

SUMMIT COUNTY DEVELOPMENT CODE  
 CHAPTER 15: Definitions

<b>DEVELOPMENT CODE REVISIONS</b>			
<b>CHAPTER 15<sup>1</sup></b>			
<b>CASE#</b>	<b>RESO #</b>	<b>SECTION / DESCRIPTION</b>	<b>DATE</b>
90-36	90-64	15100.96	9/7/90
98-43	98-47	129,157,158,164	5/11/98
99-67	99-65	229	5/24/99
99-66	99-64	63, 172	5/24/99
99-176	00-02	Additional Definitions	1/10/00
99-174	00-86	BC, Living space	08/14/00
00-113	00-137	74 & 75 (child care)	11/13/00
00-088	00-146	Additional Definition – Open Space	12/11/00
03-045	03-40	Communications tower	05/27/03
03-061	03-71	Definitions	09/08/03
03-135	03-110	Definitions	12/15/03
03-144	03-109	Definitions	12/15/03
03-099	04-10	Definitions	1/26/04
05-033	06-61	TDR Regulations – Adoption of Ten Mile regulations: Community facilities, Development right, Institutional uses	7/11/06
04-077	07-44	Comprehensive Amendments to the Code	5/22/07
07-076	08-61	Countywide TDR Regulations–Density controls, equivalencies, allowable structure sizes, TDR conversion ratios. Definitions amended or created: Density, Development right, Hotel/Motel, Lock-off room, Lodge room, Long-term rental, Short-term rental, Site area–net. Definition of “Divisible room” removed.	08/26/08
08-032	08-65	Definitions created or modified: Accessory apartment, Affordable workforce housing, Area Median Income, Bunkhouse or hired hand quarters, Capital improvement expenditures, Caretaker unit, Employee housing, HUD, Local employer, Maximum resale price, Purchase price, Resident. Definition of “Employed within Summit County” removed.	09/09/08
09-057	09-61	Definition of Density	11/10/09
09-097	10-07	Definitions created or modified: Hydroelectric energy system, solar energy system, wedding event, wind energy system, wood burning energy system.  Definitions removed: Hydro Plant, Micro Hydro, Renewable Energy Systems, Windmill	1/26/10
09-36	13-51	Added mining/milling operation definition.	7/23/13

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10-143	13-74	Definitions created or modified: Agricultural Operations, Assisted Living Facility, Chicken, Code Enforcement Officer, Community Garden, Development, Development Right- Transferable, Domestic Water and Wastewater Treatment System, Dwelling Unit, Earth Disturbing Activity, Horticultural Operations, Lot Lines, Multi Family Development, Memory Care, New Development, Nursing Home/Care, Open Space, Resort and Dude Ranch, Retirement Home, Sawmill, Senior Housing, Special Event, Timber Harvest, Transferable Development Rights Program, Water Treatment Plant, Wastewater Treatment, Wildland Urban Interface Zone, Yard and Zero Waste Strategies Definitions removed: Individual Sewage Disposal System, Lumbering, Upper Blue TDR Bank	10/8/13
14-058	18-003	Added Wildfire Mitigation definition.	1/9/18
17-151	18-89	Definitions added for Short-term Vacation Rental Property and Time-share/Fractional Ownership Unit	12/18/18
09-040	19-64	Use, Primary	8/27/19

<sup>1</sup> The Sections referenced above were the Sections in effect at the time the Development Code was amended. Subsequent amendments to the Development Code may have resulted in section numbers being modified and may no longer be applicable.

**Acronyms and Abbreviations**

**A**

A-1            Agricultural  
ADT            Average Daily Trips

**B**

B1            Business  
B2            Business  
B3            Business  
BC            Backcountry Zone  
BMP's        Best Management Practices  
BOA          Board of Adjustment  
BOCC        Board of County Commissioners

**C**

CC&R's      Covenants, Conditions and Restrictions  
CDOT        Colorado Division of Transportation  
CDOW       Colorado Division of Wildlife now referred to as Colorado Parks and Wildlife ("CPW")  
CG          General Commercial  
CGS        Colorado Geologic Survey  
CN          Neighborhood Commercial  
CO          Certificate of Occupancy  
Code        Summit County Land Use and Development Code  
Commission Regional Planning Commission  
CPW        Colorado Parks and Wildlife  
County      Summit County  
CRS        Colorado Revised Statutes  
CSFS       Colorado State Forest Service  
CUP        Conditional Use Permit  
CWA        Federal Clean Water Act  
CWCB       Colorado Water Conservation Board

**D**

DMG        Division of Minerals and Geology  
DOW        Colorado Division of Wildlife now referred to as Colorado Parks and Wildlife ("CPW")

**E**

**F**

FAR        Floor Area Ratio  
FEMA       Federal Emergency Management Agency  
FIRM       Flood Insurance Rate Map

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FONSI Finding of No Significant Impact

**G**

GIS Geographic Information Systems  
GPD Gallons per Day  
GOCO Great Outdoors Colorado

**H**

HMA Hot Mix Asphalt  
HUD U.S. Department of Housing and Urban Development

**I**

I-1 Industrial  
ILC Improvement Location Certificate

**J**

**K**

**L**

LOC Letter of Credit  
LOMA Letter of Map Amendment  
LOMR Letter of Map Revision

**M**

M-1 Mining  
MHP Manufactured Home Park  
MLRBD Mine Land Reclamation Board/Division  
MPH Miles Per Hour  
MSHA Mine Safety and Health Administration  
MUTCD Manual of Uniform Traffic Control Devices

**N**

NFPA National Fire Protection Association  
NGVD National Geodetic Vertical Datum  
NR-2 Natural Resources

**O**

OS Open Space  
OSAC Open Space Advisory Council

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OSHA Occupational Safety & Health Administration  
OWTS Onsite Wastewater Treatment System (aka Onsite Wastewater System)

**P**

% Percent  
PUD Planned Unit Development

**Q**

**R**

R-1 Single Family Residential  
R-2 Single Family Residential  
R-3 Single family Residential  
R-4 Single Family Residential  
R-6 Single Family/Duplex Residential  
RC-5000 Rural Community  
RC-400000 Rural Community  
RE Rural Estate  
Rec Paths Recreational Pathways  
RME Residential Mountain Estates  
Road Standards Summit County Road and Bridge Standards  
ROW Rights of Way  
RU Rural Residential

**S**

SIA Subdivision Improvements Agreement  
SILC Site Improvements Location Certificate  
SPIA Site Plan Improvements Agreement  
Study Impact Study

**T**

TDR Transferable Development Right  
TUP Temporary Use Permit

**U**

USACE United States Army Corp of Engineers  
USDA United States Department of Agriculture  
USGS United States Geological Survey

**V**

**W**

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WQCC            Water Quality Control Commission  
WUI             Wildland Urban Interface Zone

X

Y

Z

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**15000: GENERAL**

Unless otherwise specifically provided, or unless otherwise clearly required by the context, the words and phrases defined in this chapter shall have the meaning indicated when used in this Code. Words, phrases and terms not defined in this section, but defined elsewhere in this Code shall be construed as defined in such Chapter. Words, phrases and terms neither defined herein nor elsewhere in this Code shall be given usual and customary meanings except where the context clearly indicates a different meaning. The words “shall” and “will” are mandatory and not permissive; the words “may” and “should” are permissive and not mandatory. Where the terms “include”, “includes”, “including”, and “such as” are used in this Code, such terms are exemplary and not limiting to the potential list.

**A**

**A-1:** Abbreviation for the Agricultural Zoning district in this Code (see Section 3301.01).

**Abandoned Vehicle:** Any motor vehicle which:

- a. Does not have a current license, is inoperable and does not meet minimum requirements for safety pursuant to C.R.S. § 42-4-202 et seq.; or
- b. Does not meet criteria for storage of personal vehicles pursuant to Section 3815.07; or
- c. Is deserted on property which is not owned or occupied by the owner of the vehicle.

**Abutting:** Parcels of land having property or zoning district lines in common, or where a property line coincides with a right-of-way or easement boundary.

**Access:** Provision for the passage of vehicles by a public or private street, or by a driveway connected to a public or private street, such that delivery of people, goods and services is possible to individual properties or buildings.

**Accessory Apartment:** A second, subordinate dwelling unit located on the same lot as a 1-family dwelling unit, where the subordinate unit is incorporated into either the primary unit or a garage serving the primary unit, and the subordinate unit has separate cooking facilities from the primary unit. In order to qualify as an accessory apartment, the subordinate unit shall meet the criteria stated in Section 3809.03 et seq.

**Accessory Building or Use:** A building or use which:

- a. Is incidental and subordinate to a principal building or principal use, and;
- b. Is subordinate in area, extent or purpose to the principal building or principal use served, and;
- c. Contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use, and;
- d. Is on the same lot as the principal building or principal use, or on a common lot serving such building or use, and;
- e. Is established concurrent with or subsequent to establishment of the principal building or principal use, and;
- f. Is listed as an accessory use in Figure 3-2 of this Code or is determined to be accessory (see Section 3403).

**Acreage, Gross:** The horizontal area within the property lines of a parcel of land before roads, easements or other areas to be dedicated or reserved for public use are deducted.

**Acreage, Net:** The horizontal area within the property lines of a parcel of land excluding road easements or rights-of-way and any easements which prohibit surface use of the land.

**Addition:** Any construction joined to an existing structure, which increases the size of the structure.

**Adult Arcade:** Any establishment where, for any form of consideration, one (1) or more image producing machines, for viewing by five (5) or fewer persons each, are regularly used to show films, motion pictures, video cassettes, slides or other photographic reproductions that are characterized by the depiction or description of obscenity.

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**Adult Bookstore, Adult Novelty Store or Adult Video Store:** A commercial establishment that devotes at least 50 percent of its stock-in-trade to the sale, rental or viewing (for any form of consideration) of reproduced images characterized by the depiction or description of obscenity, and which are intended to be read, viewed or used outside the premises of the commercial establishment.

**Adult Cabaret:** Nightclub, bar or similar commercial establishment that features: a) persons who appear nude or in a state of nudity or semi-nude; b) live performances that are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities,” or c) films, motion pictures, video cassettes, slides or other photographic reproductions that are characterized by the depiction or description of obscene acts or performances.

**Adult Motel:** A short-term lodging establishment that: a) offers public accommodations, for any form of consideration, and provides patrons with any form of live or reproduced images characterized by the depiction or description of obscene acts or performances *and* which advertises the availability of the sexually oriented type of material by means of a sign visible from the public right-of-way or by means of any off-premises advertising including, but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television, *and* offers a sleeping room for rent for a period of time five (5) hours or less.

**Adult Motion Picture Theater:** Any enclosed building or other structure used for presenting motion picture films, video cassettes, cable television or any other such visual media distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.

**Adverse Impact:** An effect causing damage, harm or loss or which is injurious to a person, property or the use of property. For the purposes of this Code, negative impacts which are minimal or trivial in nature shall not be considered adverse impacts.

**Affordable Workforce Housing:** A dwelling unit that is restricted in perpetuity to occupancy by individuals meeting the income limitations and occupancy standards listed in the guidelines in Section 3809.02. Occupancy standards include requirements for primary residency and local employment. In order to qualify as an affordable workforce housing unit, the unit shall meet the criteria in Section 3809.02 et seq.

**Agricultural Building:** A structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other agricultural or horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged, nor shall it be a place used by the public.

**Agricultural Operations:** Operations associated with the growing and harvesting of crops and timber and raising of livestock including such activities as plowing, planting, scarifying soils, construction and cleaning of irrigation ditches, construction of roads, buildings and stock ponds within farm or ranch boundaries. The exemption from grading permits for agricultural operations applies only to land in the County's A-1 Zoning District (see Chapter 6).

**Agriculture:** The science, business and art of cultivating the soil, producing crops and raising livestock.

**Air Contaminant:** Any fume, smoke, particulate matter, vapor, gas or any combination thereof, but not including water vapor or steam.

**Airport:** A facility that provides space for aircraft to take off and land, usually equipped with a control tower, hangars and accommodations for passengers and cargo.

**Alley:** A thoroughfare, which provides a secondary means of vehicular access to a building along its side or rear, but does not provide the primary means of access (see also street).

**Alpine Ski Area:** See ski area.

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**Alteration:** A physical change in or modification to a structure, including an expansion or change in use.

**Amortization:** The process by which nonconforming uses and structures must be discontinued or made to conform to the requirements of this Code at the end of a specified period of time.

**Amusement Facilities:** See recreation facilities.

**Animal Clinic:** A facility providing for the care of sick or injured animals, which does not include boarding facilities.

**Animal Crematorium:** See crematorium.

**Animal Feedlot:** A commercial establishment where livestock are kept confined in a compound or fenced area in order to be fattened for sale or slaughter. Excludes livestock feeding which is accessory to the operation of a working ranch where animals are also raised on pasture.

**Animal Hospital:** A facility for the care of sick or injured animals. Such facilities may include veterinarians' offices, administrative offices, space for examination, surgery and recovery and for boarding of animals while under treatment. For purposes of this Code, animal hospitals are classified as follows:

- a. **Facilities excluding large animal care:** An animal hospital where treatment is limited to dogs, cats, rabbits, birds and other species under 100 pounds in size. Areas where animals are boarded during treatment shall be contained within a building and shall not be outdoors.
- b. **Facilities including large animal care:** An animal hospital where treatment is given to dogs, cats, rabbits, birds and livestock without limit on the size of species. Areas where animals are boarded during treatment may include outdoor runs, corrals or pasture, if such areas are fenced.

**Animal Keeping:** Placement of living beings other than human beings on a property either as pets, as a source of meat, milk, eggs, fur, leather or other animal-related products for either home use or commercial sale or for breeding or research purposes (see Section 3802 et seq.).

**Animal Pound:** A facility usually operated by a public agency where licenses for domestic pets are issued and stray animals are housed until claimed by their owners, adopted or euthanized.

**Animal Salesyard:** A commercial establishment consisting of a compound or similar fenced area where animals are kept for sale, auction or trade, usually associated with a commercial feeding operation (see also animal feedlot). Excludes the sale of livestock from a working ranch where the livestock sold have also been raised on the property.

**Antenna:** Any exterior transmitting or receiving device mounted on a building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals. Classifications of antennas, and definitions of these classifications are stated in Section 3805 et seq.

**Applicant:** A person submitting an application for rezoning, subdivision or other steps leading to development of a property, who is either the owner of the property to be developed, has written permission from the property owner for submittal of the project proposal, or has authority to condemn the property.

**Appeal Authority:** The appointed official or the body of elected or appointed officials designated to hear an appeal by Section 13200 et seq.

**Architectural Control:** Regulations governing the appearance and/or architectural style of buildings, structures and improvements to property.

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**Area Median Income (AMI):** The median annual income for Summit County, Colorado (or such next larger statistical area calculated by the U.S. Department of Housing and Urban Development (HUD) that includes Summit County, Colorado, if HUD does not calculate the area median income for Summit County, Colorado, on a distinct basis from other areas), as adjusted for household size, that is calculated and published annually by HUD (or any successor index thereto acceptable to the County). If AMI data pertaining to the date of sale of an affordable workforce housing unit is not yet available as of the date the sale price is calculated, then the most recent data published by HUD shall be used in its place.

