

ARTICLE 6: DEFINITIONS

SECTION 6.1: Interpretation.

All words in this Zoning Ordinance, except as specifically defined in this Article, shall carry their customary meanings. Words used in the present tense include the future tense; the plural includes the singular; the word shall is mandatory; the word may is permissive; the words occupied or used shall be considered as though followed by the words or intended, arranged or designed to be used or occupied. For the purposes of this Article, the words and phrases set forth below shall have the meanings ascribed to them as follows:

SECTION 6.2: Definitions.

ABUTTING. Having a common property line or district line with an adjacent property. Properties separated by a right-of-way or easement shall be deemed abutting if, in the absence of the right of way or easement, the properties would have a common boundary.

ACCESSORY USE OR STRUCTURE. A use or structure (exceeding 120 sq. ft.) subordinate to the principal structure or use which serves a purpose customarily incidental to the principal use and normally incidental to a use by right and complying with all the following conditions:

- A. Is clearly subordinate, incidental, and customary to and commonly associated with the operation of the use by right;
- B. Is operated and maintained under the same ownership as the use by right on the same zone lot;
- C. Includes only those structures or structural features consistent with the use by right;

ACCESSORY EQUIPMENT FOR A CMRS FACILITY. Equipment, including buildings and structures, used to protect and enable radio switching equipment, back up power and other devices incidental to a CMRS facility, but not including antennae.

ACRE, GROSS. An area in any shape containing 43,560 square feet.

AGENT. Includes any person acting on behalf of or in place of the owner.

ALLEY. A public or private vehicular passageway dedicated or permanently reserved as a means of secondary access to abutting property and designated an alley on a Final Plat.

ALTER. To change any of the supporting members of a building such as bearing walls, columns, beams or girders.

ANIMALS, DOMESTIC. “Domestic animals” includes such animals as may be normally considered household pets, provided that they are not bred and raised for commercial purposes on the property.

ANIMALS, FARM OR DOMESTIC LIVESTOCK. “Farm animals” or “Domestic Livestock” includes such animals as are not normally considered household pets that are kept wholly or partially outside of a residential structure.

ANIMATED SIGN. Any sign which changes, or any part of which changes physical position by any movement or rotation.

ANTENNA. A metallic apparatus used for sending and/or receiving electromagnetic signals.

AUTHORIZED INSPECTOR. Any police officer, building inspector, tri-county health officer, code enforcement officer or any other officer of the Town duly authorized to examine any public or private property within the Town for the purpose of ascertaining the nature and existence of any nuisance.

AUTO REPAIR, MINOR. Vehicle repair and/or servicing consisting of a minor nature, such as tune up, oil change, chassis lubrication, tire change or repair, wheel alignment, muffler repair or installation.

AUTO REPAIR, MAJOR. Vehicle repair consisting of assembly or disassembly of engine parts, body parts, transmission, chassis, axles, etc. and/or the process of painting.

BANNER. A flexible material (e.g. cloth, paper, vinyl, etc.) on which a sign is painted or printed.

BANNER (ARCHITECTURAL). A temporary sign, displayed from a pole, light post or building for a holiday, seasonal or special event, and which does not qualify as an Advertising Banner Sign.

BANNER (ADVERTISING). A temporary sign, typically of canvas or plastic material which is not attached to a permanent mounted backing but which is securely fastened to a building at all times, which is used for the purpose of announcing a “grand opening”, “going out of business”, “now hiring”, or other commercial purpose.

BERM. Mound of earth used for screening, definition of space, noise attenuation, and/or decoration in landscaping.

BOARD. The Board of Trustees of the Town of Foxfield, Colorado.

BOARD OF ADJUSTMENT. A group of individuals appointed or designated by the Board of Trustees as having the responsibility for hearing requests for variances from these Regulations or for hearing appeals as to the interpretation of the provisions of these Regulations.

BILLBOARD. A sign placed on a pole or similar standard designed so that advertising space can be leased for a business, product, or service not available on the premises.

BLADE SIGN. See Projecting Sign.

BUFFER. A horizontal distance or margin of land designed to provide an attractive space or area, obstruct undesirable views, serve as an acoustic barrier or screen from objectionable noise, smoke or visual impact, or to provide for future public improvements or additional open space or generally reduce the impact of adjacent development.

BUILDING. Any structure built for the shelter or enclosure of persons, animals, chattels, property or substances of any kind (not including fences), having one or more floors and a roof, and permanently affixed to the ground.

