

Homeowners' Association

**IESNA**

Illuminating Engineers Society of North America

**LDC**

The Land Development Code of El Paso County

**Ldn**

Day-Night Equivalent Sound Level

**Leq**

Equivalent Sound Level

**LOMR**

Letter of Map Revision

**MDDP**

Master Development Drainage Plan

**MLRB**

Colorado Mined Land Reclamation Board

**MTCP**

Major Transportation Corridor Plan

**MUTCD**

Manual of Uniform Traffic Control Devices.

**NFPA**

National Fire Protection Association

**NLR**

Noise Level Reduction

**NRCS**

Natural Resource Conservation Service

**OCA**

Office of the El Paso County Attorney

**OWTS**

Onsite Wastewater Treatment System

**PPACG**

Pikes Peak Area Council of Governments

**RLUP**

Rural Land Use Plan

**SD/LID Committee**

Special District/Local Improvement District Committee

**SIA**

Subdivision Improvements Agreement

**TIS**

Transportation Impact Study

**USACOE**

United State Army Corps of Engineers

**USFS**

United States Forest Service