**Art Gallery:** A commercial establishment where works of art are displayed and sold (see also museum).

**Artwork:** Includes work of art (see Section 3813 et seq).

**Aspect:** In the case of topography, the direction faced or exposure of a certain landform.

**Asphalt Plant:** An industrial mechanism or process where gravel or sand are combined with a mixture of bitumens to create a substance used for paving, roofing and waterproofing.

**Assisted Living Facility:** State-regulated communities for seniors who require 24-hour assistance with one or more tasks of daily living. Assisted living communities provide aid in such tasks as bathing, dressing, housekeeping, and eating. Medication assistance varies according to state regulations. Assisted living communities also generally offer activities for residents, transportation, and housekeeping services.

**Athletic Facilities:** Fields and facilities used for the playing of sports such as tennis courts, racquetball courts and ballfields. For purposes of this Code, athletic facilities are classified as follows:

- a. **Commercial:** Athletic facilities open to the general public where fees are charged for use of facilities and which are operated in order to provide financial gain to the operator or owner.
- b. **Community:** Athletic facilities owned or operated by a government agency or nonprofit entity which are open to the general public and where fees charged are intended to cover the cost of operation and not to provide financial gain to the operator.
- c. **Private:** Athletic facilities owned or operated by a homeowners association, private entity or membership association for the benefit of members where fees or homeowner's association dues charged are intended to cover the cost of operation and not provide financial gain. Athletic facilities accessory to a dwelling unit for use by the property owner or tenant residing on the property, family members or guests.

**Atrium:** An opening through two (2) or more floor levels other than enclosed stairways, elevators, hoistways, escalators, plumbing, electrical, air-conditioning or other equipment, which is closed at the top and used as an expanded lobby, for indoor plantings, fountains or display of art but not leased or used as working space or for serving customers.

**Auditorium:** A building or portion of a building used to accommodate an audience at public meetings or artistic performances, which usually includes a stage and seating.

**Automobile Body Work, Painting or Restoration:** The use of any building or land for a business involving replacement of vehicle parts, body components, welding, rebuilding or refinishing of automobiles, trucks and other motor vehicles.

**Automobile Rental:** A commercial establishment offering the use of automobiles or trucks in exchange for payment. Such establishments may include office space, parking areas for rental vehicles, parking areas for customers and employees, servicing and repair facilities, but shall not include facilities for body work, painting or restoration.

**Automobile Repair:** The use of any building or land for a business involving the exchange of vehicle parts and vehicle maintenance requiring no open flame or welding. Also, rebuilding or refinishing of automobiles and trucks

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where these vehicles have a gross vehicle weight of less than 10,000 pounds (see also automobile body work, painting and restoration).

**Automobile Sales:** The use of any building or land for a business involving the sale of new or used motor vehicles and recreational vehicles. Such establishments may include office space, parking lots for the display and storage of vehicles available for sale, parking areas for customers and employees, vehicle repair facilities, facilities for body work, painting or restoration and sale of parts.

**Automobile Service Station:** The use of any building or land for a business supplying gasoline, oil, minor auto parts and minor services such as washing windows for motor vehicles. A automobile service station may or may not include repair services (see automobile repair).

**Automobile Wash and Polish:** Any building or premises or portions thereof used for the washing, polishing or detailing of motor vehicles and recreational vehicles.

**Awning:** A roof-like cover that projects from the exterior wall of a building.

**B**

**BC:** Abbreviation for the Backcountry Zoning District in this Code.

**B-1:** Abbreviation for the Highway Business Zoning District in this Code.

**B-3:** Abbreviation for the Village Commercial Zoning District in this Code.

**Bank:** See financial institution.

**Banner(s):** Any temporary sign made of fabric or any non-rigid material with no enclosing framework, excluding pennants and streamers.

**Bar/Cocktail Lounge/Tavern:** A commercial establishment offering alcoholic beverages for sale by the drink.

**Barn:** A large farm or ranch building used for storing agricultural products and equipment, storing feed and for sheltering livestock (see also stable).

**Basement:** A space within a building having one-half or more of its floor-to ceiling height below the average level of the adjoining ground and with a floor-to-ceiling height of not less than six and one-half (6-1/2) feet.

**Basin Planning Commission:** A part of the Regional Planning Commission, with the roles and responsibilities as provided for by this Code. One of the constituent commissions of the Regional Planning Commission, which represents a defined geographic area of the County as described in Section 2102.01 of this Code (see also, Planning Commission and Regional Planning Commission).

**Bed and Breakfast:** A 1-family dwelling which is owner-occupied where short term lodging is provided through the rental of individual rooms to the general public, with common dining and cooking facilities. In order to qualify as a bed and breakfast, an establishment must meet the criteria stated in Section 3803 et seq. (see also roommates).

**Bedroom:** A habitable space or room in a dwelling unit designed for or with potential for use as a sleeping room. Factors determining this potential use, in addition to the Building Code and amendments as approved by the County, shall include, but not be limited to, a space or room having a floor area of at least 70 square feet with any of the following factors:

- a. Having walls and doors to separate it from other habitable spaces or rooms, or
- b. Having a closet or similar provision for clothes storage, or

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c. Having a full or partial bathroom directly connected or in close proximity to the space or room. Rooms or floor areas in dwelling units determined under these criteria to be sleeping rooms, regardless of any names, labels or intended uses proposed by the building designer/owner, shall be used to designate the total number of bedrooms for purposes of, including, but not limited to, determining required parking spaces.

**Berm:** An artificially constructed earthen mound intended for, but not limited to, the purpose of visual interest, buffering or screening.

**Bicycle:** Every vehicle propelled solely by human power upon which any person may ride, having two (2) tandem wheels, except scooters and similar devices. The term “bicycle” for this section also includes three (3) and four (4) wheeled, human powered vehicles, but not tricycles for children.

**Bicycle facilities:** See recreational pathways (reccpaths).

**Bicycle Lane or Bike Lane:** A portion of roadway, which has been designated by striping, signing and pavement markings for the preferential or exclusive use of bicyclists.

**Bicycle Path or Bike Path:** See shared use path.

**Bicycle Route System or Bike Path System:** A system of bikeways designated by the jurisdiction having authority with appropriate directional and informational route markers, with or without specific bike route numbers. Bike routes should establish a continuous routing, but may be a combination of any and all types of bikeways.

**Bikeway:** A generic term for any road, street, path or way which in some manner is designated as being available for bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are to be shared with other transportation modes.

**Block:** A grouping of lots usually bound by streets or by a combination of streets and public land, railroad rights-of-way, water bodies or any other physical barriers to the continuity of development, and not traversed by a through street.

**BOA:** See Board of Adjustment.

**BOCC:** See Board of County Commissioners.

**Board of Adjustment:** Where this term is used in this Code, it is equivalent to the Summit County Board of Adjustment.

**Board of County Commissioners:** Where this term is used in this Code, it is equivalent to the Summit County Board of County Commissioners.

**Boarding/Rooming House:** A structure where lodging and/or meals are offered for a fee, and where the length of residence may continue for an extended period, as distinguished from a motel or hotel.

**Boat:** A vessel for transport by water, constructed to provide buoyancy by excluding water and shaped to give stability and permit propulsion. This includes motor and power boats and sailboats (see Section 3815.08).

**Bowling Alley:** A building or room containing long, smooth, level lanes used for bowling. Bowling alleys may also offer food services and sale of bowling equipment and clothing as accessory uses.

**Breeding Farm:** The keeping of large-sized livestock species such as cattle or horses for the purpose of offering stud service or producing offspring for sale, as distinguished from ranching where animals are raised for the products they provide (see also kennel, breeding).

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**Building:** Any structure having a roof supported by columns or walls and intended for supporting or sheltering any use or occupancy.

**Building Code:** The applicable building code(s) as adopted by the Summit County Board of County Commissioners.

**Building Coverage:** See coverage, building.

**Building Department:** Where this term is used in this Code, it is equivalent to the Summit County Department of Codes Administration and Building Safety.

**Building Envelope:** A delineated area that identifies where all buildings and structures and other certain improvements shall be located on a property (see Section 8104.01.E).

**Building Height:** The distance measured vertically from any point on a proposed or existing roof or eaves to the natural or finished grade (whichever is more restrictive) located directly below said point of the roof or eaves. Within any building footprint, height shall be measured vertically from any point on a proposed or existing roof (including but not limited to the roofing material) to the natural grade directly below said point on a proposed or existing roof (see Section 3505.06).

**Building Permit:** A permit issued pursuant to the Building Code to allow for the legal construction of a structure.

**Bunkhouse or Hired Hand Quarters:** A building providing sleeping quarters for employees working on farm or ranch property where the building is located or working for an active mining/milling operation on the property where the building is located, which may or may not include common kitchen facilities.

**Business Day:** A complete day that the Summit County Planning Department is open for business, during Monday through Friday, excluding regular holidays where the County is closed for business. e.g.: A deadline of two (2) business days means that there are two (2) complete business days to complete an activity beginning the business day that such deadline began.

**Business, Retail and Service:** A commercial establishment offering products or services for sale to the general public where such activity causes no extraordinary impacts on adjacent uses. Examples of such businesses include dry cleaners, beauty and barbers shops, appliance repair, stores offering sporting goods, artwork, clothing and jewelry, books, office supplies, paint and wallpaper, but not businesses causing intense glare or heat, smoke, odors, vibration, or storing hazardous or radioactive materials.

**Bus Shelter:** A small, roofed structure located near a street and designed to provide protection and comfort to bus passengers.

**Bus Terminal:** A facility that provides space for arrival and departure of busses offering transportation to the public, usually equipped with accommodations for passengers and for fueling and servicing of busses.

C

**Campground:** An outdoor area providing space for vacationers to live on a temporary basis in either tents, tent trailers or recreational vehicles. A campground may also include an area with rental cabins, but its primary function is to accommodate visitors providing their own shelter (excludes camping on parcels of 20 or more acres in the A-1 Zoning District where the number of campers does not exceed the limits on guests established for small resorts).

**Canopy:** A roof-like cover that either projects from a building over a door, entrance or window; or a freestanding or projecting roof-like cover above an outdoor service area, such as at a gasoline service station.



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**Capital Improvement Expenditures:** Expenditures to improve or increase the overall value of a dwelling unit or a property, such as expenditures to add a garage, install upgraded counter tops, or make improvements to the property landscaping.

**Caretaker Unit:** A dwelling unit for use by a person or persons hired to look after or take charge of goods, property or a person. In order to qualify as a caretaker unit, a unit shall meet the criteria in Section 3809.04.F et seq.

**Cat:** A carnivorous mammal, **Felis catus** or **Felis domesticus**, domesticated since early times as a catcher of rats and mice and as a pet.

**Cattle:** Animals of the domesticated species **Bos taurus** raised for hides, meat and dairy products.

**Cemetery:** A place for burying the dead.

**CG:** Abbreviation for the General Commercial Zoning District (see Section 3301.02).

**Chicken:** the common domestic fowl (*Gallus gallus domesticus*) or its young. As used herein, chickens are distinct from poultry as referred to in Figure 3-8 and under Section 3802.02.C et al.

**Child Care, Home:** The use of a residence for the care of nine (9) or fewer children other than the occupant's own children for periods of less than 24 hours per day. Home child care is considered a home occupation (see Section 3810).

**Child Care Center:** A facility for the care and supervision of more than nine (9) children for periods of less than 24 hours per day, and which is licensed and approved by the Colorado Department of Health. Also includes preschools and nursery schools (see also child care, home).

**Church/Synagogue/Temple:** A structure, or group of structures, which is intended for the conducting of organized religious services and associated activities such as religious classes, child care during services and committee and office work. For purposes of this Code, references to churches include all of these facilities.

**Clerk and Recorder:** Where this term is used in this Code, it is equivalent to the Summit County Clerk and Recorder.

**Clinic:** A facility providing health services, medical or surgical care for patients where overnight stays are on an emergency basis only (see also hospital).

**CN:** Abbreviation for the Neighborhood Commercial Zoning District (see Section 3301.03).

**Cocktail Lounge:** See bar.

**Code:** Where this term is used in this Code, it is equivalent to the Summit County Land Use and Development Code, unless otherwise stated in a specific chapter or section.

**Code Administrator:** Where this term is used in this Code, it is equivalent to the Development Code Administrator. The office of the Development Code Administrator is established in Section 14001.

**Code Enforcement Officer:** A person designated by the Community Development Director to seek compliance with the Code and other adopted ordinances and resolutions in the areas of planning, zoning, community nuisance, property maintenance, housing, signs, and related areas.

**College:** See school.

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**Colorado Retail Marijuana Code:** Title 12, Article 43.4 of the Colorado Revised Statutes, as amended from time to time, and any rules or regulations promulgated thereunder.

**Commercial, Retail and Service:** See business, retail and service.

**Commercial Center:** An area zoned for commercial development, which includes one (1) or more acres of land. A development project containing space for retail and service businesses, and may include restaurants and offices, which occupies or will occupy at completion more than one (1) acre.

**Common Area:** Land, facilities or improvements such as open space, a clubhouse, tennis court or swimming pool, or roads, driveways and parking areas which are located within a development and in which the owners of the development have an undivided interest and a common responsibility for maintenance and repair.

**Communications Tower:** Any structure designed and constructed primarily for the purpose of supporting one (1) or more antennas, including self-supporting lattice towers, guy towers or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers and other similar structures. This term also includes any antenna or antenna array attached to the tower structure. Classifications of communications towers and definitions of these classifications are stated in Section 3805 et seq.

**Community Building:** A facility owned by a homeowners association containing recreational or athletic facilities, meeting rooms or office space for use by members of the association and their guests.

**Community Center:** A facility owned or leased by a public agency or nonprofit organization offering space and facilities for community events and activities such as use by the boy scouts or girl scouts, meetings of community groups and musical and theatrical productions by amateur or nonprofit organizations. Community centers may also include recreational or athletic facilities. The facility may be offered for rent to groups, but its primary function is to provide space for community activities (see also community building).

**Community Facilities or Community Facility:** Facilities providing general services to the community, such as water and sewer treatment plants, libraries, schools, police and fire stations, community centers, community gardens, and public health facilities.

**Community Garden:** A Community Garden is a shared land area which is planned, designed, built and maintained by community members, governmental entities, or other non-profit entities for individual or community use and enjoyment. Community Gardens may be solely used to raise food for gardeners and/or the surrounding community, or may be a decorative formal garden, an educational facility, or a rehabilitative facility. Community Gardens may consist of one community plot, multiple plots, individual plots, and greenhouses. The intent of a Community Garden is to provide fresh food to those caring for and participating in the garden and to the immediately surrounding community. Neither medical marijuana nor recreational/retail marijuana may be grown in a community garden.

**Concert Hall:** A building or portion of a building used to accommodate an audience for artistic performances, which usually includes a stage and seating.