BUILDING COVERAGE. The amount of land taken up by the building itself on a zone lot. This “footprint” or building line viewed directly from above the structure, includes all attached eaves, cornices, decks (covered and uncovered), covered patios (ground level and uncovered not included), balconies or other building attachments such as garages, porches, porch covers, and the like; includes the ground coverage of accessory uses also. The footprint may not encroach into any setback or yard requirement unless otherwise defined in this Ordinance (see also “Projections”). The amount of building coverage per zone lot specified in each zone district is the maximum amount of land that can be covered by all structures whether they are principal or accessory uses, attached or detached.

BUILDING ENVELOPE. An area within the property boundaries of a lot or property within which an allowed building or structure may be placed.

BUILDING ROOF-MOUNTED CMRS FACILITY. A CMRS facility that is mounted and supported entirely on the roof of a legally existing building or structure.

BUILDING WALL-MOUNTED CMRS FACILITY. A CMRS facility that is mounted and supported entirely on the wall of a legally existing building or structure.

CANOPY. An accessory roof-type structure, which is permanently affixed to the ground

and typically not enclosed. As accessory structures, these structures would be exempt from the minimum distance requirements between structures. These structures must meet all other minimum yard requirements within the zoning district.

CANOPY SIGN. A projecting wall sign affixed above a doorway or window and attached to and supported by the wall of the building, by columns extending from the ground or by a combination of a building and columns.

CERTIFICATE OF OCCUPANCY. Official certification by the Building Official of Foxfield that a premise conforms to provisions of the Building Code and may be used or occupied. Such a Certificate is granted for new construction or for alterations or additions to existing structures.

CHILD CARE FACILITY. A facility, by whatever name known, which is maintained for the whole or part of a day for the care of five or more children under the age of sixteen years 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 educational purposes. The term includes facilities commonly known as day care, day care centers, day nurseries, nursery schools, kindergartens, preschools, play groups, day camps, summer camps, and centers for mentally retarded children and those facilities which give twenty-four (24) hour care for dependent and neglected children, and includes those facilities for children under the age of six (6) years with stated educational purposes operated in conjunction with a public, private, or parochial college or a private or parochial school; except that the term shall not apply to any kindergarten maintained in connection with a public, private, or parochial elementary school system of at least six (6) grades.

CLUSTERED DEVELOPMENT. A type of land use design concentrating development in one or more areas of the project and allowing for a reduction in lot size below minimum requirements when compensating amounts of open space are provided within the proposed development.

COLLECTOR'S ITEM. A motor Vehicle or Implement of Husbandry that is at least twenty-five years old, and is of historic or special interest. In order to be considered a Collector's Item, a motor Vehicle must meet all criteria of "Collector's Item" as defined in C.R.S. 42-12-101, *et seq.*, in addition to all other applicable statutes and ordinances.

COMMERCIAL MOBILE RADIO SERVICE (CMRS) FACILITY. An un-staffed facility consisting of antennae, equipment, and equipment storage shelters used for reception, switching, and/or transmission of wireless telecommunications.

COMMERCIAL MOBILE RADIO SERVICE (CMRS) FACILITY. An unmanned facility consisting of antennae and accessory equipment, and used for the reception, switching, transmission or receiving of wireless telecommunications operating at 1000 watts or

less effective radiated power, and using frequencies authorized by the Federal Communications Commission (“FCC”), including, but not limited to, paging., enhanced specialized mobile radio, personal communication systems, cellular telephone, point-to-point microwave signals, and similar technologies.

COMMISSION. The Planning Commission of the Town of Foxfield, Colorado.

COMPREHENSIVE PLAN. Comprehensive Plan (Master Plan): The Master Plan for the Town of Foxfield, as may be adopted prepared or which is being prepared for the Town, and which includes any part or unit of any such plan separately adopted and any amendment to such plan or parts thereof. It is a plan for the future growth, protection, and development of the Town, which makes recommendations and policies to provide adequate facilities for housing, transportation, convenience, public health, safety and the general welfare of its population.

CONSTRUCTION. Any site preparation, assembly, erection, substantial repair, alteration, demolition, or similar action.

CONVENIENCE STORE, CONVENIENCE SERVICE. A retail or service commercial use which serves the area immediately surrounding the use by providing groceries, sundries and miscellaneous services which do not typically offer comparison shopping opportunities.

COPY. The words, letters, symbols, illustrations, or graphic characters used to convey the message of a sign.

DAY CARE. See definition for Child Care Facility.

