

## **CHAPTER 4**

### **Community Development**

<b>Article II</b>	<b>Definitions and Interpretation</b>
Sec. 4-2-1	Definitions
Sec. 4-2-2	Interpretation

## ARTICLE II

### Definitions and Interpretation

#### Sec. 4-2-1. Definitions.

Unless otherwise specifically provided, or unless otherwise clearly required by the context, the words and phrases defined in this Article shall have the meaning indicated when used in this Chapter. Words, phrases and terms not defined in this Section, but defined elsewhere in this Chapter shall be construed as defined in such Chapter. Words, phrases and terms neither defined herein nor elsewhere in this Chapter 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.

*Access* means the entry or exitway from a platted lot into a public right-of-way for vehicular and pedestrian traffic.

*Access point* means that point on the street at which or from which the public is afforded an entrance to the property or the establishment. Some properties or establishments have more than one (1) access point.

*Accessory building* means a detached subordinate building, the use of which is customarily incidental to that of the main building or to the main use of the land and which is located on the same lot with the main building or use. Such a building does not include dwellings or living quarters of any kind.

*Accessory residence* means a dwelling unit or integral part of the principal building in a commercial or industrial district, used exclusively as rental housing for persons employed in and/or owning the economic enterprise housed by such principal building.

(See *principal building*.) An *accessory residence* is a conditional use. (See *conditional use*.)

*Accessory use* means a use naturally and normally incidental to, subordinate to and devoted exclusively to the main use of the premises.

*Alley* means a minor right-of-way, dedicated to public uses, which gives a secondary means of vehicular access to the rear or side of properties otherwise abutting a street, and which may be used for public utility access.

*Apartment, single.* See *Single apartment*.

*Appeal* means a request for a review of the Town's interpretation of any provisions of this Chapter or a request for a variance.

*Applicant* means the owner of the property which is the subject of an application for approval or an agent, lessee or contract purchaser from said applicant who can provide documentation evidencing authority to act for the owner.

*Area, minimum lot* means the total area within the property lines of the lot, excluding adjacent streets.

*Auto dealership* means a place of business which buys and sells new or used automobiles.

*Auto repair shop* means a shop or place of business for repair and maintenance of automobiles, trucks and any other motor-operated equipment. All such equipment on the premises must carry a valid title and show a work order. Such equipment for which the shop operator holds no title or valid work order shall be classified as salvage and junk and may not be kept, stored or worked on in an *auto repair shop*.

*Bar* means premises used primarily for the sale or dispensing of liquor by the drink for on-site consumption and where food is available for consumption on the premises as an accessory to the principal use.

*Base flood* means the flood having a one-percent chance of being equaled or exceeded in any given year, as determined by the currently effective Federal Emergency Management Agency, FIRM (Flood Insurance Rate Map) and FIS (Flood Insurance Study).

*Block* means a parcel of land, intended to be used for urban purposes, which is entirely surrounded by public streets, highways, railroad rights-of-way, public walks, parks or green strips, rural or vacant land or drainage channels or a combination thereof.

*Boarding or keeping animals* means the act of providing shelter, food, water or exercise for an animal.

*Boardinghouse and rooming house* means a building containing a single dwelling unit and three (3) or more guest rooms where lodging is provided, with or without meals, for compensation, and includes bed and breakfast inns. *Compensation* may include money, services or other things of value. Two (2) rooms may be rented in single-family zones without being classified as a *boardinghouse* or *rooming house*. Rooms rented in single-family zones must have a minimum of eighty (80) square feet per occupant.

*Building* means any permanent structure built for the shelter or enclosure of persons, animals, chattels or property of any kind, and not including advertising signboards or fences. Any deck or balcony thirty (30) inches and above which requires handrails shall be considered a *building* for setback purposes.

*Building height* means the vertical distance from the average (pre-development prior to excavating or filling) grade level at the four (4) points of the structure which most nearly approximate geographic north, south, east and west to the highest point of the roof surface.

*Building permit* means a written permit issued by the Community Development Department to construct a building, a mobile home park or other legally permitted facility under provisions of this Chapter and other applicable ordinances of the Town.

*Building plans* means a general picture of proposed buildings in relation to the site, which includes but is not limited to: floor plans and elevations of all four (4) sides of proposed structures, and shall include type of materials, colors, textures and other architectural features.