**Concrete Batch Plant:** An industrial establishment for the manufacture of a building material made from sand, pebbles and/or crushed stone held together by a mass of cement or mortar, and may include sales to contractors but usually not to the general public.

**Condominium:** A form of ownership of real estate in which exclusive title is given to space within a project such as a residence or office along with an undivided interest in the project's common elements.

**Condominium Hotel:** A building containing rooms or suites which have been sold as condominiums to individual owners, but which is operated as a hotel in that transient lodging is offered to the general public, on-site check-in/check-out staffing and daily housekeeping is provided (also referred to as condo-hotel).

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**Condominium Map:** A graphic representation of a separate estate in an individual air space unit of a building together with an undivided interest in common area or common elements as defined by C.R.S. § 38-33-102 et seq. and C.R.S. § 38-33-103 et seq. Such map shall consist of all areas and uses of the building and grounds, plans illustrating the interior division of the buildings and the horizontal and vertical boundaries of all units and a final condominium plat per the standards of Section 8700 of the Development Code.

**Conference Center:** A facility used for business or professional conferences and seminars, and often including lodging, food service and recreational facilities.

**Construction Staging Area:** An area used for the storage of construction materials and equipment, parking of vehicles and storage of fuel supplies, placement of trailers used for temporary offices and storage of supplies and tools during the duration of a construction project located on the same parcel with the construction project.

**Construction Trailer:** See office, construction.

**Convalescent Home:** A facility licensed by the Colorado Department of Health, which provides bed and ambulatory care for patients with postoperative convalescent, chronic illness or dietary problems and for persons unable to care for themselves, but does not include treatment of alcoholics, drug addicts or persons with mental or contagious diseases. Includes nursing homes.

**Convenience Market:** A commercial establishment, containing not more than 5,000 square feet, selling food and other convenience items, where the food is usually packaged, but not a full service supermarket or grocery store (see also supermarket).

**Convention Center:** A large scale facility designed to accommodate 300 or more people in assembly, providing space for business or professional conventions, conferences, and seminars, trade fairs or merchandise marts, product displays, entertainment and athletic events and usually including food service.

**Corner Lot:** A lot located at the intersection of two (2) or more streets having an angle of intersection of not more than 135 degrees.

**County:** Where this term is used in this Code and is capitalized, it is equivalent to Summit County as a local government or political subdivision of the State of Colorado. Where this term is used and is not capitalized, it is equivalent to Summit County as a geographic unit.

**County Engineer:** Where this term is used in this Code, it is equivalent to the Director of the Summit County Engineering Department or an authorized designee.

**County Manager:** The chief administrative officer of the Summit County Government or an authorized designee.

**Countywide Master Plan:** Where this term is used in this Code, it is equivalent to the Summit County Master Plan.

**Countywide Planning Commission:** A part of the Regional Planning Commission, with the roles and responsibilities as provided for by this Code (see also Basin Planning Commission, Planning Commission and Regional Planning Commission).

**Covenant:** A legal restriction on the use of land, contained in the deed to the property or in a separate instrument recorded against the property.

**Coverage:** For purposes of this Code, coverage is classified as follows:

- a. **Building:** The amount of land permitted to be covered by a building or buildings, measured in terms of percentage of lot area in the case of single-family and duplex residential districts, and in terms of percentage of site area in the case of multi-family residential and nonresidential districts. Building site coverage is the

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horizontal floor area measured within the outside of the exterior walls of the ground floor of all buildings on a lot or development site, whichever situation applies (see Section 3505.15).

- b. **Impervious:** The amount of land permitted to be covered by buildings, structures, paving, gravel surfacing or any other material which makes the underlying ground impervious to or substantially resistant to the penetration of water, measured in terms of percentage of lot area in the case of single-family and duplex residential districts, and in terms of percentage of site area in the case of multi-family residential and nonresidential districts (see Section 3505.15).
- c. **Pervious:** Land area that is not impervious.

**Crematorium:** A commercial establishment for the burning of corpses to ashes. Crematoriums do not include establishments where incinerators are used to dispose of toxic or hazardous materials, infectious materials or narcotics. For the purposes of this Code, crematoriums are classified as follows:

- a. **Animal:** A crematorium for the disposal of animal carcasses.
- b. **Human:** A crematorium for the disposal of human corpses.

**C.R.S.:** Abbreviation for Colorado Revised Statutes as amended from time to time.

**CSFS:** Abbreviation for Colorado State Forest Service.

**CUP:** Abbreviation for conditional use permit.

**D**

**Density:** The degree or intensity to which land can be utilized based on zoning. Such degree or intensity as identified by the zoning code may be further restricted by: application of master plan goals or policies, subdivision regulations, development standards, other provisions in the Code, or any other applicable laws, rules or regulations.

**Developer:** Any person, firm, partnership, joint venture, association or corporation participating as owner, promoter agent or real estate professional in the planning, platting, development, promotion sale or lease of a development project.

**Development:** All activities involving: 1) substantial earth disturbance; 2) all construction activities regarding any structure, roads, driveways, other means of access, the placement of pavement, drainage improvements, or utilities; 3) the subdivision or reconfiguration of a parcel or parcels of land; 4) any mining/milling or excavation; 5) the establishment or modification of any use of land or a structure thereon; 6) any other activities which are directly or indirectly addressed by any specific provision of this Code.

**Development Agreement:** A negotiated contract between the property owner or his designated representative and the BOCC, which agreement meets the requirements of Section 12800 et seq. and is signed by both parties, that assures for a specified time period a property owner's right to proceed with an approved development proposal (see Section 12800 et seq.).

**Development Code:** Where this term is used in this Code, it is equivalent to the Summit County Land Use and Development Code, unless otherwise stated in a specific chapter or section (see also definition of Code).

**Development Code Administrator:** The Director of the Summit County Planning Department, authorized designee or such other official as shall be designated by the Board of County Commissioners.

**Development Constraint:** Areas of land that have natural features that typically preclude development, including but not limited to wetlands, steep slopes 30% or greater, floodplains and areas subject to geotechnical hazards (rockfall, mudslide, avalanche, etc.).

**Development Project:** Any activities proposed or undertaken involving the development or use of land.

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**Development Review:** The planning process that any given development application must follow in accordance with the requirements of this Code.

**Development Right:** The potential for improvement or development of a parcel of real property, which is typically expressed in terms of density allowed under existing zoning and other applicable development standards. For example, one development right may equal one single-family residential or duplex dwelling unit, or one development right may equal a specific number of square feet of commercial or industrial gross floor area.

**Development Right, Transferable:** For the purposes of the TDR Program Regulations, development rights are set forth and defined in Section 3506 et seq. of this Code. The section identifies how development rights can be used in conjunction with County approvals and properties that qualify to send, receive or retire development rights. Per Section 3205.02.E, the following standards shall be equal to one (1) development right:

- a. One (1) single-family residential or duplex dwelling unit not to exceed 4,356 square feet of floor area;
- b. One (1) multi-family dwelling unit not to exceed 1,400 square feet of floor area (i.e. townhouses and condominiums); or not to exceed an average per dwelling unit of 1,400 square feet of floor area;
- c. Three (3) lock-off or lodge rooms (no kitchen), not to exceed an average per building of 467 square feet of floor area each; or,
- d. One thousand (1,000) square feet of non-residential gross floor area (e.g., commercial, industrial, etc.).

**Dish Antenna:** A round, parabolic antenna intended to receive signals from orbiting satellites and other sources. For purposes of this Code, dish antenna are categorized as follows:

- a. **Commercial:** Dish antennas used either by broadcasting stations or for the purpose of receiving transmissions useful in the promotion or operation of a business.
- b. **Private:** Dish antennas used for receiving transmission for private use.

**Direct Discharge:** A flow of water into a lake or stream from an impervious surface or detention facility which has not passed through 100 feet of grassed waterway or through a device designed to percolate the flow into the subsurface (see Chapter 6).

**District or Districts:** The boundaries of a zoning district or districts.

**Director:** See Planning Director.

**Disturbance Envelope:** A delineated area that identifies the location within which all grading, clearing, excavation and development shall be located on a property as determined by the Review Authority, including but not limited to any septic systems, wells, dwellings, storage buildings or other structures or improvements, except as provided for in Section 8154.E.

**Dog:** A domesticated carnivorous mammal, *Canis familiaris*, used for herding, hunting and kept as pets.

**Domestic Water and Wastewater Treatment System:** A water supply system, water treatment plant, or wastewater treatment plant.

- a. “Water supply system” means the system of wells, diversions, pipes, structures and facilities, including impoundments and their associated structures, through which a water supply is obtained, stored and sold or distributed for domestic uses; or the system of wells, diversions, pipes, structures and facilities, including impoundments, through which a water supply is obtained which will be used directly or by trade, substitution, augmentation or exchange, for water which will be used for human consumption or household use. In determining whether a project is a domestic water supply system, the BOCC will consider water rights decrees, pending water rights applications, intergovernmental agreements, water supply contracts and any other evidence of the ultimate use of the water.
- b. “Water treatment plant” means the facilities within the water supply system that regulate the physical, chemical or bacteriological quality of the water.

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- c. “Wastewater treatment plant” means the facility or group of units, including any system of pipes, structures and facilities through which wastewater is collected for treatment, that is used for treatment of industrial or domestic wastewater from sewer systems and for the reduction and handling of solids and gases removed from such wastes, whether or not such facility or group of units discharges into state waters.

**Dormitory:** A building or portion of a building providing sleeping quarters for a number of persons as an accessory use to a college, university, boarding school, orphanage, convent, monastery or other similar institutional use. A building providing employee housing as an accessory use to a resort. Dormitories may or may not have common cooking and eating facilities.

**Dredge Spoils:** Mud, gravel or mineral material removed from a river channel or body of water with a dredging machine (commonly on a boat) during dredging (see Section 3812.09 Exemptions).

**Drinking and Dancing Establishment:** A bar or restaurant with a bar where either live or recorded music is played on one (1) or more days of the week and which includes space for dancing (see also restaurant).

**Driveway:** An access way for vehicles providing a connection from a public or private roadway to either 1) individual single-family or duplex dwellings; or 2) a parking lot serving multi-family dwellings, commercial development, industrial development, and other nonresidential development. Driveways may serve no more than four (4) 1-family dwellings, or two (2) duplex dwellings (4 dwelling units in 2 duplex dwellings). If an access way serves more than four (4) individual single-family residences, it shall be classified as a roadway rather than a driveway and must meet the County’s standards and requirements for road construction.

**Dude Ranch:** See resort.

**Dumpster:** A container, usually made of metal, used for the collection of trash in large quantities.

**Duplex:** See dwelling unit, two-family.

**Dwelling Unit:** Any building or portion of a building, which contains living facilities, including provisions for sleeping, eating, cooking and sanitation, intended for occupancy by not more than one (1) family and which has no more than one (1) kitchen. A dwelling unit must be in a continuous enclosure and not have any physical separation, such as but not limited to attachment via an open or enclosed breezeway or a detached freestanding bedroom or studio. Bedrooms, as defined by the International Residential Code (“IRC”) or by the Building Code currently in effect, are prohibited over detached garages unless permitted in association with an approved accessory apartment. The definition of dwelling unit excludes lodging rooms. For purposes of this Code, dwellings are categorized as follows:

- a. **Dwelling, one-family or single-family:** A freestanding building in a continuous enclosure containing one (1) dwelling unit.
- b. **Dwelling, two-family or duplex:** A building in a continuous enclosure containing two (2) independent dwelling units connected by a common wall of at least 20 linear feet shared by the units or by garages accessory to the units, provided that only one (1) duplex may be constructed per parcel.
- c. **Dwelling, multifamily:** A building in a continuous enclosure containing three (3) or more dwelling units.

**E**

**Earth Disturbing Activity:** Disturbance or removal of any rock, natural soil, fill or any combination thereof, the placement or stockpiling of fill or the clearing of trees and vegetation for the purpose of constructing roads, extensive tree clearing, commercial timber harvesting, site improvements or structures, installing utility lines or making use of the land in other than its natural state (see Chapter 6).

**Easement:** A right given by the owner of land to another party for specific limited use of that land, contained in the deed to the property or in a separate instrument recorded against the property.

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**Effective Date:** The date the BOCC adopts or amends any provision of the Code.

**Electric Transmission Lines:** A system of lines including support structures used to transmit electric energy in amounts of 115 KV and greater.

**Emergency Access:** Emergency access is provided if at least two (2) different routes for vehicular access (ingress and egress) is available from the County highway system to a specific structure. The County highway system consists of the arterial and collector street system.

**Employee Housing:** A dwelling that meets the applicable criteria in Section 3809.04 et seq.

**Engineering Department:** Where this term is used in this Code, it is equivalent to the Summit County Engineering Department.

**Enlargement:** An addition to a structure or the expansion of a use such that the use occupies more area or materials needed to conduct the use are stored in greater quantities.

**Entertainment:** See recreation.

**Environmental Health Department:** Where this term is used in this Code, it is equivalent to the Summit County Environmental Health Department.

**Equines:** Animals of the family *Equidae* which have been domesticated for riding and for drawing or carrying loads, including horses, ponies, mules, donkeys and burros.

**Equipment Rental:** The use of a building or land for the purpose of providing machinery or gear to individuals or businesses on a rental basis.

**Equipment Repair:** The restoration of machinery or gear to proper and useful condition after damage or injury.

**Equipment Sales:** The sale of machinery or gear such as air compressors, chain saws, welding equipment, concrete mixers, power tools, hardware, tractors and front end loaders to the general public or to businesses, excluding motor vehicle and recreational vehicle sales.

**Extraction, Gravel and Sand:** The removal of rock from natural or historical deposits through mechanical means and stockpiling of it for the purpose of crushing it into gravel or sand, but excluding any crushing operation (see also crushing).

**Extraction, Mineral:** See mining.

**F**

**Fairgrounds:** An open area for temporary exhibition or display of goods often accompanied by amusements and entertainment, contests of skill and usually conducted as a community event.

**Family:** One (1) or more persons related by blood, marriage or adoption, living and cooking together as a single housekeeping unit, exclusive of household servants. Persons not related by blood, marriage or adoption shall be deemed to constitute a family where they are living and cooking together as a single housekeeping unit, and the number of people does not exceed one (1) person for each 300 square feet contained in the dwelling unit.

**FAR:** See floor area ratio.

**Farm:** A parcel of land that is used to produce agricultural products that originate from the land's productivity for

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the primary purpose of obtaining a monetary profit.

**Farm or Ranch Office:** See office.

**Federal:** Of or pertaining to a department, agency, officer or regulation of the United States Government.

**Fence or Wall:** A structure that serves as an enclosure, screen, buffer or barrier (see Section 3505.17).

**Financial Institution:** A business engaged in monetary transactions including banks and savings and loan, thrift and lending institutions. For purposes of this Code, references to banks include all types of financial institutions.

**Fire Code:** The Fire Code as adopted by the BOCC.

**Fire Station:** A facility used for the storage of fire trucks and emergency medical vehicles and also containing office space and living quarters for fire fighting personnel.