DENSITY. A unit of measurement; specific to development, to be interpreted as the number of dwelling units per acre of land.

DENSITY, GROSS. The average number of dwelling units or gross commercial building floor area per acre for the entire development area or site (property boundaries) including all roads and easements within the property boundaries.

DEVELOPMENT. Development means any man-made 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.

DIRECTORY SIGN. A sign utilized on a parcel containing more than one (1) legal use that lists the names and/or other information of the individual businesses located on the parcel.

DIRECTIONAL SIGN. Any sign that directs the movement or placement of pedestrian

or vehicular traffic on a lot with or without reference to, or inclusion of, the name of a product sold or services performed on the lot or in a building, structure, or business enterprise occupying the same.

DRIVE-THROUGH RESTAURANT. A restaurant operation located either within a retail center, or situated on its own freestanding "pad," which primarily: 1) serves food that is prepared and/or packaged within five minutes and is generally intended for consumption away from the premises; 2) contains a drive-in or drive-through facility; and/or 3) is intended to primarily serve the passerby and/or motoring public.

DWELLING. Any building, or portion thereof, used exclusively for residential purposes.
Single-family - A building containing one (1) kitchen designed and/or used to house not more than one (1) family, including necessary employees of each such family.
Multi-family - A building designed and/or used to house two (2) or more families, living independently of each other, including necessary employees of each such family. This includes duplexes, condominiums, townhouses, and apartments.
Living Unit -- A building, or portion thereof, containing one (1) family, including necessary employees of such family.

DWELLING UNIT. A single structure with one or more rooms designed to function as a single living unit and containing only one kitchen plus living, sanitary, and sleeping facilities.

EASEMENT. A right granted by a property owner permitting a designated part or interest of the property to be used by others for a specific use or purpose. A right to use the land of another for a special purpose not inconsistent with the ownership of that land.

ELECTRONIC MESSAGE CENTER SIGN. A sign whose alphabetic, pictographic, or symbolic informational content can be changed or altered on a fixed display surface composed of electronically illuminated or mechanically driven changeable segments. This includes signs that have to be preprogrammed to display only certain types of information (i.e., time, date, temperature) and signs whose informational content can be changed or altered by means of computer-driven electronic impulses.

EMERGENCY. Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage, which demands immediate action.

EMERGENCY WORK. Any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

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

ESTATE SALE. The selling of property at a residence, upon the death of the owner or occupant of said residence, by the executor, administrator, conservator, or guardian, thereof.

FAMILY. A “family” includes the following:

- A. A single individual or a collective body of persons in a domestic relationship based upon blood, marriage, adoption or fostering, living as a separate, independent housekeeping unit including domestic servants; or
- B. A group of not more than six (6) unrelated persons, all living together as a separate housekeeping unit in a single dwelling unit. Excludes boarding or rooming houses, lodges, clubs, hotels, motels or fraternities;
- C. Notwithstanding the above, a family shall be deemed to include no more than (8) persons 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 within the definition of “Group Home” as defined in C.R.S. 31-23-303.

FENCE. A linear structure of wood, wire, metal, brick, stone, frame, stucco, or other manufactured material, or combination thereof, including gates and posts, which is intended to define an area, mark a property boundary, contain animals, provide screening, or reduce roadway noise.

FLAG. Flags of the United States, the State, the City, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction that is allowed to wave flap or rotate with the wind. Flags may also be logos or solid color.

FLASHING SIGN. Any directly or indirectly illuminated sign either stationary or animated, which exhibits changing natural or artificial light or color effects by any means whatsoever.

FLOOD. A general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. the overflow of inland waters, and/or
- B. the unusual and rapid accumulation or runoff of surface waters from any source.

FLOODPLAIN. The area adjoining any river, stream, watercourse, lake, or other body of standing water, which is subject to inundation by a 100-year flood.

FLOOR AREA RATIO (F.A.R.). The ratio of building gross square footage to the gross square footage of a parcel. "Floor Area Ratio (F.A.R.)". The quotient of the gross floor area of all buildings on a lot divided by the area of said lot, for example:

Floor area 15,000 sq. ft. divided by Land area = 43,560 sq. ft. = .34 (F.A.R.)

FOR SALE SIGN. A sign advertising an object or commodity, other than real estate, that is offered for sale.

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

FREESTANDING SIGN. A sign that is supported by one (1) or more columns, upright poles or braces extending from the ground or from an object on the ground, or that is erected on the ground, where no part of the sign is attached to any part of a building, structure or other sign.

