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ARTICLE IV DEFINITIONS

DIVISION 1 GENERAL INTERPRETATION AND ABBREVIATIONS.

Section 4-100 Interpretation.

In addition to administrative interpretations applicable to these Land Use Regulations (Division 2 of Article III), the following words and terms may be construed as follows, unless the context clearly indicates a contrary meaning:

- A. The interpretation and application of the provisions of these Land Use Regulations shall be regarded as minimum requirements for the protection of the public health, safety, and welfare.
- B. These regulations are not intended to modify, abrogate, amend, or annul any vested property right (C.R.S. § 24-68-101) which is a constitutional guarantee or lawfully established in accordance with federal or state law prior to the effective date of these Land Use Regulations, except to the extent such rights may be lawfully modified, abrogated, amended, or annulled without a requirement of compensation to the holder of such rights.
- C. The use of "may" or "should" means permissive, recommended, or advised but is not mandatory; the use of "shall," "must," or "will" means compliance is mandatory and not voluntary or permissive.
- D. If a term or phrase is subject to more than one reasonable interpretation, the more stringent or restrictive interpretation is intended.
- E. If two or more provisions of these Land Use Regulations or other applicable law conflict, the more stringent or restrictive provision shall govern or control.
- F. Words in the present tense include the future, unless the context clearly indicates the future tense.
- G. Words used in the singular number include the plural and words using the plural number include the singular unless the context clearly indicates the contrary.
- H. The masculine gender shall include the feminine, and the feminine gender shall include the masculine.
- I. Whenever a provision appears requiring a County official, officer, employee, or agent to perform an act or duty, it shall be construed to authorize such official, officer, employee, or agent to designate, delegate, and authorize subordinates to perform the duty or act, unless the terms of the provision or section expressly limit such authority.
- J. The time within which an act is to be done shall be computed by excluding the first and including the last day; if the last day is a Saturday, Sunday or legal holiday observed by Park County, that time by which an act must be done shall be the day following the Saturday, Sunday, or legal holiday.
- K. Whenever a fraction is generated in the computation of standards, such as the number of required parking spaces, the fraction shall be rounded up to the next highest whole number.
- L. The more particular or specific provision shall govern over a general provision.

M. In interpreting these Land Use Regulations:

1. "Day" shall mean the end of a business day, which shall be at 5:00 P.M., local time.
2. "Week" shall mean seven (7) consecutive days including any holidays.
3. "Month" shall mean thirty (30) days.
4. "Year" shall mean three hundred and sixty-five (365) consecutive days unless a calendar year is the obvious intended meaning.
5. The word "structure" includes the word "building."
6. The words "used" or "used for" include the words "intended," "designed," "arranged," "or occupied."
7. The word "person" includes a firm, association, partnership, trust, company, or corporation as well as an individual.

Section 4-101 Abbreviations.

The following abbreviations are used in this Land Use Regulation, and are intended to have the following meanings:

- A. "C.R.S." means the Colorado Revised Statutes.
- B. "BOCC" means The Park County Board of County Commissioners.
- C. "BOA" means the Park County Board of Adjustment.
- D. "N/A" means not applicable.

DIVISION 2 DEFINITIONS.

Section 4-200 Definitions.

A. Words and phrases used in these Land Use Regulations shall have the following meanings unless a different meaning is contained in another applicable Article or Section or where the context clearly indicates a different meaning is intended. Words and phrases not defined in this Division shall be subject to the written interpretation of the Planning Director pursuant to Article III, Division 2, subject to appeal as provided by these Regulations.

B. Capitalization of a term or phrase denotes that the term or phrase is a specifically defined term for purposes of these Land Use Regulations.

Accessory Use: A use customarily and commonly associated with and clearly subordinate to a Principal Use and located on the same Lot.

Accessory Structure: A structure or building customarily and commonly associated with and clearly subordinate to a lawfully existing Principal Building located on the same Lot. For Lots less than thirty-five (35) acres, an Accessory Structure is not permitted unless a Principal Building is in existence and use on the same Lot, or a building permit for such Principal Building has been obtained. An Accessory Structure, regardless of the existence of a Primary Structure, is permitted on parcels thirty-five (35) acres or larger. Truck trailers are prohibited as accessory structures. Shipping/storage containers may be used as accessory structures only during active, permitted construction or on lots 160 acres or greater, with certain restrictions. See Section 5-713.