**Firewood Splitting and Storage:** An operation in which timber is delivered to an open area or yard to be split into firewood and stored. For purposes of this Code, firewood splitting and storage is classified as follows:

- a. **Commercial:** An operation in which firewood is split and stored in order to offer the firewood for sale to wholesalers, retailers or the general public and involves the transport of the firewood off the premises where it is cut.
- b. **Private:** An operation in which firewood is split and stored for consumption on the premises where it is cut or for personal use by the person owning the timber from which it is cut.

**Fish Farm:** See fish hatchery.

**Fish Hatchery:** A commercial establishment where fish eggs are hatched and fish raised and sold for use in stocking streams and lakes or for food.

**Floor Area:** Floor area is defined as follows based on the type of land use proposed:

- a. **Single-family and duplex development and associated uses:** The sum of all area(s) within the interior walls of a building or portion thereof, measured from the interior faces of the exterior walls, excluding the area within attached or detached garages and attics or crawl spaces provided that such areas meet the floor area exclusions contained in subsection d below.
- b. **Multi-family (per the provisions of Section 3505.02):** The sum of all areas contained within the actual dwelling units of a multi-family dwelling building, which is calculated by taking the total floor area of a multi-family building and subtracting out any common spaces (general and limited common elements), including but not limited to hallways, stairwells, enclosed garages, elevator shafts, attic spaces. If a common element is proposed to be enclosed by a wall, roof or other enclosure that makes such floor area available for use within a unit, such area shall be calculated into the net floor area and the density limits as established by Section 3505.02.
- c. **Commercial, industrial and other non-residential development:** The sum of all area(s) within the interior walls of a building or portion thereof, measured from the interior faces of the exterior walls, excluding:
  - i. The area within attached or detached garages and attics or crawl spaces provided that such area meet the floor area exclusions contained in subsection d below.
  - ii. Areas used to house common mechanical, electrical, telephone, heating, ventilating, air conditioning and other such common building operating equipment.
  - iii. Common stairwells, elevators, vertical shafts, rated corridors and other such building common areas.
  - iv. Common atriums, ground floor and elevator lobbies and other such building common areas.
- d. **Floor area exclusions for attic areas and crawlspace areas and stairways:** The following attic areas, crawl space areas and stairways shall be excluded from the floor area calculation where this subsection is referenced in the definition above:



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- i. Attic areas shall have with a ceiling height of five (5) feet or less, as measured from the topside of the structural members of the floor to the underside of the structural members of the roof directly above.
- ii. Attic Areas With Trusses: Attic areas created by construction of a roof with structural truss type members, provided the trusses are spaced no greater than 30 inches apart.
- iii. Attic Areas With Nontruss System: Attic areas created by construction of a roof structure utilizing a nontruss system, with spaces greater than five (5) feet in height, if all of the following criteria are met:
  - (a) The area cannot be accessed directly from a habitable area within the same building level; and,
  - (b) The area shall have only the minimum access required by the Building Code from the level below; and,
  - (c) The attic space shall not have a structural floor capable of supporting a "live load" greater than 40 pounds per square foot and the "floor" of the attic space shall not be improved with decking.
- iv. Crawl Spaces: Crawl spaces accessible through an opening not greater than twelve (12) square feet in area, with five (5) feet or less of ceiling height, as measured from the surface of the earth to the underside of structural floor members of the floor/ceiling assembly above. Crawl spaces created by a "stepped foundation", hazard mitigation or other similar engineering requirement that has a total height in excess of five (5) feet may be excluded from Floor Area calculations at the discretion of the Planning Department.
- v. Stairways: Stairs within each single family, duplex and multifamily dwelling unit shall only be counted on every other level.

**Floor Area Ratio ("FAR"):** The ratio of floor area permitted on a site to the net site area. The floor area ratio is calculated by dividing the floor area by the net site area.

**Fraternal or Service Club:** A facility used by an organization of persons joined together by a common purpose or interest.

**Frontage:** The distance along which a property line of a lot adjoins a public or private road.

**Froth Flotation:** A method of mineral separation in which certain minerals float and others sink in a mixture of water, finely crushed minerals, reagents and gas or air (does not include Heap Leaching or Vat Leaching).

**Funeral Home:** A commercial establishment where human corpses are prepared for burial or cremation and ceremonies are held in connection with burial or cremation of the dead. Excludes a facility with a crematorium. (see also crematorium).

**Fur Farm:** A commercial establishment where animals are raised for their pelts, which are sold for use in clothing or where they are bred for this purpose.

## **G**

**Game Arcade:** A commercial establishment containing six (6) or more video, pinball, pool tables or other games, or a business with more than one (1) game per five hundred (500) square feet of gross floor area.

**Garage:** A building or portion of building in which motor vehicles are stored or kept. For purposes of this Code, garages are categorized as follows:

- a. **Garage, private:** A garage which is associated with a single-family or duplex dwelling unit where motor vehicles and/or other items belonging to residents or their guests are stored or kept, and where space is not available to the general public. A garage associated with a multi-family residential development where motor vehicles and/or other items belonging to residents or their guests are stored or kept, or a garage associated with a community or institutional facility for the storage of vehicles associated with the activities of a public agency or an institution are stored or kept, and where space is not available to the general public. More specific standards for garages are found in Section 3505.18.

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- b. **Garage, public:** A garage, other than a private garage in which motor vehicles are stored or kept.
  - i. **Accessory:** A parking garage associated with a business or group of businesses that is primarily for the use of the customers of the business or businesses.
  - ii. **Primary:** A public garage which is not associated with a particular business but is operated as an enterprise in and of itself, and is available for parking to the general public for a fee.

**General Common Element:** Means all portions of a condominium, planned community, common interest community, cooperative or townhouse property, except for the area in the actual units of individual ownership or limited common elements.

**General Conformance:** When a development application is evaluated regarding its general conformance with applicable master plans, the Review Authority shall evaluate the application against the entirety of the goals, polices and actions contained in the master plans and need not require compliance with every provision contained therein. Nonetheless, the Review Authority may require that an applicant satisfy any particular goal, action or policy if such compliance is deemed necessary to attain general conformance.

**Goat:** Animals of the domesticated species **Capra hircus** raised for their wool, meat or milk.

**Golf Course:** A large tract of land developed for the game of golf, and may include a clubhouse containing locker rooms, food services and sale of clothing and sporting goods associated with golf.

**Government Facilities:** Facilities owned and/or operated by a government agency needed for the operation of government functions. For purposes of this Code, government facilities are classified as administrative offices and as other facilities such as equipment yards, garages for vehicle storage and repair or impound yards (see office, administrative).

**Grade:** Grade is classified as follows:

- a. **Natural Grade:** Natural grade is defined as the ground surface unaltered by artificial means. On land where grading was conducted prior to January 1, 1988 or grading was conducted under the provisions of a grading permit issued between January 1, 1988 and May 24, 1999, existing grade shall be considered natural grade. Where unauthorized soil disturbance is in evidence, the Planning Director shall determine natural grade through the interpolation of historic grade. Applicants may be responsible for providing materials depicting historic grade, at the discretion of the Planning Director.
- b. **Existing Grade:** See definition of natural grade.
- c. **Finished Grade:** The final ground level elevation of development as such grade is approved by the County as set forth in an official plan(s).

**Grading:** The moving of soil, rock or other natural materials to reshape the natural grade, or other earth disturbing activity.

**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 cultivation of delicate or out-of-season plants. For purposes of this Code, greenhouses are classified as follows:

- a. **Commercial:** A greenhouse where plants are cultivated for subsequent sale to wholesalers, retailers or to the general public.
- b. **Private:** A greenhouse that is an accessory use where plants are cultivated for personal enjoyment or to enhance the aesthetics of a residence or a nonresidential facility, and not for commercial sale.

**Grocery Store:** See supermarket.

**Group Home:** A dwelling unit located in a residential district used as follows:

- a. **For developmentally disabled persons:** For no more than eight (8) developmentally disabled persons.

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Developmentally disabled means those persons having cerebral palsy, multiple sclerosis, mental retardation, autism or epilepsy.

- b. **For persons 60 years of age or older:** For no more than eight (8) persons 60 years of age or older where this unit is not located within 750 feet of another group home for persons 60 years of age or older.

**Growing Season:** June 1<sup>st</sup> through September 15<sup>th</sup>.

## H

**Health Club:** A commercial facility providing instruction or equipment designed to promote or improve the health of clients.

**Heap Leaching:** A technique for extracting metals by percolating leaching solutions through heaps of ore, tailings or other mined waster piles. Heap leaching shall not be construed to include the process or techniques of vat leaching.

**Height of Structure:** The height of any structure measured in the same manner as building height (see Section 3505.06/see building height).

**Heliport:** An area, either at ground level or elevated on a structure, licensed and approved for the landing and takeoff of helicopters, and any appurtenant buildings or facilities which may include parking, waiting room, refueling, maintenance, repair or storage facilities.

**Helistop:** An area, either at ground level or elevated on a structure approved for the landing and takeoff of helicopters, but which does not include refueling, maintenance, repair or storage facilities.

**Highway:** A general term denoting a public way for the purposes of public travel, including the entire area within the right-of-way or pathway, including but not limited to the definition of a highway in C.R.S. § 43-2-201 et seq..

**Hired Hand Quarters:** See bunkhouse.

**Home Childcare:** See child care, home.

**Home Occupation:** A commercial activity which is conducted by a person on the same lot as where the person resides, where this activity meets the criteria and requirements in Section 3810 et seq. of this Code.

**Home Office:** See Office, home and Section 3810.

**Horse:** See equine.

**Horticulture:** The cultivation of a garden or orchard for commercial gain.

**Horticultural Products:** Consists of products typically associated with a retail nursery, including but not limited to soil, sod, mulch, fertilizer, irrigation supplies, greenhouse building supplies, tools, timers, containers, lighting equipment, water feature equipment, stone, and other similar products.

**Hospital:** A facility that provides medical or surgical care and treatment for the sick and the injured, where overnight stays are routine, and including, as an integral part of the institution, related facilities such as laboratories, outpatient or training facilities (see also clinic).

**Hotel/Motel:** A facility offering transient lodging accommodations to the general public with a central check in facility located within such facility. A hotel/motel may provide additional services such as restaurants, meeting rooms and recreation facilities. Such facilities shall be limited to short-term or seasonal rental, and shall not be subject to any fractional ownership mechanism and shall not be subdivided by a condominium map or other

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mechanism.

**HUD:** the U.S. Department of Housing and Urban Development.

**Hydroelectric Energy System:** A facility in which electricity is generated by the conversion of the energy of running water. For purposes of this Code, hydroelectric energy systems are classified as follows:

- a. **Small Scale:** Small scale hydroelectric energy systems shall be used primarily for on-site purposes. Excess power may be sold back to a utility company, but is not the primary purpose of the system.
- b. **Large Scale:** Large scale hydroelectric energy systems generate power primarily to be sold for use off-site.

## **I**

**I-1:** Abbreviation for the Industrial Zoning District (see Section 3301.04).

**Illegal Lot:** A lot that did not comply with the provisions of law or regulations in effect at the time it was created (see also legal nonconforming lot).

**Illegal Structure or Use:** A structure or use that did not comply with the provisions of law or regulations in effect at the time it was constructed or established (see also legal nonconforming structure or use).

**Impervious Coverage:** See coverage, impervious.

**Impound Yard:** A fenced area used for the storage of vehicles retrieved by a towing company or by police personnel until reclaimed by their owners, or disposed of as abandoned.

**Industry or Industrial:** Businesses involved in the extraction and processing of raw materials, the manufacture, fabrication, assembly, construction and invention of products and the provision of services to commercial or manufacturing establishments where such services usually involve the use of machinery and equipment.

- a. **Heavy:** Businesses involved in the manufacture of products rather than offering of services where the operation does not meet the industrial/commercial performance standards in Section 3512 of this Code.
- b. **Light:** Businesses involved in the manufacture of products rather than offering of services where the operation meets the industrial/commercial performance standards in Section 3512 of this Code.
- c. **Service:** Businesses whose primary purpose is to provide a service, as opposed to a product, to commercial or manufacturing establishments where such services usually involve the use of machinery and equipment and where the operation meets the industrial/commercial performance standards in Section 3512 of this Code. Examples including tooling, machining, printing, testing and repairing of equipment.

**Infrastructure:** Transportation systems, facilities and services, including but not limited to water and sewer services, emergency services (fire, police, ambulance, etc.), road systems, trail systems and telecommunication systems.

**Institutional Uses:** A nonprofit, public or quasi-public use, such as a church, library, public or private school, hospital including associated medical office facilities, or government-owned or operated structure or land used for public purpose, along with customary accessory uses.

**Intermittent Stream:** See stream.

## **J**

**Junk:** Old or scrap metal, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled or wrecked automobiles or automobile parts or appliances or appliance parts.

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**Junkyard:** Any establishment or place of business that is maintained, operated or used for storing, keeping, buying or selling junk. This definition also includes scrap metal processors, auto-wrecking yards, salvage and scrap yards and temporary storage of automobile bodies or parts awaiting disposal as a normal part of a business operation when the business has such materials located on the premises on a customary basis.

**K**

**Kennel:** A shelter where care for dogs or cats is provided for a fee. Any facility where dogs or cats are kept in excess of the numbers allowed by Section 3802 et seq. of this Code regardless of whether or not shelter is provided for a fee. For purposes of this Code, kennels are classified as follows:

- a. **Boarding:** A kennel where boarding, training or grooming services are offered, but no breeding of animals is conducted.
- b. **Breeding:** A kennel where pedigreed cats or dogs are kept for the purpose of offering stud service or producing offspring for sale.

**Kitchen:** A room or portion of a room available for the preparation or cooking of food, to be distinguished from a kitchenette.

**Kitchenette:** An area within a hotel/motel room used for the storage, preparation and serving of food or drink to guests that is limited to (but not required to install): 1) a sink, 2) a refrigerator of no more than six (6) cubic feet in size, 3) a cabinet area not exceeding (6) six cubic feet, and a counter area not exceeding six (6) square feet.

**L**

**Landowner:** See property owner.

**Landfill:** See sanitary landfill.

**Landscaping:** shall mean the modification or finishing of a site for aesthetic or functional purposes, including but not limited to: 1) the installation of trees, grass, shrubs, flowers or other plants; 2) completing the finished grade of a site; 3) installing patios, walkways or other hardscape; 4) installing irrigation systems; and 5) the installation of fences, berms and other types of buffers or screens.

**Library:** A facility, operated by a public agency or nonprofit organization, used to keep literary and artistic materials, such as books, periodicals, newspapers, pamphlets and prints, for reading, reference or borrowing.

**Licensed premises:** The premises specified in an application for a license under Section 3804 et seq., which is owned by or in possession of the licensee and within which the licensee is authorized to distribute or sell marijuana or marijuana products in accordance with state and local law.