FRONTAGE. The Frontage of a parcel of land is considered that distance where a property line is common with a road right-of-way line, unless otherwise defined. Also, see definition "Lot Frontage" and "Linear Frontage."

FULLY ENCLOSED STRUCTURE. A fully enclosed structure shall conform to all Town of Foxfield Zoning and Building regulations regarding principal or accessory structures on a residential lot. Tarps, portable, movable, or temporary storage, trash or recycling containers are not allowed as means of enclosing outdoor storage in any residential zoning district.

GARAGE. An accessory building or a part of a main building used for storage of private vehicles or boats of the family occupying the dwelling unit to which the garage is accessory.

GARAGE or YARD SALE. "Garage Sale" or "Yard Sale" means the selling of items or merchandise owned by the occupants of the residence at which the sale is held.

GARBAGE. Includes any vegetable or animal refuse, food or food product, matter from a kitchen, offal, or carcass of a dead animal, which if deposited within the town other than in a Garbage receptacle, tends to create a danger to public health, safety, and welfare or to impair the local environment. The use in this subsection is not meant to prohibit properly maintained, odorless compost or manure piles.

GRADE. The vertical location of the ground surface.

GRADE, EXISTING. The surface level of the ground prior to alteration of the land by grading.

GRADE, FINISH. The surface level of the ground after completion of all grading.

GRADE PLANE. A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line, or, where the lot line is more than 6 feet from the building, between the building and a point 6 feet from the building.

GRADING. Any excavating, filling or combination thereof.

GROUP HOME. Any structure that provides non-institutional housing for a group of individuals living as a single housekeeping unit and is not considered a family. Certain forms of group housing are specifically regulated by the federal or state government, as defined in C.R.S. § 31-23-303 including:

- Group Home for Handicapped
- Group Home for Developmentally Disabled
- Group Home for Mentally Ill
- Group Home for the Elderly

GROSS FLOOR AREA (GFA). The total floor area of a building or structure enclosed by the outer walls including all stories (floor levels), exclusive of basement area, garage space, and porches.

HAZARD. Hazard means a hazard to public health, safety, and welfare and Includes any activity so recognized by the laws and regulations of the United States, the State of Colorado, Arapahoe County, or the ordinances of the Town. Such hazards shall also include, but not be limited to, activities likely to cause foul or offensive odors, promote the growth or propagation of disease-carrying insects, pollute the air or ground waters of adjacent property, create loud or offensive sounds, cause drainage and runoff to occur in other than historical patterns, or dead trees or vegetation that constitute such a hazard.

HEIGHT, BUILDING. The vertical distance from grade plane to the average height of the highest roof surface.

HEIGHT, STRUCTURE. Structure height (not including buildings) is measured from the average finished grade five feet from each support of the structure to the highest point of the structure. Structure height is used to measure structures such as signs and fences.

HOME OCCUPATION. Any occupation or activity, which is clearly incidental to and conducted wholly within a dwelling unit and not in any accessory building or space on the premises by residents of the dwelling unit.

HOSPITAL. A facility that makes available one or more of the following: medical,

surgical, psychiatric, chiropractic, maternity and/or nursing services.

HOTEL. A building or group of attached or detached buildings designed for occupancy of specified rooms by short term or part-time residents who are lodged with or without meals being provided in a restaurant and in which no facilities are provided for cooking in the individual rooms.

HOUSE FOR SALE. A sign advertising a residential home located in the Town of Foxfield, which is currently being offered for sale.

ILLUMINATED SIGN. A sign lighted by or exposed to artificial lighting either by lights on or within the sign or directed towards the sign.

IMPLEMENTS OF HUSBANDRY. Every vehicle, farm tractor, or machine that is designed, adapted, or used for agricultural purposes.

IMPERVIOUS COVERAGE. Any material that substantially reduces or prevents the infiltration of stormwater or other water into previously undeveloped land.

IMPROVEMENT. Upgrading a piece of land by constructing buildings, streets, utilities and the like upon it or under its surface. Improvements may be either public or private depending upon who is the ultimate owner after construction. Improvements may also be designated as either “on-site” or “off-site” in relation to a development parcel.

INFLATED BALLOON. A membrane device that is inflated and used as a sign by virtue of its shape or letters or figures that are affixed to it and that rests on the ground or is tethered and floats in the air.