*Building, principal* means a building in which is conducted the main principal use of the lot on which said building is situated, and including areas such as garages, carports, storage sheds, etc., which are attached to and architecturally integrated with the principal building.

*Building, temporary* means a structure designed to be moved after a period generally not exceeding one (1) year and therefore not permanently attached to a foundation. All such structures shall be approved by the Community Development Department as to structural safety and compliance with Town, county and state sanitary regulations for such structures.

*Carport* means a form of private garage providing space for housing or storage of one (1) or more automobiles and enclosed on not more than two (2) sides by walls. The dimensions determining the overall size of the *carport* shall be measured from the extreme edge of any part of the building.

*Center line* means the true center line of a street, or right-of-way which has been fully dedicated to its required width according to the "Town of Silverthorne Engineering Standards." Where all of the required width of public right-of-way has not been dedicated or such public right-of-way exists in an offset or angular manner, the Public Works Department shall determine the alignment of the center line.

*Child-care center* means a facility, by whatever name known, which is maintained for the whole or part of the day for the care of five (5) or more children eighteen (18) years of age or younger and not related to the owner, operator or manager thereof, whether such facility is operated with or without compensation for such care and with or without stated education purposes.

*Child-care home* means a facility for child care in a place of residence of a family for the purpose of providing less than twenty-four-hour care for children under the age of eighteen (18) years who are not related to the head of such home.

*Church* means a building or structure that by design and construction are primarily intended for conducting organized religious services and associated uses.

*Commercial residence, limited* means a lodging, boarding or rooming house where three (3) or more rooms are used for living and sleeping on a nontransient rental basis.

*Commission* means the Planning Commission for the Town.

*Community facilities* means a building or structure owned and operated by a government agency or nonprofit agency to provide a service to the public.

*Community meeting* means a public meeting prior to the scheduled required Planning Commission or Town Council meeting as stated in Section 4-1-22. These meetings require notice of property owners within two hundred (200) feet of the subject property. The meeting shall be published one (1) time in the newspaper of general circulation in the "Public Notice" section of that newspaper.

*Conditional use* means a use which requires action by the Planning Commission and Town Council after public hearings for which public notice is required.

*Condominium* means separate ownership, in fee simple, of the cubic air space including only interior surfaces and an undivided ownership share, in common with other purchasers, of the common elements of a project including land and its appurtenances.

*Construction plan* means the final and complete plan for the development and is a compilation of all the plans which have already been reviewed and approved by all relevant Town boards and commissions and the Community Development Department. The *construction plan* includes: the foundation plan; the floor plan; the elevations; the electrical plan; the plumbing plan; the mechanical plan; the sections in detail; specifications; and the site plan (also known as the *plot plan*); and should not be smaller than a scale of one-eighth ( $\frac{1}{8}$ ) inch equals one (1) foot.

*Contracting* means the conduct of any building or construction trade, including such trade performed by subcontractors, in the building and construction of structures or improvements to land, including without limitation, excavation.

*Cooperative* means a group or organization created for the purpose of securing for its members products or services at reduced rates.

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

*Density* means the average number of dwelling units per acre, except all areas utilized for public rights-of-way.

*Development* means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

*Duplex* means a structure on a single lot containing two (2) dwelling units, each of which is entirely separated from the other by an unpierced common wall extending from foundation to roof. Each unit must have an exterior entrance.

*Dwelling* means a building or portion thereof used exclusively for residential occupancy, including one-family, two-family and multifamily structures and mobile homes situated in a mobile home park and mobile home subdivision. The word *dwelling* shall not include boardinghouses, rooming houses or lodging houses, tents, trailer pickup campers, motels, motor lodges or other structures designed or used primarily for transient residents.

*Dwelling, high-density* means a building arranged, designed for and intended to be used as seven (7) or more dwelling units.

*Dwelling, low-density* means a building arranged, designed for and intended to be used as two (2) to six (6) separate dwelling units.

*Dwelling, one-family* means a detached building consisting of one (1) dwelling unit.

*Dwelling unit* means one (1) or more rooms capable of being lived in and designed as a unit for occupancy by one (1) family for living and sleeping purposes, located in one-family, low-density and high-density dwellings. This term includes the term *apartment*.