**Licensee:** The person or entity to whom a license has been issued pursuant to Section 3804 et seq.

**Limited Common Element:** Means a portion of the common elements legally allocated by the declaration or by operation as provided for in State Statutes for the exclusive use of one (1) or more units but fewer than all of the units.

**Liquor Store:** A commercial establishment selling alcohol beverages which are packaged and not by the drink (see also bar).

**Livestock:** Domestic animals, such as cattle or horses, raised for personal use, food, draft or for profit. For purposes of this Code, livestock shall include but not be limited to: cattle, equines, goats, llamas, poultry, sheep and swine.

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**Llama:** A South American mammal, *Lama peruana*, related to the camel and raised for its wool and for carrying loads.

**Local Employer:** A person, business or institution that hires employees or workers, and provides wages or a salary in exchange for labor performed within Summit County. Local employers range from individuals hiring a babysitter to governments and businesses, which may hire thousands of employees.

**Local License:** The license granted by the local licensing authority for a Medical Marijuana Center, an Optional Premises Cultivation Operation, a Medical Marijuana Infused Products Manufacturing Facility, a Marijuana Store, a Marijuana Cultivation Facility, a Marijuana Products Manufacturing Facility or a Marijuana Testing Facility.

**Lock-off Room:** A room in a multifamily dwelling unit that may be rented or occupied as separate short-term accommodation and divided through locking an intervening door. A lock-off room shall have a bathroom, sleeping area and entrance separate from the principal dwelling unit, and may contain a kitchenette. The method of determining the density of a lock-off room is provided in detail in Section 3505.02. A lock-off is not intended for permanent residency, and shall not be subject to any fractional ownership mechanism or subdivided into an individual condominium unit.

**Lodge:** See hotel/motel.

**Lodge Room:** A room in a lodge or hotel/motel that provides short-term accommodation or lodging use. A lodge room shall have a bathroom and may contain a kitchenette. The method of determining the density of a lodge room is provided in detail in Section 3505.02. A lodge room is not intended for permanent residency, and shall not be subject to any fractional ownership mechanism or subdivided into an individual condominium unit.

**Long-term Lodging:** See long-term rental.

**Long-term Rental:** The offering or reservation of a dwelling unit, either by a rental contract or other arrangement, for a period of six (6) months or more.

**Lot:** A singular parcel of land with a continuous boundary where the boundaries of the parcel are established by a subdivision plat recorded in the Office of the County Clerk and Recorder (see also parcel).

**Lot Area:** The area contained within the legal boundaries of a lot excluding any road easements or rights-of-way, whether public or private, and any easements which prohibit surface use of the property.

**Lot Coverage:** See coverage, lot.

**Lot lines:** The legal boundaries of a parcel of land established by a recorded subdivision plat. Lot lines are classified as either front, side or rear as follows:

- a. **Front:** The property line separating a lot from the street except, where a lot is bordered by more than one (1) street, the property owner shall determine which side of the lot having street frontage is to be considered the front for setback purposes. Each lot proposed for development shall have at least one (1) property line designated as the front lot line.
- b. **Rear:** The property line opposite to and furthest away from the front property line except, where a lot is irregular in shape, the Planning Department shall determine which property line is to be designated as the rear property line for setback purposes. Each lot proposed for development shall have at least one (1) property line designated as the rear lot line.
- c. **Side:** Any property line bounding a lot that is not designated as either a front or rear property line.

**Low Power Wireless Communications:** Structures and antennas necessary to broadcast telecommunications for voice, data or video with emitted power levels less than 36dBm (or such other levels as may be authorized by the Federal Communications Commission to be low power telecommunications) with total surface areas of all antennas

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not exceeding ten (10) square feet for any single parcel.

**Lumberyard:** The use of land or buildings for the sale of building materials and construction supplies that includes outdoor storage of materials or supplies.

**M**

**M-1:** Abbreviation for the Mining Zoning District in this Code (see Section 3301.05).

**Major Development Project:** See Section 3504.02.B.

**Manager's Station:** A required area or areas, not exceeding thirty two (32) square feet of floor area, that provides an unobstructed view, by direct line of sight, of each area of the premises to which any patron is permitted, excluding restrooms.

**Manufactured Home:** A structure, transportable in one (1) or more sections, which in the traveling mode, is eight (8) or more body feet in width or 40 or more body feet in length, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein. Every transportable section of the home shall bear a label certifying that it is built in compliance with the Federal Manufactured Home Construction and Safety Standards and, in addition, every assembled home shall have a data plate and heating certificate (in accordance with Federal standards) stating compliance with structural zone, wind zone and outdoor winter design temperature zone specified for Colorado in the Federal standards (see Section 3505.08 and also definition of mobile home, minor assembly and modular home).

**Manufactured Home Park:** A parcel (or contiguous parcels) of land divided into two (2) or more spaces for the installation of manufactured homes, where such homes are to be used as dwelling units on a continuous basis and where connections to utilities are provided.

**Manufacturing:** Establishments engaged in the mechanical or chemical transformation of materials or substances into new products including the assembling of component parts, fabricating of products and the blending of materials such as lubricating oils, plastics, resins or liquors. For purposes of this Code, manufacturing is classified as follows:

- a. **Heavy:** An manufacturing operation that does not meet the industrial/commercial performance standards in Section 3512 of this Code.
- b. **Light:** An manufacturing operation that meets the industrial/commercial performance standards in Section 3512 of this Code.

**Marijuana:** All parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate. *Marijuana* does not include industrial hemp, nor does it include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.

**Market:** See convenience market or supermarket.

**Master Plans:** Documents that provide guidelines for the development of an area that recognize the physical, economic, social, environmental, aesthetic and related factors of the community involved. Master plans include the Countywide Comprehensive Plan, basin plans, subbasin plans, community plans and neighborhood plans, as adopted by the Countywide Planning Commission or Basin Planning Commissions.

**Maximum Resale Price:** The maximum purchase price that shall be paid by any purchaser of an affordable workforce housing unit, other than the initial purchaser, that is determined in accordance with the Summit County

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Affordable Workforce Housing Deed Restriction Guidelines referenced in Section 3809.02.B of this Code. The maximum resale price is not a guaranteed price, but merely the highest price an owner may obtain for the sale of an affordable workforce housing unit.

**Mean Sea Level Elevation:** The vertical distance from mean sea level to a point or object on the earth's surface as measured in United States Geological Survey topography.

**Memory Care Facility:** A facility that provides specialized care for persons unable to communicate or in need of assistance with daily activities due to dementia or other memory loss. The facility provides a safe and physically secured environment while helping residents cope with their disease through various classes, programs, and activities.

**Metes and Bounds:** A system of describing and identifying land by measures (metes) and direction (bounds) from an identifiable point of reference such as a monument or other marker, the corner of intersecting streets or, in rural areas, a tree or a permanent feature.

**MHP:** Abbreviation for the Manufactured Home Park Zoning District (see Section 3301.06).

**Microwave Dish:** A receiver for ultra-high frequency electromagnetic waves.

**Middle School:** See school.

**Milling:** An operation, as distinguished from mining, in which minerals, rock and gravel are processed or extracted through methods including but not limited to the grinding, crushing or screening of such materials, or potential reagents for processing (see also Dredge Spoils).

**Mineral:** An inanimate constituent of the earth in a solid, liquid or gaseous state which, when extracted from the earth, is usable in its natural form or is capable of conversion into a usable form as a metal, metallic compound, chemical, energy source or as a raw material for manufacturing or construction material.

**Mining:** The process of extracting minerals, ore, sand, gravel or rock from the earth, but excluding any milling operation. Mining operations may also include associated activities such as: disturbance of rock, overburden or tailing piles; transport or stockpiling of raw material; and construction and use of associated structures or support facilities (see also Dredge Spoils).

**Mining/Milling operation:** The development or extraction of a mineral from its natural occurrences on affected land. The term "mining operation" includes, but is not limited to, open mining, in situ mining, in situ leach mining, surface operations, the disposal of refuse from mining, transportation, concentrating, milling, and other mineral processing activities. The active or inactive status of mining/milling operations that are subject to the Colorado Mined Land Reclamation Act, C.R.S. §34-32-101 et seq. shall be governed by the provisions of C.R.S §34-32-103(6)(a) and regulations enacted there under. All other mines shall be considered active unless the associated operations has ceased for a year or more. Cessation of activities due to seasonal weather shall not constitute an abandonment of active status.

**Mini-warehouse:** A commercial establishment providing individual storage bays for rent by the general public.

**Minor Assembly:** Minor assembly includes placement of a manufactured or modular home on a foundation, connection to utilities and fastening together of preassembled sections. Minor assembly excludes reconstruction, modification or alteration of a factory built home for the purposes of meeting the standards or requirements of this section, or in order to qualify as a manufactured or modular home (see Section 3505.08).

**Mitigation:** An action that will have one (1) or more of the following effects:

- a. Avoiding, reducing or eliminating a manmade or natural hazard on a property such that use of the property



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- will occur with a reasonable expectation of safety.
- b. Reducing impacts from development on a property's natural features.
  - c. Preventing impacts from development having an adverse effect on either a property's natural features or on the use and enjoyment of neighboring properties.
  - d. Counterbalancing detrimental effects of development on natural features by: (1) rehabilitating areas that have experienced degradation from previous development, and (2) improving or enhancing existing plant and animal habitat and creation of new habitat.
  - e. Undertaking development in a manner that maintains the vitality of the ecosystem.

**Mixed-use Development:** Any project that contains more than one (1) of the following types of uses: commercial, residential, industrial or institutional.

**Mobile Home:** See manufactured home.

**Modular Home:** A modular structure designed to be used as a dwelling unit and built to the "Factory-Built Housing Construction Code of the State of Colorado" as it applies to all factory-built housing (except manufactured homes). Each structure shall bear a permanently affixed insignia issued by the Colorado Division of Housing certifying compliance with the Factory-Built Housing Construction Certification Regulations (see Section 3505.08).

**Modular Structure:** A structure which is wholly or substantially made, fabricated, formed or assembled in a manufacturing facility for the installation, or assembly and installation, on a permanent foundation (see Section 3505.08).

**Motel:** See hotel/motel.

**Motor Vehicle:** A vehicle which is used to transport passengers and goods which is less than 33 feet in length and 15,000 gross vehicle weight, and is not designed for use as living quarters on either a temporary, seasonal or permanent basis, including but not limited to automobiles, pickup trucks and vans. Excludes recreational vehicles and park homes.

**Multi-family Development:** A development containing multi-family dwellings or a development that consists of a mixture of dwelling unit types located on the same lot, including but not limited to a mix of single-family, duplex, and townhouse units, as provided for by this Code or a Planned Unit Development ("PUD"). Such development may utilize either the condominium map or townhouse platting process and shall be designed and constructed to meet all of the multi-family requirements of this Code including without limitation, site plan review requirements, access requirements (grade, common parking area, necessary easements), parking requirements, density limits (and associated floor area limits) and design requirements; and, if applicable, a PUD designation. This definition excludes single-family and duplex development where the underlying zoning permits single-family and duplex dwellings, and no more than one (1) single-family dwelling unit or one (1) duplex building is constructed upon one (1) lot.

**Museum:** A facility, operated by a public agency or nonprofit organization, where works of artistic, historical, and scientific value are cared for and exhibited, and which may include incidental sales for the purpose of supporting the museum operation.

## N

**Natural Resource Management:** Actions to protect, enhance or mitigate impacts to open space values including, but not limited to, property maintenance, weed or vegetation management, trail construction, wetland or wildlife habitat improvements, reclamation and environmental remediation/management activities, fencing or other access barriers and signage.

**Nonconforming Lot, Illegal:** See illegal lot.

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**Nonconforming Lot, Legal:** A lot which was lawful when created but which does not comply with the provisions of law or regulations passed at a later date in that it fails to meet requirements regarding area, width or other characteristics of the zoning district in which it is located.

**Nonconforming Structure or Use, Illegal:** See illegal structure or use.

**Nonconforming Structure or Use, Legal:** A structure or use which was lawful when established but which does not comply with the provisions of law or regulations passed at a later date.

**Nonresidential Development:** Development of commercial, industrial and other types of land uses that do not typically contain residential development, except for limited employee housing associated with a nonresidential use.

**Nonresidential Storage:** The keeping of materials or other items which are not incidental to normal residential use of property including but not limited to merchandise, goods, supplies and equipment related to a business or other nonresidential use (see Section 3815).

**Nordic Ski Center:** A facility offering access to trails for nordic skiing, which may also include skiing instruction, equipment and clothing sales, equipment repair, food service and other related services and facilities for users of the nordic center.

**Nordic Ski Hut:** A building offering shelter for nordic skiers, which may include overnight accommodations, cooking and sanitary facilities. Nordic ski huts may also be used by hikers during the summer season.

**NR-2:** Abbreviation for the Natural Resource Zoning District (see Section 3301.07).

**Nude Entertainment Establishments:** Establishments open to the public in which persons appear in a state of nudity for the purpose of entertaining the patrons of such establishments and motion picture theaters that show, present or display adult oriented movies and/or films for the patrons therein.

**Nudity:** A person appears in a “state of nudity” when such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola or any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals of any person.

**Nursery:** Land or structures, including greenhouses, used to raise flowers or plants for sale, excluding marijuana related businesses. For purposes of this Code, nurseries are classified as follows:

- a. **Nursery, retail:** A nursery where flowers, plants, and horticultural products are available for sale to the general public, and which may include the outdoor storage of plants and planting materials.
- b. **Nursery, wholesale:** A nursery where flowers and plants grown or raised on the premises are available for sale to landscape contractors and retailers rather than to the general public. In the A-1 Zoning District, all of the products sold must be grown, raised or manufactured from products grown or raised on site.

**Nursery School:** See child care center.

**Nursing Home:** A state-licensed residential facility intended for persons requiring 24-hour nursing or health care, either long-term or short-term. Nursing homes offer a comfortable community, private or shared rooms, and around-the-clock medical staff, including registered nurses, licensed practical nurses and nurses' aides. Includes long and short term disability care. See convalescent home.

## O

**Obscene:** For the purpose of this Code, “obscene” will describe an act or performance that meets the following criteria:

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- a. The average person, applying contemporary community standards, would find that when taken as a whole, the act or performance appeals to the prurient interest in sex; and
- b. Depicts:
  - i. Patently offensive representations of ultimate sex acts, normal or perverted, actual or simulated, including sexual intercourse, sodomy and sexual bestiality; or
  - ii. Patently offensive representations of masturbation, excretory functions, sadism, masochism, lewd exhibition of the genitals, the male or female genitals in a state of sexual stimulation or arousal or covered male genitals in a discernibly turgid state; and
- c. When taken as a whole, lacks serious literary, artistic, political or scientific value.