INOPERABLE VEHICLE. Any Vehicle that: (i) would be required to be licensed if operated on a public highway, but does not display current, valid license plates; (ii) does not work, move or run; (iii) is not functioning; (iv) is not operable for the function for which it was designed; or (v) does not comply with the minimum safety requirements of the Colorado Motor Vehicle Law.

JUNK. Junk shall include any old, used or secondhand materials of any kind including, without limitation, cloth, rags, clothing, paper, rubbish, bottles, rubber, iron, tires, brass, copper, or other metal, furniture, refrigerators, freezers, all other appliances, the parts of Vehicles, apparatuses and contrivances and parts thereof which are no longer in use, any used building materials, boards or other lumber, cement blocks, bricks, or other second hand building materials or any discarded machinery, Vehicles, or any other article or thing commonly known and classified as junk.

KENNEL. Any building, structure, or open space, or portion thereof, used for the breeding, raising, boarding or selling of animals that are more than six (6) months' old,

or for more than one (1) litter.

LINEAL FRONTAGE. The left to right maximum front dimension of a building.

LOADING AREA. A parking space other than a public street or alley for the parking of commercial vehicles for the purpose of loading or unloading materials or merchandise.

LOGO. Corporate colors, theme, or other trademarked content.

LOT. The unit into which land is divided on a subdivision plat or deed, with the intention of offering such unit for sale, lease, or separate use, either as an undeveloped or developed site, regardless of how it is conveyed. A lot is the smallest unit into which land is divided on a subdivision plat.

LOT, CORNER. A lot abutting two or more streets at their intersection or upon two parts of the same street and where in either case the interior angle formed by the intersection of the street lines does not exceed 135 degrees.

LOT COVERAGE. That portion of the lot area covered by a building(s), including all overhanging roofs and impervious surfaces.

LOT FRONTAGE. That boundary of a lot, which abuts a dedicated public street. In the case of a corner lot, it shall be the shortest dimension on a public street. If the dimensions of a corner lot are equal, the front line shall be designated by the owner based on the address of the property, and filed with the Building Department.

LOT LINE. The external boundary of a lot.

LOT WIDTH. The distance parallel to the front lot line measured between side lot lines through that part of the building or structure where the lot is narrowest. Or where no building exists, the average distance between two (2) side lot lines.

MARQUEE. A projecting wall sign affixed above a doorway or window, and attached to and supported entirely by the wall of the building.

MICROWAVE DISH ANTENNA. A disk-type antenna used to link communication sites together by wireless voice or data transmission via ultrahigh frequency electromagnetic waves.

MONUMENT. A pillar structure or other entryway feature of stone, brick, stucco, wood or similar material.

MONUMENT SIGN. A freestanding sign that is mounted on and supported by an architecturally compatible solid base. Generally, the length of the sign is greater than

the sign height.

MOTEL. See Hotel.

MOTORCYCLE. An unenclosed motor vehicle having a saddle for the use of the operator and two (2), three (3) or four (4') wheels in contact with the ground, including, but not limited to, motor scooters and mini-bikes.

MUFFLER. A device for abating the sound of escaping gases of an internal combustion engine, and includes all similar sound dissipating devices in accordance with vehicle manufacturer specifications.

NOISE. Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological effect on humans.

NOISE DISTURBANCE. Any sound, which (a) endangers or injures the sanity or health of humans or animals; (b) is audible at a residential property boundary; (c) otherwise violates the specific prohibitions of this Section; or (d) endangers or injures personal or real property.

NON-CONFORMING LOT. Pertains to a defined lot where the area, width or other characteristic of which fails to meet requirements of the zoning district in which it is located.

NONCONFORMING STRUCTURE. A structure legally existing and/or used at the time of adoption of these Regulations, or any amendment thereto, which does not conform to the regulations of the zoning district in which it is located.

NONCONFORMING USE. A use legally existing and/or used at the time of adoption of these Regulations, or any amendment thereto, which does not conform to these Regulations.

NUISANCE or PUBLIC NUISANCE. This includes:

The conducting or maintaining of any activity in violation of statute or ordinance;

Any unlawful pollution or contamination of any air, water or other substance or material;

Any activity, operation or condition which, after being ordered abated, corrected or discontinued by a lawful order of an agency or officer of the Town, the Tri-County Health Department, County of Arapahoe, or the State of Colorado, continues to exist or be conducted in violation of statute, ordinance or regulation of the Town, the County or the State;

Any activity, operation, condition, building, structure, place, premises or thing which is injurious to the Public Health, Safety, and Welfare of the citizens of the Town, which contributes to Blight or Property Degradation, or which is indecent or offensive to the senses of an ordinary person, so as to interfere with the comfortable enjoyment of life or

property. For the purposes of this subsection, an accumulation of activities, operations, conditions or things that might individually not arise to the level of a Nuisance may be deemed a Nuisance if, taken together, they would be indecent or offensive to the senses of the ordinary person; and

Any nuisance defined or declared as such by applicable statute or ordinance.