*Easement* means the quantity of land set aside or over which a liberty, privilege or advantage in land without profit, existing distinct from the ownership of land, is granted to the public or some particular person or part of the public.

*Engineering Standards (also referred to as Town of Silverthorne Engineering Standards)* means the currently effective Roadway, Storm Drainage and Water and Sewer infrastructure design and construction standards.

*Equine animal* means an animal relating to or resembling a horse or of the horse family.

*Events* means a temporary land use, of ten (10) days' or less duration, located on property within the Town, the nature, size or complexity of which can reasonably be expected to affect the public health, safety and welfare, as a result of impacts from, but not limited to, noise, parking and traffic.

*Evidence* means any map, table, chart, contract or any other document or testimony prepared or certified by a qualified person to attest to a specific claim or condition, which evidence must be relevant and competent and must support the position maintained.

*Family* means any number of persons related by blood, marriage, adoption or legal custody occupying a residential dwelling unit and living as a single housekeeping unit, but it shall not include a group of more than three (3) individuals not related by blood, marriage or adoption. Notwithstanding the foregoing, a *family* shall also be deemed to include a foster family with any number of unrelated foster children who have been adjudicated delinquent pursuant to the Colorado Children's Code, Title 19, C.R.S., and placed with the foster family by the State of Colorado or its agent, and any group of three (3) or more persons that are not related by blood, marriage, adoption or legal custody occupying a residential dwelling unit and living as a single housekeeping unit if the occupants are handicapped persons as defined in Chapter III of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, or disabled persons as defined by Section 24-34-301, C.R.S. A household that includes three (3) or more persons identified above shall not be excluded from the definition of *family* by the residence in the household of additional necessary persons employed in the care and supervision of such handicapped or disabled persons.

*Farmers market* means the sale of fruit, vegetables and other produce and foodstuffs.

*Fence* means an enclosing barrier of manmade construction, including walls and retaining walls.

*Flood or flooding* means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters and/or the unusual and rapid accumulation or runoff of surface waters from any source.

*Flood Insurance Rate Map (FIRM)* means the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

*Flood Insurance Study (FIS)* means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Boundary - Floodway Map and the water surface elevations of the base flood.

*Flood plain* means the channel adjoining the channel of a natural stream or river that has been or may be covered by the 100-year flood as determined by the Federal Emergency Management Agency's effective Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS). The term *special flood hazard area* is often used synonymously for *flood plain* in FEMA studies and literature.

*Floodway* means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

*Floor area* means the primary use area of a building, including all floors of any buildings, but not including attached garages, cellars or basements, whether finished or unfinished.

*Garage, private* means a building or part thereof, attached or detached, accessory to the principal building on the lot for the storage of motor vehicles and in which no business is conducted.

*Garage, public* means a garage other than a private garage, used for the housing of motor vehicles or where any such vehicles are stored or kept for remuneration, hire or sale. Such garage shall not be considered an auto repair shop.

*Grade* (ground level) means the average of the finished ground level at the center of all walls of a building. In case walls are within twenty-five (25) feet of a public curb, said ground level shall be measured from the top of the curb.

*Greenway* means a lineal park and/or open space corridors that serve recreational and/or conservational purposes.

*Gross floor area (GFA)* means the entire area of a structure as measured to exterior walls including basements, lofts and other areas with floors (different from *floor area*).

*Higher use* is used in application to a change of use from a use which was nonconforming in the zoning district in which such use was located and is defined as a use which, upon such change, more nearly approaches the uses permitted in the zoning district in which the nonconforming use existed.

*Home occupation* means any use for gain or support customarily found within a dwelling and carried on by the occupants thereof.

*Hotel* means a building occupied primarily on a transient basis as the abiding place of individuals who are lodged with or without meals for compensation and in which no provision is made for cooking in any guest room.

*Human treatment facilities* means structures that are similar in function to hospitals, nursing homes, sanitariums, convalescent homes and clinics, and pharmacies when operated as an accessory use to hospitals, including medical facilities necessary for treatment of patients or residents thereof.

*Improvements agreement* or *site improvements agreement* means a security arrangement which may be accepted by the Town to secure the construction of required public improvements and which shall include collateral, such as but not limited to performance or property bonds, private or public escrow agreements, loan commitments, assignments of receivables, liens on property, deposit of certified funds or other similar surety agreements.