**Office:** A building or portion of a building used for conducting the affairs of a business, profession, service, enterprise or government, but not for use as a residence. For purposes of this Code, offices are classified as follows:

- a. **Administrative/business/professional:** An office where activities related to the administrative, clerical, personnel or financial functions for a particular enterprise are conducted, or the activities of a recognized profession are conducted such as offices for architects, doctors, lawyers, accountants, investment counselors, insurance agents, real estate brokers, government agencies and secretarial services but excluding the display of merchandise or sale of products to the general public.
- b. **Construction:** An office located on a project site for use in managing construction activity, and for the conduct of clerical, personnel or financial functions associated with construction operations.
- c. **Farm or ranch:** An office located on a farm or ranch where accounts are kept and business conducted having to do with the production and sale of products from the farm or ranch where the office is located or from other farm or ranch property owned by the same person.
- d. **Government:** See offices, administrative/business/professional.
- e. **Property management:** An office located within a multi-family residential or commercial development project where individuals responsible for the maintenance and supervision of the project conduct business and necessary records are kept.
- f. **Real estate sales:** An office where sales of real estate or of time shares in real estate are conducted or arrangements for such sales are made. Real estate sales offices consist of two (2) kinds:
  - i. **Regular:** Offices established on more-or-less permanent basis in an office or commercial development project, where the applicable zoning regulations allow business offices.
  - ii. **Temporary:** Offices meeting the criteria in Section 3817 which are established for a limited period of time on a property where a residential or nonresidential project is planned, under construction, or just completed for the purpose of selling units or space in the project, but where the applicable zoning regulations do not allow business offices on a permanent basis.
- g. **Rental:** An office located within a multi-family residential or commercial development project where units or space are offered for rental to the public, and where the activities associated with administering rental contracts is conducted and necessary records are kept.
- h. **Home:** An office located within a dwelling unit per the home occupation requirements contained in Section 3810 et seq.

**Official Zoning Maps:** The official zoning district boundary maps approved by the BOCC and signed by the Chairman of the BOCC that designate the zone district boundaries in unincorporated Summit County, subject to modification from time-to-time as provided for by this Code.

**Offsite:** Located outside the boundaries of a property, which is subject to a development application.

**Onsite:** Located within the boundaries of a property or properties that are subject to a development application.

**Opaque:** Not transmitting light; neither transparent nor translucent. For purposes of this Code, the following shall be considered opaque:

- a. A fence or wall preventing the transmission of 75% of the available light during hours of daylight.
- b. Landscape materials preventing, within three (3) years of planting, the transmission of: (1) 75% of the available light during hours of daylight in summer, and (2) 60% of the available light during hours of

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daylight in winter.

**Open Space:** Open space areas facilitate numerous community benefits such as providing extensions to existing undeveloped open space lands, buffers to developed areas, view corridors, access to trails, trailheads, water bodies, National Forest areas, passive recreation uses including trails, unique ecological habitats and historic sites.

**Outdoor Display of Artwork:** See Section 3813.

**Outdoor Display of Merchandise:** See Section 3814.

**Outdoor Vendor:** A person engaging in the sale of goods or services from an open stand, push cart, vehicle or an outdoor site but not from a permanent building (see Section 3816).

**P**

**Packing and Outfitting:** Offering of guide services and such provisions as equipment, food supplies and pack animals for a fee to the general public for trips into the backcountry.

**Parcel:** A contiguous area of land except for intervening easements and rights-of-way with a continuous boundary established either by a subdivision plat recorded in the Office of the County Clerk and Recorder or legally established by one of the following methods (Also see lot):

- a. An aliquot part of a section.
- b. A metes and bounds description.
- c. A book and page or reception number reference.
- d. Any so-called "assessor's tract".
- e. A description which calls only for the owner's or adjoiner's name.

**Park:** A tract of land designed for and used by the public for active or passive recreation, which may include buildings containing athletic facilities, cooking facilities and restrooms (see also playground).

**Park and Ride:** A parking lot located at a transit stop where persons desiring to use the transit system may leave their cars.

**Park Home:** A vehicle having similar characteristics to a recreational vehicle as defined in Section 3815.01, except it is 33 or more feet in length and, unlike other types of recreational vehicles, is often placed on a permanent or semi-permanent basis for extended periods of time in the same location for use as a second home rather than used for travel purposes. Park homes are similar in appearance and function to a manufactured home but do not meet the required length of 40 feet to qualify as a manufactured home (see Section 3815).

**Parking Lot:** An area used for parking of motor vehicles that includes but is not limited to surface parking lots and parking garages. For purposes of this Code, parking lots include:

- a. **Accessory:** A parking lot associated with a multi-family residential development which is primarily for the use of residents living in the development or their guests. A parking lot associated with a nonresidential development such as a business or group of businesses, or community or institutional facility which is primarily for the use of the customers of the business or businesses.
- b. **Primary:** A parking lot which is not associated either with a particular residential or nonresidential development but is made available for parking by the general public for a fee.

**Parking Space:** An off-street space available for the parking of motor vehicles associated with a permitted, conditional or temporary use allowed per the underlying zoning, located on-site, and conforming to the requirements of this Code.

**Passive Recreation:** Recreational activities that require no facilities or improvements other than trails.

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**Patently Offensive:** So offensive on its face as to affront current community standards of tolerance.

**Penal Facility:** A facility used for the incarceration of criminals.

**Perennial Stream:** See stream.

**Permits:** Permits required by the provisions of the Code or as otherwise provided for by law (also see definition of Building Permit).

**Person:** An individual, partnership, firm, association, joint venture, public or corporation, trust, estate, commission, board, public or institution, utility, cooperative, municipality or any other political subdivision of the state, or any interstate body or any other legal entity.

**Pipelines:** A system of tubes or hollow cylinders of ten (10) inches in diameter or larger designed for, or capable of, transporting natural gas or other petroleum derivatives which creates a hoop stress of 20% or more at their specified minimum yield strength (approximately 400 PSIG or greater), and any appurtenant facilities.

**Planning Commission:** As used in this Code, this term refers either to the Summit County Regional Planning Commission, to one of its constituent Basin Planning Commissions or to the Countywide Planning Commission, with the appropriate choice depending on the context where the term appears (see Regional Planning Commission and Countywide Planning Commission).

**Planning Department:** Where this term is used in this Code, it is equivalent to the Summit County Planning Department.

**Planning Director:** Where this term is used in this Code, it is equivalent to the director of the Summit County Planning Department or an authorized designee.

**Platted:** A subdivision has been “platted” if a map and any supporting materials for certain described land has been reviewed and approved by Summit County in accordance with duly adopted subdivision laws and regulations in effect for Summit County.

**Playground:** A tract of land developed with equipment and facilities designed to provide recreational activity for young children (see also park).

**Police Station:** A facility used for administration of police operations, the dispatch of police personnel and vehicles, and the incarceration of criminals.

**Poultry:** Domestic fowls, such as chickens, turkeys, ducks, quail, or geese raised for meat, eggs or down. Excludes chickens permitted under section 3802.02.C et al.

**Power Plant:** Any electrical generating facility operated by a public utility, or operated by a person where the plant generates 500 or more kilowatts, and any appurtenant facilities, or any expansion, extension or enlargement of any electrical generating facility increasing the existing design capacity to 500 kilowatts or by 500 kilowatts or more.

**Premises:** A parcel of land and any buildings or structures located within the parcel's boundaries.

**Preschool:** See child care center.

**Principal Structure:** The main structure or structure containing the primary use of land as distinguished from an accessory structure (see accessory structure or use).

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**Primary Use:** The principal use of land or structures as distinguished from a secondary or accessory use, such as, but not limited to a single-family dwelling is a primary use of a parcel (see definition of accessory structure or use).

**Projections:** Minor architectural features of a building such as building eaves, overhangs, chimneys and standpipes.

**Property Lines:** The boundaries of a tract of land established either by a recorded subdivision plat or by written, recorded conveyance. Includes lot and parcel lines.

**Property Owner:** A person or persons holding legal title to a parcel of property. Includes landowner.

**Proponent:** The person proposing development of a property, who is either the owner of the property to be developed or has written permission from the property owner for submittal of the project proposal (see also applicant, developer).

**Public Utility:** Any firm, partnership, association, cooperative, company, corporation, governmental agency, special or metropolitan district or other such entity and the directors, trustees or receivers thereof, whether elected or appointed, which is engaged in providing electric, rural electric, telephone, telegraph, communications, cable television, gas pipeline carrier, water, sewerage or pipeline facilities and services.

**PUD:** Abbreviation for the Planned Unit Development Zoning District.

**Purchase Price:** All consideration paid by a purchaser to a seller for an affordable workforce housing unit. The purchase price excludes any proration amounts, taxes, costs and expenses of obtaining financing, cost of furnishings or personal property, lenders fees, title insurance fees, closing costs, inspection fees, real estate purchase and/or sales commission(s) or other fees and costs related to the purchase of the unit but not paid directly to the seller.

**R**

**R-1:** Abbreviation for the single-family residential district in this Code which densities are limited to one (1) dwelling unit per 40,000 square feet of land.

**R-2:** Abbreviation for the single-family residential district in this Code which densities are limited to one (1) dwelling unit per 20,000 square feet of land.

**R-4:** Abbreviation for the single-family residential district in this Code which densities are limited to one (1) dwelling unit per 10,000 square feet of land.

**R-6:** Abbreviation for the single-family/duplex residential zoning district in this Code which densities are limited to one (1) dwelling unit per 6,000 square feet of land.

**R-25:** Abbreviation for this typically multi-family zoning district in this Code which densities are limited to 25 dwelling units per acre.

**RME:** Abbreviation for the Residential Mountain Estates Zoning District in this Code.

**R-P:** Abbreviation for the Residential with Plan Zoning District as provided for by this Code.

**Radio Tower:** See communications tower.

**Rail-Trail:** A shared use path built within the right-of-way or recreational pathway easement of an existing or former railroad that is either paved or unpaved.

**Ranch:** A parcel of land that is used for grazing livestock for the primary purpose of obtaining a monetary profit or

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other agricultural uses or agricultural operations.

**RE:** Abbreviation for the Rural Estate Residential Zoning District.

**Recreation:** An activity intended to provide refreshment or relaxation by means of some pastime, agreeable exercise, entertainment or amusement.

**Recreation Building:** See community building.

**Recreation Facilities:** Land, buildings, structures or equipment used in recreational activities such as sports, games, arts, crafts, picnicking, kite flying, sauntering, strolling and meditating. For purposes of this Code, recreation facilities are classified as follows:

- a. **Commercial:**
  - i. **Indoor:** A commercial business offering amusements, recreational or entertainment activities such as a bowling alley, pool hall, game arcade and amusement rides where such activities are contained within a building.
  - ii. **Outdoor:** A commercial business offering amusement, recreational or entertainment activities such as batting cages, miniature golf, grand prix miniature race cars, water slide, alpine slide and amusement rides where part or all of such activities are outdoors.
- b. **Community:** Recreation facilities owned or operated by a government agency or nonprofit entity which are open to the general public and where fees charged are intended to cover the cost of operation and not to provide financial gain to the operator.
- c. **Private:** Recreation facilities owned or operated by a homeowners association, private entity or membership association for the benefit of members where fees or dues charged are intended to cover the cost of operation and not provide financial gain. Recreation facilities accessory to a dwelling unit for use by the property owner or tenant residing on the property, family members or guests.

**Recreational Pathway or “Recpath”:** Paved multi-use recreational pathways under the ownership or operation of Summit County or other governmental or quasi-governmental agency or other entity as may be approved by the County.

**Recreational Vehicle:** A vehicle, which is:

- a. Built on a single chassis.
- b. 400 square feet or less when measured at the largest horizontal projections.
- c. Self-propelled or designed to be towed.
- d. Less than 33 feet in length.
- e. Not designed primarily for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

Recreational vehicles include motor homes, travel trailers, camper trailers and truck campers. For the purpose of this Code recreational vehicles shall not include park homes or manufactured homes (see Section 3815).

**Recreational Vehicle Park:** A facility designed to accommodate recreational vehicles by providing parking spaces and either individual utility hookups or a common water supply and sanitary facilities. A facility designed to accommodate park homes by providing hard surfaced pads for installation of each home and individual utility hookups. A recreational vehicle park may also include recreational amenities such as a clubhouse, playground and athletic facilities for use by persons staying in the park, but not available to the general public.

**Regional Planning Commission:** Where this term or the term “Planning Commission” or “Commission” is used in this Code, it is equivalent to the Summit County Regional Planning Commission. Includes the Countywide Planning Commission and Basin Planning Commissions (see definition of Planning Commission).

**Resident:** For the purposes of the Affordable Workforce Housing Regulations in Section 3809.02, a resident is defined as a person and his or her dependents, if any, who (i) earns his or her living from a business operating in and

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...serving Summit County, by working at such business an average of at least 30 hours per week on an annual basis, or (ii) is a person who is approved, in writing by the County, which approval shall be based upon criteria including, but not limited to, total income, percent of income earned within Summit County, place of voter registration, place of automobile registration, driver's license address and other qualifications established by the County from time to time. (Compliance with each of these criteria is not necessary; in certifying Residents, the Summit Combined Housing Authority or the County shall consider the criteria cumulatively as they relate to the intent and purpose of the restrictions set forth in Section 3809.02 of this Code). A person over 65 years of age shall remain a Resident regardless of his or her working status, so long as he or she has owned and occupied their particular affordable workforce housing unit for a time period of not less than seven (7) years.

**Resident of Summit County:** A person who maintains their official residence within Summit County, as evidenced by the address listed on their driver's license, where they are registered to vote and where their vehicle(s) are registered.

**Residential Outdoor Storage:** (see Section 3815.01.G).

**Resort or Dude Ranch:** A centrally managed facility which provides full service lodging, dining or cooking facilities, and onsite recreational activities for overnight guests or members. A resort or dude ranch shall include an organized program of activities such as hunting, fishing, nature study, arts and crafts, nordic skiing, snowmobiling, boating, rafting, horseback riding, hiking and pack trips. A resort or dude ranch may also include corporate or religious retreats or meeting rooms. Activities shall be provided onsite to the extent possible. Adjacent public lands and waterways may be used to supplement onsite activities, but shall not be the point of origin or primary location for such activities. Motels and hotels are not considered resorts or dude ranches. Guest lodging within a resort or dude ranch shall not be used for long term residency beyond three (3) months. Resorts and dude ranches are of three types:

- a. **Large scale:** A resort or dude ranch located on a parcel of at least 20 acres where the number of guests exceeds 0.5 people/acre, or where the resort development includes uses other than lodging and recreational facilities.
- b. **Medium scale:** A resort or dude ranch meeting the criteria in Section 3808 for medium scale resorts.
- c. **Small scale:** A resort or dude ranch meeting the criteria in Section 3808 for small scale resorts.

**Restaurant:** A commercial establishment where meals are prepared and served to the public. For purposes of this Code, restaurants are classified as follows:

- a. **Carry-out:** A restaurant offering specialty food items or pre-prepared foods, such as pizza, ice cream, donuts or deli sandwiches, where the majority of the business involves consumption of food off the premises, only ancillary seating facilities are provided, and consumption of food on the premises is discouraged.
- b. **Fast food:** A relatively high volume restaurant whose principal business is the sale of pre-prepared or rapidly prepared food, such as hamburgers, tacos or chicken, in disposable containers directly to customers for consumption either within the restaurant or off premises.
- c. **Standard:** A restaurant providing seating facilities, which may include a bar or lounge as an accessory use, where food is prepared to order and served on dishes rather than in disposable containers (see also drinking and dancing establishment).
- d. **Drive thru:** A restaurant where patrons are served through a window while remaining in their vehicle, such as a fast food type of restaurant with a drive through window.