NURSING HOME. Including 'Assisted Living'. Facilities which make medical services and nursing care available for a continuous period of twenty-four (24) hours or more to three (3) or more persons not related to the operator.

OFF-PREMISES SIGN. Any sign, including, without limitation, a billboard or general outdoor advertising device, that advertises or directs attention to a land use, business, commodity, service, or activity not located or available upon the premises whereon the sign is located.

OFF-STREET PARKING. A site or portion of a site devoted to the off-street parking of motor vehicles including parking spaces, aisles, access drives, and landscaped areas.

OPEN FENCE. A fence that is seventy percent (70%) or more open. Examples of open fences include rail, ornamental iron, and barbed wire.

OPEN SPACE. A parcel of land, an area of water or a combination of land or water within the site designated for a Planned Development or subdivision, designed and intended primarily for the use or enjoyment of residents, occupants, and owners of the P.D. and/or the general public for uses including but not limited to recreation areas and facilities, gardens, parks, walkways, paths and trails, and areas of native vegetation left substantially in their natural state or supplemented by additional plant material. The term shall not include space devoted to buildings, streets roads and other ways, parking, and loading areas. Open space credit for non-residential developments shall be given for treatments such as berms, sodded areas, trees, water features, decorative rock treatments and, in some cases, landscaped plazas, and atriums.

- A. Common Open Space means open space designed in intended primarily for the common use of the lawful owners, residents and occupants of a P.D. or subdivision but not necessarily including the general public, which is owned and maintained by an organization established for such purpose or by other adequate arrangements;
- B. Public Open Space means an open area developed, designed, and dedicated to a public authority for use by the occupants of the development and by the general public. Portions of areas containing steep slopes (angle of incline greater than forty-five (45) degrees) and special sub-areas of flood plains (such as bogs) may not be dedicated as public open space.

OUTDOOR STORAGE. The storage of materials, equipment, or vehicles which

material is either wholly or partially visible from the any right-of-way or abutting lot.

PARKING SPACE. That part of a parking area, exclusive of drives, turning areas or loading spaces, devoted to parking or one (1) vehicle or automobile.

PERMANENT SIGN. A sign constructed of durable material and affixed, lettered, attached to or placed upon a fixed, non-movable, non-portable supporting structure.

PERSON. An individual, proprietorship, partnership, corporation, limited liability company, association, or other legal entity.

PETS. Dogs, cats, small animals, reptiles, and birds which are customarily kept in the home or on the premises, as those that may be purchased at local pet stores, for the sole pleasure and enjoyment of the occupants.

PLACES OF WORSHIP. A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

PLANNED SIGN PROGRAM. A program designed to provide flexibility in signage for business, commercial, institutional, and Planned Development uses.

PLANNED DEVELOPMENT (PD). An area of land controlled by one or more landowners to be developed under unified control or unified plan of development for a number of residential, commercial, educational, recreational or industrial uses or any combination of the foregoing, the plan for which may not correspond to lot size, bulk or type of use, lot coverage, open space and/or restrictions of the existing land use regulations.

PLOT PLAN. A surveyed overhead view plan that shows the location of the building(s) on the lot and includes all easements, property lines, setback lines and a legal description of the lot.

POLE-MOUNTED CMRS FACILITY. A CMRS facility that is mounted and supported entirely on a legally existing traffic signal, utility pole, street light, flagpole, CMRS facility, electric transmission line, or other similar structure.

POLITICAL SIGN. A sign indicating the name and/or picture of an individual seeking election or appointment to a public office, or relating to a proposition or change of law in a public election or referendum, or pertaining to the advocating by persons, groups, or parties of political views or policies.

PORTABLE SIGN. A freestanding temporary sign, which is not affixed to the ground, a

sign structure, building, canopy, or awning, and which is capable of being carried or moved about.

PRINCIPAL USE: The primary use located on a given lot or parcel of land, as opposed to an accessory use; also, a use which is listed as a use by right in any given zone district in this Ordinance.

PRINCIPAL USE OR STRUCTURE. The primary use or structure located on a given lot or parcel of land, as opposed to an accessory use or structure.