*Intensity of use* means the qualitative and quantitative levels of activity anticipated for any use.

*Junkyard* means any lot, land or area used for the storage, keeping, sale or abandonment of junk, including scrap metals or other scrap material, or for the dismantling, demolition or abandonment of automobiles or other machinery or parts thereof. The term *junkyard* shall include *wrecking yards* and *salvage yards*.

*Kennel* means any lot or premises on which four (4) or more domestic animals or pets of the same species, or on which a total of six (6) or more domestic animals or pets, at least four (4) months of age are harbored in a confined space.

*Kitchen* means a room or portion of a room intended to be used or designed to be used either wholly or partially for cooking and/or the preparation of food and furnished with the following: (a) running water and sink, (b) a means of cooking, and (c) a refrigerator.

*Landscaping* includes but is not limited to plants, shrubs, trees, ground cover, vines, rocks, benches, picnic areas, wooded timbers, gravel, walkways, berms, pavers (paving stone), gazebos, art forms, sculpture, retaining walls, water elements (i.e., pools, fountains and waterfalls), terraces, signs and informational signs and graphics.

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

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

*Livestock* means farm animals, including horses, cattle, sheep, goats, pigs and any other common farm animal.

*Lot* means a piece, plat or parcel of land, or assemblance of contiguous parcels of land, as established by survey, plat or deed, occupied or to be occupied by a building, or a unit group of buildings, and accessory buildings thereto, together with such open spaces as are required under this Chapter and abutting a dedicated public street.

*Lot area* means the area of land enclosed within the boundaries of the lot.

*Lot coverage* means that area of the lot which may be occupied by buildings.

*Lot line* means the boundary of a lot.

*Lot line, front* means the property line dividing a lot from a street. On a corner lot, only one (1) street line shall be considered as a front line, and the longer street frontage shall be considered the front line.

*Lot line, rear* means the line opposite the front lot line.

*Lot line, side* means any lot lines other than front lot lines or rear lot lines.

*Lot line vacation* means, in the process of resubdivision, eliminating a lot line for the purpose of achieving one (1) lot.

*Lot, reversed corner* means a plotted corner lot having its side street line substantially a continuation of the front lot line of the first lot to its rear.

*Lot street frontage* means the property along the front line measured between side lot lines.

*Lot width* means the shortest distance measured between side lot lines through that part of the building or structure where the lot is narrowest.

*Lowest floor* means the lowest floor of the lowest enclosed area, including the basement. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's *lowest floor*, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this Chapter.

*Master planning* means plan for the development of the property within the municipality and surrounding areas as provided in Section 31-23-206 et seq., C.R.S.

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

*Membership club* means an association of persons, whether incorporated or unincorporated, for some common purpose, but not including groups organized as cooperatives.

*Mobile home* means a structure bearing a label certifying that the home is constructed in accordance with applicable federal construction standards and which is transportable in one (1) or more sections, which in the traveling mode is eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on site, is three hundred twenty (320) or more square feet, 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 required utilities.

*Mobile home lot (space)* means a parcel of land for the placement of a single mobile home and the exclusive use of its occupants.

*Mobile home park* means any premises used or set apart for supplying, to the public, parking space, on either a permanent or transient basis, for two (2) or more trailer coaches, mobile homes or manufactured homes for living or sleeping purposes, and which includes any buildings, structures, vehicles or enclosures used or intended for use as a part of the equipment of such mobile home park.

*Mobile home subdivision* means twenty (20) or more mobile home sites, each of which fronts on public right-of-way and each having its own water, sewer tap and a minimum width of thirty-five (35) feet, and in no case less than three thousand (3,000) square feet in area, and which meets all other Town regulations for such subdivision, including two (2) off-street parking spaces per unit, and where individuals normally, but not necessarily, own the site on which they reside.

*Motel* means a building or group of buildings containing individual rooms for sleeping or living, designed and used for rental occupancy of less than thirty (30) days and with automobile parking space adjacent to or within the proximity of each rental unit.

*Motor vehicle* means a self-powered vehicle capable of transporting passengers.

*Multifamily housing* means a building or buildings, each of which contains three (3) or more attached dwelling units.