Adjacent Property: Property having a common border with a Lot, Parcel, or another property or separated from such a common border by a public right-of-way, alley, or easement.

Agrarian: Use relating to farmers or farming interest. (i.e. 4-H, FFA, CCA)

Agricultural Associated Housing: Dwelling unit(s) reserved and restricted for residential use by those engaged in ranching or agricultural activities on the same property upon which the housing is located.

Agriculture & Ranching: The use and practice, whether individually or in combination of:

A. Farming, including plowing, tillage, cropping, seeding, cultivating, harvesting, and processing for the production of food and fiber products; aquaculture; timber harvesting and processing; sod production; orchards; vineyards; and the cultivation of products as part of a recognized commercial enterprise; and/or the grazing or raising of livestock for the production of food and fiber products as part of a recognized commercial enterprise excluding stockyards, slaughtering or commercial food processing plants.

B. Agriculture & Ranching includes such Accessory Structures and buildings as may be commonly associated with such use, including barns, corrals, and storage sheds used in support of the Agriculture & Ranching use on the same property.

All Weather Surface: Man-made road surfaces designed and constructed to withstand, without damage, repeated and annual exposure to common seasonal mountain weather conditions, runoff, and anticipated vehicular traffic.

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

Animal Sanctuary: An enterprise for the secure and humane containment of wild and/or domesticated animals, including birds, that have been injured or that require special care.

Applicant: The owner or any person authorized by the owner to submit an application for a land use approval change or other action contemplated by these Land Use Regulations.

Bar or Tavern: A commercial establishment offering on-site consumption of alcoholic beverages for sale by the drink and in which the sale of food products such as sandwiches or light snacks is secondary.

Bed and Breakfast: A commercial establishment conducted within a Residential Dwelling Unit containing congregate dining room(s), a kitchen, bathrooms, and individual bedrooms operated for the short-term rental and overnight accommodation of not more than 2 guests for each bedroom with a maximum of 10 guests, plus their minor children, at any one time.

Block: A distinct or identifiable grouping of Lots typically bounded by roads.

Board of Adjustment: The body appointed by the Board of County Commissioners pursuant to the requirements of C.R.S. § 30-28-117(1).

Bison (Buffalo): Any animal of the genus bison, *Bison bison* L.

Building: Any Structure supported by columns and/or walls used or intended for sheltering any use or occupancy. See also "Structure."

Building Code: The County-adopted codes governing or regulating the construction of buildings.

Building Permit: An official document or certification that is issued by the Building Department and which authorizes the construction, alteration, remodeling, demolition, moving or repair of a building or structure.

Campground, Commercial: A commercial use accessible to the general public for the temporary overnight recreational stay of customers in tents and recreational vehicles. Commercial Camping use shall include systems for the drinking water and septic sewer needs of campers, organized campsites, and daily monitoring and supervision of the use.

Camping: Temporary, non-commercial lodging by a lot owner or owners. No tent, trailer, recreational vehicle, or other camping unit may be permanently affixed to the ground.

Camping Unit: A tent, tent trailer, travel trailer, camping trailer, pickup camper, motor home, and any other device or vehicular type structure for use as temporary living quarters or shelter during periods of recreation, vacation, leisure time, or travel.

Car Wash: A commercial use primarily engaged in the cleaning and detailing of automobiles.

Caretaker Dwelling: A dwelling unit occupied by a caretaker or operator and his or her family.

Cemetery: An area which is used as a burial ground for the deceased.

A. Family: A private cemetery is one used only by a family.

B. Commercial: A public cemetery is one used by the general community, a neighborhood, or a church.

The mode of use rather than ownership determines whether a cemetery is public or private. There are statutory provisions which apply to operation of cemeteries.

Certificate of Occupancy: A written document issued by Park County which authorizes the permanent occupancy of a building or structure as the result of completion of the building or structure in accordance with the County building permitting procedures.

Church: A Building whose primary use is the assembly of people for religious worship and which is maintained and controlled by a religious organization.

Church, In-home: The use of a residence for persons to assemble for religious worship, which use is clearly incidental and secondary to use of the Building for residential purposes.

Church, Mega: A Church with a seating capacity of more than 250 persons in a sanctuary or main activity area.

Church, Neighborhood Scale: A Church with a seating capacity of 250 persons or less in the sanctuary or main activity area.

Commercial: Any activity, transaction, operation, or function a purpose of which is the exchange, trade, or provision of goods, services, or other products of value for consideration or other form of a benefit, whether or not for profit.