PROJECTING SIGN. A sign which projects, in whole or in part, more than eighteen (18) inches horizontally beyond the face of the building on which it is displayed. A blade sign is a projecting sign.

PROJECTIONS. Parts of buildings such as architectural features that are exempted, to a specified amount, from the setback requirements of the Zoning Ordinance.

PROPERTY BOUNDARY. An imaginary line along the ground surface and its vertical extension which separates the real property owned by one person from that owned by another person, but not including intra-building real property divisions.

PUBLIC RIGHT OF WAY. Any street, avenue, boulevard, highway, sidewalk or alley or similar place, which is owned or controlled by a governmental entity. This term includes Town Right of Way.

PUBLIC SPACE. Any real property or structures thereon which are owned or controlled by a governmental] entity.

PUBLIC UTILITY. Every firm, partnership, association, cooperative, company, corporation and governmental agency, and the directors, trustees or receivers thereof, whether elected or appointed, which is engaged in providing railroad, airline, bus, electric, rural electric, telephone, telegraph, communications, gas, gas pipeline carrier, water, sewerage, pipeline, street transportation, sleeping car, express, or private car line facilities and services.

RAIL FENCE. Typically, an open fence with vertical posts spaced approximately six feet (6') to eight feet (8') apart, and two (2) or three (3) horizontal rails.

REAL ESTATE SIGN. A sign indicating the availability for sale, rent or lease of the specific lot, building, or portion of a building upon which the sign is erected or displayed.

RECREATIONAL FACILITIES. Uses, structures, and/or land utilized for the provision of recreational activities and/or open space that may be developed, operated, and/or maintained by a public entity.

RESIDENTIAL PROPERTY. Property that is zoned primarily for residential use.

REZONING. A revision to the Official Zoning Map.

RIGHT-OF-WAY. An area or strip of land over which a right of passage has been recorded for use by vehicles, pedestrians, and/or facilities of a public utility.

ROOF SIGN. A sign that is mounted on or projects above any part of the roof of a building, or which is wholly dependent upon a building for support and which projects above the roof of a building with a flat roof, the eave line of a building with a gambrel, gable or hip roof, or the deck line of a building with a mansard roof.

SCREENING. A structure erected or vegetation planted to conceal from viewers the area behind it.

SEPARATION DISTANCE. Distance between structures measured from the foundation of one structure to the foundation of an adjoining structure; provided, however, that exterior chimneys, soffits, and bay windows may extend into this open area a distance of up to twenty four inches (24") for each of the structures.

SETBACK. The distance required between the face of a building and the lot line opposite that building face, measured perpendicularly to the building. Where angled buildings or lots, curved streets, etc., exist, the setback shall be taken as an average distance. Setback also refers to the horizontal distance (plan view) between the delineated edge of wetlands, stream/river corridors, riparian areas, or wildlife habitat and the closest projection of a building or structure.

SETBACK LINE. A line or lines within a property defining the minimum horizontal distance required between a building/structure and property line.

SETBACK, FRONT YARD or FRONT LOT. A line which forms a vertical plane parallel with a front lot line of a lot, tangent to that part of a building or structure situated on such a lot which is closest to such lot line and intersecting two other lot lines of such lot.

SETBACK, REAR YARD or REAR LOT. A line which forms a vertical plane parallel with a rear lot line of a lot, tangent to that part of a building or structure situated on such a lot which is closest to such rear lot line and intersecting two other lot lines of such lot.

SETBACK, SIDE YARD or SIDE LOT. A line which forms a vertical plane parallel with a side lot line of a lot, tangent to that part of a building or structure situated on such a lot which is closest to such side lot line and intersecting two other lot lines of such lot.

SITE DEVELOPMENT PLAN. A plan view of land drawn to scale showing accurate

dimensions and containing the information required in this ordinance including uses and structures proposed for a parcel of land as required by the regulations involved. It includes lot lines, streets, parking, building sites, reserved open space, buildings, major landscape features, both natural and man-made, and the locations of proposed utilities and easements.

SIGHT TRIANGLE. An area of land located at intersections of streets, drives, and other public and/or private ways situated to protect lines of sight for motorists, within which, the height of materials and/or structures is limited.

SIGN. Any object or device containing letters, figures and/or other means of communication or part thereof, situated outdoors or indoors, of which the effect produced is to advertise, announce, communicate, identify, declare, demonstrate, direct, display and/or instruct potential users of a use, product, service or event.