*New construction* means structures for which the start of construction commenced on or after the effective date of this Chapter.

*New manufactured home park or manufactured home subdivision* means a parcel or contiguous parcels of land divided into two (2) or more manufactured home lots for rent or sale for which the construction of facilities for servicing the lot, including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets, is completed on or after the effective date of this Chapter.

*Nightclub* means an establishment dispensing liquor and meals and in which music, dancing or entertainment is conducted.

*Nonconforming use* means a use lawfully occupying a building or land at the time this Chapter was adopted which does not conform with the use regulations of the zone in which it is located. If an amendment to this Chapter renders a use nonconforming, such status shall date from the effective date of the amendment. Any use which was illegal under former zoning regulations of the Town shall not be considered a *nonconforming use* but remains an illegal use which shall be abated as provided herein.

*Nursing home or long term care facility* means a health or domiciliary establishment which maintains and operates continuous day and/or night facilities providing room and board, personal services and nursing care for compensation for two (2) or more persons not related by blood, marriage or adoption to the proprietor who, by reason of illness or physical infirmity, are unable to properly care for themselves. Establishments which provide care for alcoholics, drug addicts, persons with mental diseases and persons with communicable diseases shall not be included in this definition.

*Occupancy* means the portion of a building or premises owned, leased, rented or otherwise occupied for given uses.

*Open space* means an area with few or no structures, relatively light tree cover, incapable of sustaining circulation systems and suitable recreational activities.

*Outdoor storage* see definition for *Storage area or yard*.

*Owner* means the owner of the fee title to real property, irrespective of severed mineral interests, encumbrances or easements.

*Parking bay* means a series of parking stalls forming a row. It may be either double-loading (an access aisle with parking stalls on either side) or single-loading (parking stalls on one [1] side only).

*Parking facility* (or *facility* when reference is to *parking facility*) means any area or structure which is used primarily or habitually for the parking of automobiles or other motor vehicles when not in use.

*Parking stall* means an individual parking space designed for a single vehicle.

*Party wall* means a wall dividing two (2) contiguous buildings, which is utilized for the common benefit and support of the buildings.

*Pharmacy* means a building or part of a building used for the dispensing of prescription and nonprescription medicines and medical supplies only.

*Planned Unit Development* means a development of land which encourages flexibility in design and use of property in a manner which allows the permitted uses and character of the development to be related to the specific property under consideration.

*Premises* means a parcel of land with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

*Preserved area* means an area left completely in its natural state or the same condition in which it was found.

*Principal building or use* means the main or primary purpose for which a building or parcel of land or use thereof is designed, arranged or intended, or for which it may be occupied or maintained under this Chapter.

*Program deficiency* means a defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations or of the National Flood Insurance Program Standards in Section 60.3, 60.4, 60.5 or 60.6.

*Public notice* means notice to the public of a public hearing by the Town Council, Planning Commission or Board of Adjustment. Unless otherwise specified, such *notice* shall be published one (1) time in a newspaper of general circulation in the Town at least seven (7) days before such hearing. In the case of proposed changes to the Zoning District Map or proposed approval of site development, planned unit development, subdivision, conditional use, variance, rezoning or annexation, such notice shall also be mailed first class to all owners of surrounding property within two hundred (200) feet of the exterior boundaries of the property which is the subject of the proposed approval.

*Public right-of-way* means all dedicated streets, roadways, sidewalks, alleys and all other areas reserved for present or future use by the public, as a matter of right, for the purpose of vehicular or pedestrian travel or utility installation and maintenance.

*Public water and sewer facilities* means those water and sewer facilities of a municipality, water or sanitation district or metropolitan district approved by the County Health Department and the State Department of Health for general public use.

*Religious use* means a structure or place in which worship, ceremonies, rituals and education pertaining to a particular system of beliefs are held.

*Remedy a violation* means to bring the structure or other development into compliance with state or local floodplain management regulations or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other

affected development from flood damages, implementing the enforcement provisions of this Chapter or otherwise deterring future similar violations or reducing federal financial exposure with regard to the structure or other development.

*Rental yard.* See definition for *Storage area or yard*.

*Resubdivision* means a further division of a subdivision involving the changing of any existing lot or lots of such subdivision.