**Restoration and Stabilization of Historic Structures:** Any structure designated by the County as a structure of "Local Historical Significance" may be stabilized or restored where such efforts do not expand the square footage of the structure and all improvements are designed to promote the historic character of the structure.

**Retail Business:** See business, retail and service.

**Retail Marijuana:** Marijuana that is cultivated, manufactured, distributed or sold by a licensed retail marijuana



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establishment.

**Retail Marijuana Cultivation Facility:** An entity licensed to cultivate, prepare, and package marijuana and sell marijuana to marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.

**Retail Marijuana Establishment:** A marijuana store, a marijuana cultivation facility, a marijuana products manufacturing facility or a marijuana testing facility.

**Retail Marijuana Products:** Concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients that are intended for use or consumption, including without limitation edible products, ointments and tinctures.

**Retail Marijuana Product Manufacturing Facility:** An entity licensed to purchase marijuana; manufacture, prepare, and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to marijuana stores, but not to consumers.

**Retail Marijuana Store:** An entity licensed to purchase marijuana from marijuana cultivation facilities and marijuana and marijuana products from marijuana product manufacturing facilities and to sell marijuana and marijuana products to consumers.

**Retail Marijuana Testing Facility:** An entity licensed to analyze and certify the safety and potency of marijuana.

**Retail Sales:** Sales of goods or services to the general public.

**Retaining Wall:** See Section 3505.17.D.

**Retirement Home:** A facility which provides living quarters for persons of 55 years or older with common dining and cooking facilities and/or individual kitchens in each living unit. A retirement home may include limited nursing care, but is not intended to be a convalescent or nursing home.

**Review Authority:** The designated, appointed or elected official or body of designated, appointed or elected officials responsible for reviewing and/or rendering a decision upon a development review application, including without limitation, a master plan, zoning amendment, subdivision, conditional use permit, temporary use permit, 1041 permit or site plan. Includes but is not limited to the Board of County Commissioners, a Planning Commission, the Board of Adjustment and the Planning Department Staff.

**Right-of-Way (“ROW”):** A general term denoting a right of use, access and/or travel.

**Road:** All property located within a highway or dedicated right-of-way or easement that functions as a right-of-way for a public or private road, street, alley, highway or freeway.

**Roadway:** The portion of the highway or road, including shoulders, for vehicle use.

**Road & Bridge Department:** Where this term is used in this Code, it is equivalent to the Summit County Road and Bridge Department.

**Road & Bridge Supervisor:** The director of the Road & Bridge Department or an authorized designee.

**Road Standards:** Where this term is used in this Code, it is equivalent to the Summit County Road & Bridge Design and Construction Standards.

**Roommates:** Two (2) or more persons not related by blood or marriage residing in a single dwelling unit where

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cooking facilities are shared and living expenses are divided on a more or less proportionate basis (see also bed and breakfast).

**Rooming house:** See boarding house.

**RP:** Abbreviation for the zoning district denoted as Residential with Plan.

**RPC:** Abbreviation for the Summit County Regional Planning Commission.

**RU:** Abbreviation for the Rural Residential Zoning District.

**Rubbish:** Any trash, garbage, refuse, waste, debris, litter or discarded material of any kind including, discarded furniture and household articles, abandoned vehicles, vehicle parts, dead animal carcasses, animal waste, construction materials which are stored in a disorderly manner or stored on a site where no construction is taking place and industrial wastes.

**S**

**SU-1:** An abbreviation of the Special Use Zoning District.

**Sanitary Landfill/Solid Waste Disposal:** Disposal of refuse on land without creating a nuisance or hazard to public health and safety by utilizing the principles of engineering to confine the refuse to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of earth at the conclusion of each day's operation or at such more frequent intervals as may be necessary.

**Satellite Dish:** See dish antenna.

**Sawmill:** A mill where lumber is cut into boards or other processed wood products. For purposes of this Code, sawmills are classified as follows:

- a. **Commercial:** A sawmill where timber, either harvested on property or brought to the property, is processed into lumber in order to offer it for sale to wholesalers, retailers or the general public and involves the transport of lumber off the premises where it is sawn.
- b. **Private:** A sawmill where timber, either harvested on property or brought to the property, is processed into lumber for the use on the site where the sawmill is located.

**School:** An institution for instruction. For purposes of this Code, schools are classified as either public or private and by the type of instruction provided and the age of the students. A public school is an institution providing instruction which secures the major part of its funding from taxes or from government agencies. A private school is an institution providing instruction which secures the major part of its funding from sources such as tuition and donations, and not from taxes or government agencies.

- a. **College/university:** A school providing higher education beyond grade 12, which offers either a two (2) year or four (4) year degree in specific disciplines.
- b. **Elementary school:** A school, which meets State standards for providing primary instruction for students in kindergarten and grades 1-6.
- c. **High school:** A school, which meets State standards for providing secondary education for students in grades 9-12.
- d. **Middle school:** A school which meets State standards for providing intermediate instruction for students in grades 7-8, and may include students in grade 6.
- e. **Trade or vocational:** A school providing instruction in specialized skills or a craft such as welding, carpentry, or auto repair to prepare students for a specific occupation.

**Senior Housing:** Dwelling units that are deed restricted under expressed terms authorized by Summit County and

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that are either: a.) specifically designed for and occupied by elderly persons under a Federal, State or local government program, or b.) occupied solely by persons who are 62 years of age or older; or c.) house at least one person who is 55 years of age or older in at least 80 percent of the occupied units, and adheres to a policy that demonstrates intent to house persons who are 55 years of age or older.

**Service Club:** See fraternal or service club.

**Setback:** An open area of fixed width within a parcel along the front, side or rear property line which shall remain free of any development, except as provided in this Code. The minimum distance, which shall be maintained between a parcel's boundaries and any structure built within that parcel. For purposes of this Code, setbacks are classified as follows:

- a. **Front:** An area extending the full width of a parcel, located along the front property line, and having a depth measured perpendicular to the front property line, which meets the minimum requirement for the front setback as specified in this Code.
- b. **Side:** An area located along any side property line, having a depth measured perpendicular to the side property line, which meets the minimum requirement for the side setback as specified in this Code. Side setbacks shall extend from the front setback line to the rear setback line or, where a parcel is formed by more than four (4) sides, to the point of intersection with an adjacent side setback line.
- c. **Rear:** An area extending the full width of a parcel, located along the rear property line, and having a depth measured perpendicular to the rear property line which meets the minimum requirement for the rear setback as specified in this Code.

**Sewage Treatment Plant:** A facility designed to process and treat waste matter collected through a system of pipes, and the operation of the facility complies with State and Federal standards.

**Shared Roadway:** A roadway which is not officially designated and marked as a bicycle route, but which is open to both bicycle and motor vehicle travel as provided for by law. This may be an existing roadway, street with wide curb lanes or a road with paved shoulders.

**Shared Use Path:** A bikeway physically separated from motorized vehicular traffic by an open space or barrier and either within the highway right-of-way or within an independent right-of-way or recreational pathway easement. Shared use paths will also be used by pedestrians, skaters, wheelchairs, joggers and other non-motorized users.

**Sheep:** Animals of the domesticated species *Ovis aries* raised for its wool, edible flesh or skin.

**Shooting Range:** A facility designed to provide practice in the use of firearms under controlled conditions so public health and safety are protected. Shooting ranges may include the sale of firearms, associated equipment or supplies, food and sanitary facilities. For purposes of this Code, shooting ranges are classified as follows:

- a. **Public:** A shooting range which is open to the general public or to public safety personnel, and where a fee may or may not be charged for its use.
  - i. **Indoor:** A shooting range, which is contained within an enclosed building such that noise caused by shooting activity is not detectable from outside the building, and materials used to construct the building are capable of preventing the escape of any bullets.
  - ii. **Outdoor:** A shooting range where part or all of the area used for firing practice is located outdoors.
- b. **Private:** A shooting range, which is for the personal use of the property owner or tenant residing on the property, family members or guests.

**Shopping Center:** See commercial center.

**Short-term Rental:** The offering or reservation of a dwelling unit or lock-off or lodge room, either by a rental contract or other arrangement, for a period of less than six (6) months.

**Short-term Vacation Rental Property:** A short-term vacation rental property is defined as a residential dwelling

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unit, or any room therein, available for lease or exchange for a term of less than thirty (30) consecutive days. A short-term vacation rental property as regulated by this section is differentiated from a bed and breakfast establishment, which is regulated by Section 3803 of this code.

**Shoulder:** The portion of the roadway contiguous with the traveled way for accommodation of stopped vehicles, for emergency use and for the lateral support of sub-base, base and surface courses.

**Sidewalk:** The portion of the street or highway right-of-way or recreational pathway easement designated for preferential or exclusive use by pedestrians.

**Sight Triangle:** See Section 5106.03.

**Signed Shared Roadway (Signed Bike Route):** A shared roadway that has been designated by signing as a preferred route for bicycle use.

**Sign or Signage:** Refer to the definitions contained in Chapter 9.

**Significant Tree:** Coniferous trees with a caliper of eight (8) inches or greater and deciduous trees with a caliper of four (4) inches or greater.

**Silviculture:** The science and practice of controlling the establishment, growth, composition, health, and quality of forests and woodlands to meet the diverse needs and values of landowners and society on a sustainable basis.

**Single-family Residential:** A development containing single-family or duplex dwellings. A zoning district allowing the development of single-family or duplex dwellings. See also single-family dwelling and duplex dwelling.

**Site:** A parcel or combination of parcels of land for which a project proposal is submitted which presents a coordinated approach to the design and development of the project, or a parcel or combination of parcels where a coordinated project has been developed, where the requirements in Chapter 3 for qualification as a site applicable to the situation have been met.

**Site Area, Gross:** The total area of a site located within lot or parcel lines.

**Site Area, Net:** The gross site area contained within a parcel less any road easements, whether public or private.

**Site Coverage:** See coverage, site.

**Site Specific Development Plan:** For all developments, the final approval step, irrespective of its title, which occurs prior to an application for a grading permit, or prior to an application for building permit if no grading permit is required provided the applicant has provided a notice of intent as required by Section 12702 and the provisions of Section 12700 et seq. are met (see Section 12700 et seq.).

**Ski Area:** An area of land developed for the sport of alpine skiing, snowriding or snowboarding which may include lifts, groomed trails, lodging, food service, lockers and restrooms, sale of clothing and sporting goods, instruction and equipment rental. Ski areas may also include other facilities and activities such as an athletic club, nordic center, ice skating, sleigh rides and child care as accessory uses (see also nordic ski center).

**Sludge:** Solids removed from sewage during waste water treatment and then disposed of by incineration, dumping or burial.

**Sludge Disposal:** For purposes of this Code, sludge disposal is defined as follows:

- a. **Land application or beneficial use:** Placement of sludge on the land at agronomic rates so as to use the nutrients and/or moisture in the sludge as a soil conditioner or low-grade fertilizer for the promotion of

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vegetative growth.

- b. **Placement in a dedicated disposal site:** Placement of sludge in a landfill facility, which has received permits from the State of Colorado for sludge disposal.

**Sludge Storage, Temporary:** Placement of sludge in a temporary storage facility during the winter season, with winter season being from October to April, until disposal through either land application or placement in a dedicated disposal site.

**Small Incidental Structures:** Structures that do not exceed 200 square feet and are incidental and accessory to the principal use.

**Solar Energy System:** A system that converts the sun's radiant energy into thermal or electrical energy. For purposes of this Code, solar energy systems are classified as follows:

- a. **Small Scale:** Small scale solar energy systems shall be used primarily for on-site purposes. Excess power may be sold back to a utility company, but is not the primary purpose of the system.
- b. **Large Scale:** Large scale solar energy systems generate power primarily to be sold for use off-site.

**Solid Waste Disposal:** See sanitary landfill.

**Special Event:** A special event is an organized event or a group activity including, but not limited to a performance, live music, broadcast music, commercial entertainment, assembly, contest, exhibit, ceremony, athletic competition, reading, or other similar gatherings where anything of value is exchanged in return for attendance or entry into the event. Special events do not include wedding events. Special events governed under this section are commercial in nature.

**Specific Plan Agreement:** An agreement signed by a property owner or his designated representative which specifies the terms and conditions of a property owner's or his designated representative's responsibility for the development of a site specific development plan, and which identifies the aspects of the plan vested by approval of the plan, commitments for improvements to be made by the property owner or his designated representative and the length of the vesting (see Section 12700 et seq.).

**Specified Anatomical Areas:** Any portion of the female breast below the top of the areola or any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals of any person.

**Specified Sexual Activities:**

- a. Human genitals in a state of sexual stimulation or arousal;
- b. Acts of human masturbation, sexual intercourse, oral sexual contact or sodomy;
- c. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

**Stable:** A facility where horses and other equines are kept either within a building or in corrals, which may also include an indoor or outdoor exercise area, and storage for tack, grooming supplies and feed (see also barn). For purposes of this Code, stables are classified as follows:

- a. **Boarding:** A stable where space is offered to the general public for keeping of horses and other equines for payment of a fee.
- b. **Commercial (boarding/instruction/rental):** A stable where space is offered for keeping of horses and other equines for payment of a fee, and where the general public may receive riding instruction and/or may rent horses for riding on an hourly, daily or weekly basis. Commercial stables may also have training facilities for schooling horses stabled at or trailers to the facility.
- c. **Community:** A stable owned by a homeowner's association where space is provided for the keeping of horses and other equines owned by members of the association, and space is not offered to the general public. A stable owned by a group of property owners within the same subdivision or within filings of a subdivision, where space is provided for the keeping of horses and other equines owned by property owners or residents in the subdivision, and space is not offered to the general public.

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- d. **Private:** A stable where space is provided for the keeping of horses owned by or under the care of the owner or occupant of the property where the stable is located, and where the number of horses owned by people other than the owner or occupant of the property does not equal or exceed the number owned by the owner or occupant.

**State:** Of or pertaining to a department, agency, officer or regulation of the Colorado State Government.

**State Licensing Authority:** The authority created by the Colorado Department of Revenue for the purpose of regulating and controlling the licensing of the cultivation, manufacture, distribution, sale and testing of marijuana in the State of Colorado pursuant to C.R.S. § 12-43.4-201.

**Storage:** The keeping of machinery, equipment, vehicles including recreational vehicles, parts, materials or other goods at the same location for a period of time in excess of 72 hours. For purpose of this Code, storage is classified as nonresidential, residential, motor vehicle and recreational vehicle storage and these classifications are defined in Section 3815.

**Storage Area:** An area of land used for keeping of possessions, belongings, goods, materials or other items. Includes storage yards.