SMALL WIND ENERGY CONVERSION SYSTEM (SWECS). Any mechanism, including blades, rotors, or other moving surfaces, designed for the purpose of converting wind energy into mechanical or electrical power. For the purpose of these Regulations, towers, tower bases, guy wires and any other structures necessary for the installation of a small wind energy conversion system are also included.

SOLID FENCE. A fence that is less than seventy percent (70%). Examples of solid fences include board on board, stockade, brick, stone, and masonry.

SOUND. An oscillation in pressure, particle displacement particle velocity, or other physical parameter in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, volume, and frequency.

SOUND WALL. A wall constructed for the purpose of reducing roadway noise.

SPECIAL REVIEW USE. Use that must have approval of the Board of Trustees before being allowed in the specific Zoning District.

STABLE. A structure to house domestic livestock and farm animals, which shall be limited to the capacity of not more than one domestic livestock and farm animals per acre or portion thereof.

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

STREET. A public right-of-way, which provides the principal means of access to abutting property.

STRUCTURE. Anything which is constructed or the use of which requires permanent location on the ground or attachment to something having permanent location on the ground. Structure may also include a street, driveway, culvert, Fence, gate, post, Monument, sign, Mailbox, fire hydrant, public utility, berm, hedge and Landscaping, among others.

SUBDIVISION REGULATIONS. The Subdivision Regulations duly adopted by the Board of Trustees of the Town of Foxfield.

TEMPORARY SIGN. A non-permanent sign, banner, or similar device that is intended for a temporary period of use. Temporary signs include, but are not limited to construction signs, real-estate signs, garage sale signs, banners, holiday displays, flags, windsocks, inflatable balloons, political, real-estate and For Sale signs. A temporary sign does not include a sign display area that is permanent but the message displayed is subject to periodic changes.

TOWN. The Town of Foxfield, Colorado.

TOWN ENGINEER. The employee or consultant designated by the Board of Trustees as the Engineer for the Town.

TOWN PLANNER. The employee or consultant designated by the Board of Trustees as the Town Planner for the Town.

TOWN RIGHT-OF-WAY. Same as Public Right-of-Way and Right-of-Way.

USE. The purpose for which land or premises or a building thereon is designed, arranged or intended, or for which it is or may be occupied and includes the activity or function that actually takes place or is intended to take place on a lot.

USE, PRINCIPAL. The primary use located on a parcel of land.

VARIANCE. A decision of the Board of Adjustment which grants a property owner relief from certain provisions of this Zoning Ordinance when, because of the particular physical surroundings, shape, or topographical condition of the property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience.

VEHICLE. "Vehicle" means a machine propelled by power other than human power designed to travel along the ground, in the air, or through water by use of wheels, treads, runners, slides, wings, or hulls and to transport persons or property, to pull non-self-propelled vehicles or machinery, and includes, but is not limited to: automobile, airplane, boat, bus, truck, trailer, motorcycle, motor home, recreational vehicle, camper,

truck tractor. For the purpose of this Section, the term Vehicle includes Implements of Husbandry, mobile machinery, and self-propelled construction equipment.

VIBRATION. An oscillatory motion of solid bodies of deterministic or random nature described by displacement, velocity, or acceleration with respect to a given reference point.

WALL SIGN. A sign attached to or painted on the wall of a building or structure whose display surface is parallel to the face of the building or structure, and whose height does not exceed the height of the wall to which said sign is attached or painted upon. Awning, marquee, and canopy signs are to be considered wall signs.

WEEKDAY. Any day Monday through Friday which is not a legal holiday.

WHIP ANTENNA. An array of antennae that is cylindrical in shape.

WINDOW SIGN. A sign that is painted on, attached to, or located within three (3) feet of the interior of a window and that can be seen through a window from the exterior of the structure.

YARD. An open space on the same lot with a building or building group lying between the front, rear, or side wall of a building and the nearest lot line, unoccupied except for projections and the specific minor uses or structures allowed in such open space under the provisions of this Zoning Ordinance.

YARD, 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.

YARD, 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.

YARD, SIDE. A yard on the same lot as a building situated between the side lot line and a line parallel thereto and passing through the nearest point of a building, and extending from the front yard to the rear.

ZONING ADMINISTRATOR. That individual appointed or designated by the Board of Trustees to enforce these Regulations.

ZONING DISTRICT. A portion of the Town within which the use of land and structure(s) and the location, height and bulk of structure(s) are governed, i.e., the RR classification is a district.