*Ruminant* means an animal of even-toed mammals that chew cud and have a three (3) or more chambered stomach.

*Setback* means the shortest distance between the property line and the nearest line or point of the building.

*Sidewalk* means a paved surface area paralleling a street which is used as a pedestrian walkway and which can be either attached to or detached from the street.

*Sign* means any words, lettering, figures, numerals, phrases, sentences, devices, designs, pictures or trademarks by which anything is made known, such as are used to designate a firm, an association, a corporation, a business, a service or a commodity or product, or any type of publicity or propaganda, whether placed on natural objects or on a building, fence or other manmade structure, which are visible from any public road right-of-way.

*Single apartment* means a dwelling unit within a single-family detached dwelling unit, or as an integral part of a detached garage. The single apartment has a kitchen, bathroom and sleeping area separate from the single-family dwelling unit. Such apartment is limited to the size and regulations set forth in Section 4-4-21.

*Single-family dwelling unit* means a building containing one (1) dwelling unit and that is not attached to any other dwelling by any means and is surrounded by open space or yards.

*Site development* means all construction and improvements on any parcel, lot or tract of property within the Town and on any structure (other than normal maintenance or repair allowed for nonconforming uses), including but not limited to substantial clearing, grading, filling or excavation, streets and roads, drainage, utilities, parking lots and structures, landscaping, building, building additions or alterations, parking lot lights, street lights, signs and erection or moving of structures. *Site development* also includes property development pursuant to Article VI of this Chapter, planned unit development pursuant to Section 4-4-15, subdivision approval pursuant to Article V of this Chapter, rezoning pursuant to Section 4-4-15 and the establishment of a conditional use pursuant to Section 4-4-19. The Community Development Department shall have authority to determine whether an activity constitutes *site development* within the meaning of this Section. Such determination may be appealed to the Board of Adjustment as provided in Article I of this Chapter.

*Site-specific development plan* means, for all developments, the final approval step, irrespective of its title, which occurs prior to the building permit application; provided, however, that if the landowner wishes said approval to have the effect of creating vested rights pursuant to Article 68 of Chapter 24, C.R.S., the landowner or his or her designated representative must so request at least thirty (30) days prior to the date said approval is to be considered. Failure to so request renders the

approval not a *site-specific development plan* and no vested rights shall be deemed to have been created.

*Solid waste hauling facility* means any person, firm, public or private entity engaged in the systematic collection and transportation of solid waste (as defined in the state statutes) and its necessary associated equipment and container storage. This definition does not include on-site handling or storage of solid waste, other than recyclable materials.

*Special flood hazard area* – see definition for *flood plain*.

*Start of construction* includes substantial improvement and means the date the building permit was issued, provided that the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty (180) days of the permit date. The *actual start* means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

*Storage area or yard* means an area devoted or used for the keeping of personal property of any kind or nature for more than twenty-four (24) hours, which is an accessory use, located outside the walls of a permanent primary building for which a building permit is required.

*Street* means any public or private thoroughfare for pedestrian and vehicular traffic, including roadway and sidewalk, and being the entire width from lot line to lot line, and which affords the principal means of access to abutting property. *Street* includes such terms as *public right-of-way*, *highway*, *road* and *avenue*.

a. *Primary county road* or *major highway* means existing or proposed streets or highways within the present or future limits of the Town, designed and located as arterial streets to carry a large volume of fast-moving traffic and which connect the Town with other areas of traffic. Such streets may or may not be designated as interstate, state or county highways but in all cases shall be through streets.

b. *Collector streets* means existing or proposed streets within the present or future limits of the Town designed and located to collect traffic from residential or business areas and facilitate its connection with major or secondary streets.

c. *Local streets* means existing or proposed streets within the present or future limits of the Town other than primary county roads, major highways or collector streets.

d. *Through streets* means every street or portion thereof at the entrances of which vehicular traffic from intersecting streets is required by law to stop before entering or crossing the same.

*Structure* means anything constructed or erected, which requires location on the ground or attachment to something having a foundation on the ground, but not including fences or walls used

as fences less than six (6) feet in height, poles, lines, cables or power transmission or distribution facilities of public utilities.

*Structure, permanent* means a structure which is built of such materials and in such a way that it commonly would be expected to last and remain useful for a substantial period of time.