**Storage Building:** An enclosed building used for the keeping of possessions, belongings, goods, materials or other items where the items are screened from view.

**Storage Yard:** An outdoor area used for keeping of possessions, belongings, goods, materials or other items where the items are screened from view in accordance with this Code. For purposes of this Code, storage yards are classified as follows:

- a. **Equipment:** A storage yard associated with a business or made available to the general public for the keeping of equipment or machinery, but not for the storage of vehicles.
- b. **Motor vehicle:** A storage yard made available to the general public usually for a fee for the keeping of vehicles other than recreational vehicles, where the vehicles may be operable or inoperable.
- c. **Nonresidential storage:** An outdoor area on a residential lot used for the storage of nonresidential items where the items are screened from view in accordance with Section 3815.
- d. **Recreational vehicle:** (1) Commercial: A storage yard made available to the public usually for a fee for the storage of recreational vehicles. (2) Private: A storage yard associated with a multifamily residential development or manufactured home park for use by owners or residents for storage of recreational vehicles belonging to them.

**Stream:** For purposes of this Code, streams are classified as follows:

- a. **Intermittent stream:** A natural drainageway that does not flow continually but drains at least 20 or more acres.
- b. **Perennial stream or stream:** A natural drainageway that flows continually.

**Street:** A public or private thoroughfare for vehicular and/or pedestrian traffic other than an alley or driveway (includes highways and roads).

**Structure:** Anything constructed or erected requiring a fixed location on the ground or attached to something having a fixed location on the ground, an edifice or building of any kind, or any piece of work built or composed of parts joined together in some definite manner.

**Structure Height:** The distance measured vertically from the highest point on a structure to the natural or finished grade (whichever is more restrictive) located directly below said point of the structure.

**Subdivider:** Any person, firm, partnership, joint venture, association or corporation participating as owner, promoter or developer in the planning, platting, development, promotion sale or lease of a subdivision.

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**Subdivision:** See Chapter 8.

**Substation:** Any facility designed to provide switching, voltage transformation or voltage control required for the transmission of electricity, which has an incoming or outgoing power line in amounts of 115 kilovolts and above, and any appurtenant facilities.

**Supermarket/Grocery Store:** A self-service retail store of more than 5,000 square feet selling raw, processed and packaged foods and other household goods.

**Swine:** Animals of the family *Suidae*, which have been domesticated and are used for meat including pigs and hogs.

**Switchback:** A curve in a driveway, roadway or other accessway with a delta greater than 120 degrees and a radius less than 100 feet (see Chapter 5).

**Synagogue:** See church/synagogue/temple.

**T**

**Tavern:** See bar/cocktail lounge/tavern.

**Tandem Parking:** The parking of one (1) motor vehicle behind another motor vehicle.

**TDR Receiving Area:** All real property identified as an acceptable receiving area, either on the “TDR Sending/Receiving Areas Map”, or as otherwise kept on file by the Planning Department.

**TDR Receiving Site:** Any real property located within a receiving area that is determined eligible by the County to receive development rights.

**TDR Sending Area:** All real property identified as an acceptable receiving area, either on the “TDR Sending/Receiving Areas Map”, or as otherwise kept on file by the Planning Department.

**TDR Sending Site:** Any real property in the Upper Blue Basin located within a TDR sending area or real property in the Snake River Basin found eligible by the County to transfer development rights to a receiving site.

**Telecommute:** The action of working from home for a business located at another location, and communicating via phone, fax, computer or other electronic means.

**Temple:** See church/synagogue/temple.

**Theater:** A building, room, or outdoor area for the presentation of plays, motion pictures, or other dramatic performances. For purposes of this Code, theaters are classified as follows:

- a. **Indoor:** A theater contained entirely within a building.
- b. **Outdoor:** A theater located partially or entirely outdoors, within a roofed structure having sides open to the outdoors, or within a tent.

**Timber Harvest:** The harvesting of timber for use as a building material, as firewood or for other purposes, or for the clearing of land. For purposes of this Code, timber harvesting is classified as follows:

- a. **Commercial:** An operation in which timber is harvested in order to offer it for sale to wholesalers, retailers or the general public, and involves the transport of the timber off the premises where it is cut.
- b. **Private:** An operation in which timber is harvested for consumption on the premises where it is cut, and for personal use by the person owning the timber.

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**Time-share / Fractional Ownership Unit:** A time-share or fractional ownership unit is a unit in a condominium building in which the exclusive right of use, possession or occupancy of the unit circulates among the various owners with a fixed time schedule on a periodically recurring basis.

**Topsoil:** Surface soil, or the top soil horizon or layer.

**Townhouse:** Attached, structurally independent multi-family dwellings that are constructed to R-3 standards per the requirements of the Building Code.

**Townhouse Plat:** A graphic representation of a separate estate in an individual lot that illustrates the division of multi-family townhouse dwelling units into individual lots, together with an undivided interest in common area, if applicable, as illustrated by a final plat per the standards of Section 8700 of the Development Code.

**Trade School:** See school.

**Trails:** A linear travelway for purposes of travel by vehicles 50 inches in width or less, pack animals, or people.

**Trailhead:** The parking, signing, or other facilities available at the beginning of a trail specifically for trail users including access from a public roadway.

**Transferable Development Rights (TDR) Program:** Regulations governing the utilization of the TDR program, applicability, exemptions, mapping and designation of Sending, Receiving, Neutral and Optional Areas, amendment to the Official TDR maps, development right values, TDR banks and sales price, utilization of development rights, recordation of transfers, interbasin transfers and alternative measures of compliance are provided in Section 3506 et seq. Official Transferable Development Rights Maps for respective basins are included as part of this Code by reference.

**Travel Trailers:** See recreational vehicles.

**Travel Trailer Accommodations:** See recreational vehicle park.

**Traveled Way:** The portion of the highway or roadway for the movement of vehicles exclusive of shoulders and auxiliary lanes.

**Truck Terminal:** Businesses providing a location where goods carried by motor transport can be received, transferred from one vehicle to another, or shipped, where the primary purpose is not storage of goods but the provision for a point of transfer of goods.

**Tubing Hill:** A sloped tract of land which has been cleared, and in some cases groomed, and made available to the public for the purpose of sliding in inner tubes, sleds or toboggans in return for payment of a fee.

**Tundra:** An area above the treeline.

**U**

**Unpaved or Soft, Path:** Paths not surfaced with asphalt or concrete.

**University:** See school.

**Use:** The purpose or activity, for which a parcel of land, a building or structure is designed, arranged or intended, or for which it is occupied or maintained.

- a. Use, Primary – the main or primary purpose for which a lot or structure is designed, arranged, or intended.



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**USFS:** Abbreviation for United States Forest Service.

**Utility:** Any firm, partnership, association, cooperative, company, corporation, governmental agency, special or metropolitan district, and the directors, trustees or receivers thereof, whether elected or appointed, which is engaged in providing electric, rural electric, telephone, telegraph, communications, cable television, gas pipeline carrier, water, sewerage or pipeline facilities and services (see also utility, public).

**Utility Facilities:**

- a. **Major:** Electric transmission lines, power plants, substations of electrical utilities, wastewater treatment plants, water treatment plants, water storage tanks, noncommercial communication towers over 35 feet in height, pipelines and storage areas of utilities providing natural gas or other petroleum derivatives and more than two (2) microwave dishes in one (1) location, including any extensions, expansions or enlargements of such facilities.
- b. **Minor:** Water, sewer and gas mains, electric and telephone distribution lines, gas regulator stations, public lift or pumping stations for domestic water and sewer service, noncommercial communication towers not more than 35 feet in height, and no more than two (2) microwave dishes in one (1) location with the diameter of any microwave dish limited to ten (10) feet or less.

**Utility, Public:** A utility regulated by the Colorado Public Utilities Commission.

**Utility Storage Area:** Any facility designed to store 50 million cubic feet or more of natural gas or 35,000 barrels or more of petroleum derivatives, including any extensions, expansions or enlargements of such facilities.

**Utility Trailer:** A vehicle or structure standing on wheels which can be towed or hauled by another vehicle and used for carrying goods, materials, or other items. Includes horse trailers but does not include temporary office trailers (see Section 3815).

**V**

**Vat Leaching:** Vat leaching employs a similar technique to heap leaching with the exception that it is performed in a contained, impermeable vat or structure.

**Vehicle:** A means of carrying or transporting something (also see definition of motor vehicle).

**Vehicle, Abandoned:** Any motor vehicle which:

- a. Does not have a current license, is inoperable and does not meet minimum requirements for safety pursuant to C.R.S. § 42-4-202 et seq.; or
- b. Does not meet criteria for storage of personal vehicles pursuant to Section 3815.07; or
- c. Is abandoned on property, which is not owned or occupied by the owner of the vehicle.

**Vehicle Trip:** A single or one-direction movement of a motor vehicle moving from a point of origin to a point of destination.

**Vested Property Right:** The right to undertake and complete the development and use of property under the terms and conditions of a site specific development plan (see Section 12700) or development agreement (see Section 12800) approved by the BOCC.

**Visible:** Capable of being seen without visual aid by a person of normal visual acuity as viewed from a standard sized automobile, or from an adjacent property.

**Visual Obstruction:** Any fence, structure, wall, tree, hedge or shrub or combination thereof, which limits visibility.

**Vocational School:** See school.

**W**

**Wall:** See fence.

**Warehouse:** A building used for the storage of goods, materials and merchandise.

**Wastewater Treatment:** A system or facility for collecting, storing, treating, neutralizing, stabilizing or disposing of sewage, which has a design flow less than 2,000 gallons per day.

**Water Treatment Plant:** A facility for the treatment of water to insure health standards are met prior to its distribution for human use, such that the operation of the facility complies with State and Federal standards.

**Waterway:** A river or stream containing water which flows on a more-or-less continuing basis, although flow may be interrupted during the summer months if fed by snow melt.

**Wedding Event:** A gathering of ten or more persons at a property for the purpose of celebrating a wedding or civil union and associated activities, which events include but are not limited to the wedding or civil union ceremony itself, a wedding or civil union reception celebration, a wedding or civil union rehearsal dinner and/or a bachelor or bachelorette party.

- a. **Family Wedding Event:** A wedding event where the property where the wedding event is to take place is owned by one of the persons to be wed, or by a family member of one of the persons to be wed.
- b. **Commercial Wedding Event:** A wedding event that takes place on a property that is rented for that purpose.

**Wet bar:** An area of a common room (living room, great room, dining room, entertainment room, etc.) used for the storage, preparation and serving of food or drink to persons residing in the dwelling unit or to guests that is limited to (but not required to install): 1) a sink, 2) a refrigerator of no more than six (6) cubic feet in size (does not limit beer or wine refrigerators), 3) a maximum cabinet area of six (6) cubic feet in size unless otherwise permitted by the Planning Department in consultation with the Building Department, and 4) other associated improvements as may be permitted by the Planning Department in consultation with the Building Department (see also kitchen). A wet bar may not be located above a detached garage.

**Wetlands / Wetland areas:** Wetlands are defined to be those areas that are inundated or saturated by surface or ground water 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. Examples of different wetland types include swamps, marshes, bogs, seeps, fens, willow carrs, sloughs, wet meadows and similar areas. Agricultural areas that can be proven to be supported solely by irrigation will not be considered wetlands under this definition. Wetlands do not need to have a connection to waters of the United States, as defined by 33 Code of Federal Regulations (CFR) parts 328 and 329 (as amended) or U.S. Environmental Protection Agency 40 CFR part 230 to fall under County jurisdiction.

**Wholesale Sales:** Sales of goods in large quantities for resale by retailers. For wholesale sales on property in the A-1 Zoning District, agricultural products sold must be grown or produced on the property where the wholesale operation is located.

**Wildfire Mitigation:** The implementation of various measures designed to minimize the destructive effects a wildfire has on property in consideration of the measures, goals, and policies of the CWPP. Some measures are designed to modify the forest environment surrounding a structure that puts the structure at risk from destruction by a wildfire.

**Wild Game Ranch:** A tract of land used for raising herbivorous wildlife species in order to offer hunting opportunities or to produce meat or hides for sale.

**Wildland Urban Interface Zone (“WUI”):** The Wildland Urban Interface or WUI is defined as the line, area, or zone where structures and other human development meet or intermingle with undeveloped lands or vegetative fuels or as otherwise defined in the County Wildfire Protection Plan.

**Wildlife Rehabilitation:** The provision of nursing care to sick or injured wildlife prior to returning them to the wild.

**Wind Energy System:** A turbine powered by blades or vanes that are rotated by the wind and used to produce electric power. Turbines can either have a horizontal axis, where the blades or vanes rotate around a horizontal axis, or a vertical axis, where the blades or vanes rotate around a vertical axis. For purposes of this Code, wind turbines are classified as follows:

- a. **Small Scale:** Small scale wind energy systems shall be used primarily for on-site purposes. Excess power may be sold back to a utility company, but is not the primary purpose of the turbine.
- b. **Large Scale:** Large Scale wind energy systems generate power primarily to be sold for use off-site.

**Wood Burning Energy System:** A system that through the burning of wood generates either thermal or electrical energy. For purposes of this Code, solar energy systems are classified as follows:

- a. **Small Scale:** Small scale wood burning energy systems shall be used primarily for on-site purposes.
- b. **Large Scale:** Large Scale wood burning energy systems generate power primarily to be sold for use off-site.

**Wood Manufacturing:** a wood manufacturing process which involves peeling, slicing, sawing, or chemically altering hardwoods and softwoods to form finished products such as boards or veneer; particles or chips for making paper, particle, or fiber products; and fuel.

**Work of Art:** See artwork.

## Y

**Yard:** An open area contained on the same lot with a building or buildings lying between the front, rear or side wall of a building and the nearest lot line, unoccupied except for projections and specific minor uses or structures allowed in such area by this Code (also see setback). For purposes of this Code, yards are classified as follows:

- a. **Front:** A yard extending the full width of the lot on which a building is located and situated between the front lot line and a line parallel thereto and passing through the nearest point of the building to the front lot line.
- b. **Side:** A yard on the same lot as a building and situated between the side lot line and a line parallel thereto and passing through the nearest point of the building to the side lot line, and extending from the front yard to the rear yard or, where a lot is formed by more than four (4) sides, to its intersection with an adjacent side yard.
- c. **Rear:** A yard extending the full width of the lot on which a building is located and situated between the rear lot line and a line parallel thereto and passing through the nearest point of the building to the rear lot line.

## Z

**Zero Lot Line Development:** A single-family or duplex residential development in which each dwelling is placed within its lot such that one (1) side of the dwelling is sited on a side lot line and the area reserved for the side setbacks is combined on one (1) side of the lot.

**Zero-Waste Strategies:** Zero Waste is a design principle for the 21st Century that seeks to redesign the way resources and materials flow through society. Zero Waste requires eliminating subsidies for raw material extraction and waste disposal, and holding producers responsible for their products and packaging “from cradle to grave”. The goal is to promote clean production, prevent pollution, and create communities in which all products are designed to

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be cycled safely back into the economy or environment.