*Structure, temporary* means a structure which is built of such materials and in such a way that it would be expected to have relatively short useful life, or is built for a purpose that commonly would be expected to be relatively short-term.

*Subdivided land* means land located within a subdivision or PUD approved by the Town Council or the County Commissioners and recorded in the office of the County Clerk and Recorder.

*Subdivider* means the person, including the owner or agent for the owner, dividing or proposing to divide land so as to constitute a subdivision to be shown on a recorded plat.

*Subdivision* means:

a. A tract of land which is divided into two (2) or more lots, tracts, parcels, sites, separate interests (including leasehold interests), interests in common or other division for the purpose, whether immediate or future, of transfer of ownership or for building or other development or for street use by reference to such *subdivision* or recorded plat thereof; or a tract of land, including land to be used for condominiums, apartments, townhomes or any other multiple-dwelling units, or for time-sharing dwelling units, unless the improvement with the same density has previously complied with the requirements of this Chapter.

b. Unless the method of land disposition is adopted for the purpose of evading this definition, the term *subdivision* as defined in this Section shall not apply to any of the following divisions of land or interests in land:

1. The division of land by order of any court in the State or by operation of law.
2. The division of land by a lien, mortgage, deed or trust or any other security instrument.
3. The division of land by a security or unit of interest in any investment trust regulated under the laws of the State or any other interest in an investment entity.
4. The division of land which creates cemetery lots.
5. The division of land which creates an interest or interests in oil, gas or minerals which are now or hereafter severed from the surface ownership of real property.
6. The division of land by the acquisition of an interest in land in the name of a husband and wife or other persons in joint tenancy or as tenants in common, and any such interest shall be deemed for purposes of this Section as only one (1) interest.
7. The division of land by reason of the dissolution of a joint venture.

8. The division of land by conveyance of real property to the Town in satisfaction of land dedication, subdivision, annexation or other Town requirements.

*Subdivision, condominium.* *Condominium subdivision* means a subdivision in which the interests created are separate fee simple estates in individual air space units of a multi-unit property together with undivided fee simple interests in common elements as defined in the Colorado Revised Statutes.

*Subdivision, duplex.* *Duplex subdivision* means a proposed subdivision of a two-unit building built upon one (1) lot zoned as a duplex lot, creating two (2) lots, each lot containing one (1) unit of the two-unit building. Both lots on the proposed subdivision must abut a Town street or road which has been accepted for maintenance, and be physically accessible, or capable of being physically accessible, from the public street by conventional vehicles.

*Subdivision, minor.* *Minor subdivision* means a proposed subdivision of a parcel of land creating a total of four (4) lots or less, including both platted and remaining unplatted parcels, which is properly zoned for the proposed use. All lots on the proposed subdivision must abut a Town street or road which has been accepted for maintenance, and be physically accessible, or capable of being physically accessible, from the public street by conventional vehicles.

*Subdivision, time-sharing.* *Time-sharing subdivision* means a proposed subdivision of any parcel or lot of land or condominium unit, whether fee interest, leasehold or contractual right, whereby more than four (4) persons (ownership of an interest in joint tenancy by two [2] persons being considered one [1] person for the purpose of this Section) are entitled to the use, occupancy or possession of such lot, parcel or unit according to a fixed or floating time schedule occurring periodically over any period of time (the use, occupancy or possession of each person being exclusive of that of the others). *Time-sharing subdivision* includes but is not limited to, a time-share estate as defined in the Colorado Revised Statutes.

*Subject property* means the real property which is the subject of a site development application or enforcement action.

*Temporary or transient business* means a business conducted or undertaken for a period of four (4) weeks or less, whether such business is conducted indoors or outdoors and whether or not conducted for profit. *Temporary or transient businesses* include, without limitation: tent sales, farmers' markets, Christmas tree lots, craft shows, car shows, distributors, peddlers and solicitors and vending carts.

*Temporary structure* means a structure without any foundation or footings and that is removed when the designated time period, activity or use for which the temporary structure was erected has ceased.

*Temporary use* means a use established for a limited duration with the intent to discontinue such use upon the expiration of the time period.

*Tent sale* means the sale of goods or food from a canvas tent or other similar shelter designed and intended for temporary use and approved by the Town.

*Time-sharing* means any parcel or lot of land or condominium unit, whether fee interest, leasehold or contractual right, whereby more than four (4) persons are entitled to the use,

occupancy or possession of such lot, parcel or unit according to a fixed or floating time schedule occurring periodically over any period of time (the use, occupancy or possession by each person being exclusive of that by the others). *Time-sharing unit* includes, but is not limited to, a time-share estate as defined in Section 38-33-110, C.R.S.

*Tourist home* means a building in which more than one (1) but not more than five (5) guest rooms are used to provide or offer overnight accommodations for transient guests for compensation.

*Townhome* means a one-family dwelling in a row of at least three (3) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.

*Tree* means a woody plant, usually with a single main stem, generally growing more than twenty (20) feet tall.

*Triplex* means a structure on a single lot containing three (3) dwelling units, each of which is entirely separated from the other by an unpierced common wall extending from foundation to roof. Each unit must have an exterior entrance.

*Unplatted property* means any property in the Town which has not been subdivided pursuant to the subdivision ordinances of the Town.

*Use* means the purpose for which any land, structure, sign or building is intended, designed, maintained or occupied.

*Utility facilities* means the municipal fire and police station, including jail, and facilities for electric, gas, telephone, water, sewer and sanitary fill necessary for the public health, safety and convenience.

*Utility substation* means public and private utility facilities which are designed for the purposes of switching, storage, transfer, re-broadcast or other transmission or re-transmission purposes, exclusive of individual transmission lines, which provide services including but not limited to: cable television, telephone, gas and electricity. *Utility substation* shall specifically exclude any Town-provided utility facility or substation, including, for example, water and sewer facilities or substations.

*Variance* means a grant of relief from the requirements of this Chapter which permits construction in a manner that would otherwise be prohibited by this Chapter.

*Variance, hardship* means a departure from the provisions of a zoning ordinance relating to setbacks, side yards, frontage requirements, and lot size that, if applied to a specific lot, would significantly interfere with the use of the property.

*Vending cart* means a lightweight, wheeled or otherwise mobile device used for the purpose of selling goods, food and/or beverages.

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

*View, exterior* means the extent or range of vision directed toward improvements on property from any location beyond the boundaries of said property.

*View, interior* means the extent or range of vision originating from within the property on which improvements are situated and directed to another portion of said property or any surrounding area.

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

*Water pipeline* means any pipeline or system of pipelines, including without limit its associated pumps, electrical stations and lines, ditches, flumes, siphons, trestles, access roads, support facilities, buildings and equipment capable of delivering water in an amount equal to or greater than that required to serve one hundred (100) or more residential dwelling units, as defined by this Code, or the equivalent thereof in other uses, but not including the following activities:

- a. The day-to-day operations of an existing pipeline or a minor change in the operation of an existing pipeline, including retrofitting or upgrading technology, so long as the change in operation does not constitute a material change and does not cause negative impacts different from those of the existing pipeline or otherwise exacerbate existing impacts;
- b. The maintenance, repair or replacement of an existing component of a pipeline if it does not constitute a material change and does not cause negative impacts different from those of the existing pipeline or otherwise exacerbate existing impacts;
- c. Activities of the Town and/or the Dillon/Silverthorne Joint Sewer Authority; or
- d. Pipelines serving Town-approved residential developments.

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

*Watercourse* means a natural or artificial channel for the passage of water either continuously or intermittently.

*Yard* means an existing or required open space on the same lot with a principal building which is unoccupied and open to the sky, except as otherwise provided herein.

*Yard, front* means that portion of a yard between the front lot line and the building, and between the two (2) side lot lines, the depth of which shall be the least distance between the front lot line and the building,

*Yard, rear* means that portion of a yard between the rear of a building and a rear lot line and between two (2) side lot lines, the depth of which shall be the least distance between the building and the rear lot line.

*Yard, side* means all the yard between the front and rear yards, the width of which shall be the least distance between the side lot lines and the building. (Ord. 2003-20 §2; Ord. 2005-9 §1; Ord. 2008-3 §1)

**Sec. 4-2-2. Interpretation.**

The Director of Community Development is authorized to interpret the scope, application and meaning of all terms and provisions of this Chapter unless otherwise specifically provided herein. All decisions of the Director shall be final. (Ord. 2003-20 §2)