Community Center: A building or structure associated with the private or public use of groups of people for social gathering, meetings, or recreational activities. A Community Center may include Outdoor and Indoor Recreation Facilities as defined by this Article IV.

Community or Central Wastewater System (or Community Sewer System): A wastewater or sewage system that collects wastewater or sewage from more than one parcel and provides treatment at a centralized location. Examples include aerated lagoon systems; manufactured treatment plants; shared or clustered septic tank/soil-absorption systems; and individual absorption systems where all or part of the systems are located on property under common ownership by the property owners receiving services.

Comprehensive Plan: The County-adopted master plan or comprehensive plan, by whatever title, prepared and approved in accordance with Part 1, Article 28, Title 30, C.R.S. together with all attachments and/or amendments to that plan.

Conditional Use: See Article V, Division 5.

Conference & Retreat Facility: A use offering meetings, conferences, and temporary overnight accommodations for organized groups of people. Such facilities may include, but are not limited to, central meeting rooms, banquet rooms, a pool, and a bar and/or restaurant that caters to both guests of the facility and the general public.

Construction Dwelling: A temporary use conducted in either: (a) a Manufactured Home; or (b) a Recreational Vehicle; or (c) a stick-built building meeting all requirements of the County Building Code for which a certificate of occupancy is issued as a single family residential dwelling unit. The use shall be for the sole purpose of temporary residential accommodations by the owner or the owner's builder during periods in which a valid building permit authorizes construction on the same Lot of a permanent Dwelling Unit, unless the construction dwelling is a manufactured or stick-built home retained as a guest house by right or by issuance of a conditional use permit. A Construction Dwelling shall be connected to County-authorized and County-permitted water and sewer service or, if a Recreational Vehicle, shall be as a self-contained facility that provides water and sewer services. A Construction Dwelling may not occupy the same Lot as a Residential Dwelling Unit, which is authorized for occupancy by issuance of a Certificate of Occupancy.

Corral: A fence type structure consisting of vertical posts and horizontal members, so constructed that 75 percent or more of the vertical surface is open. Chain link or other similar types of wire fences are not intended to be included in this definition and shall be classified as a fence.

County: Park County, Colorado, a political subdivision of the State of Colorado, acting through its Board of County Commissioners.

County Facilities: A County-owned building, facility, or activity for the support of any county government function.

Craft Studio: A space in a building used primarily for creating artistic quality and handmade articles with or without retail sales.

Crisis Center: A facility used for the purposes of emergency shelter and crisis intervention for victims of crime or abuse, including counseling, referral, hotline response and similar human social service functions. Said facility may include meal preparation, distribution, or service for the residents of the center as well as nonresidents; merchandise distribution, or shelter, including boarding, lodging or residential care.

Cul-de-Sac: A street having one end open to vehicular traffic and being terminated at the other end by a vehicular turnabout or other feature permitting the safe and efficient redirection of vehicular traffic.

Custom Meat and Wild Game Processing: The processing of meat of an animal not owned by the person performing the processing and not intended for sale by the owner of the animal. The animal will not be raised, boarded or slaughtered at the processing facility.

Day Care, Commercial: A use licensed by the State of Colorado as defined in 12 CCR 2509 - 8 program area 7 - Childcare Centers (less than 24 hour care) and 12 CCR 2509 - 8 program area 7 – Day Treatment Centers.

Day Care, Home: All childcare homes must comply with the “General Rules for Child Care Facilities”, “Rules Regulating Special Activities”, and the “Rules Regulating Family Child Care Homes”. A use licensed by the State of Colorado located within and secondary to a dwelling unit. A use licensed by the State of Colorado defined in 12 CCR 2509 – 8 program area 7 – Family Child Care Homes.

Density, Gross Residential: The average number of dwelling units per acre of a development.

Density, Net Residential: The average number of dwelling units per acre of a development excluding all areas of open space which are held in common ownership by residents, occupants or owners of the development, which are dedicated for public use, and all other non-residential uses.

Development: Any activity or construction, excluding normal agricultural activities, that changes the existing character or use of the land.

Director: The Park County Planning Director or the Park County Planning Director's designee.

Division (or Divide): To plat, parcel, create, separate, sell, convey, transfer, grant, gift, dispose of, or otherwise split real property into two or more properties or Easements. See Definitions for Lot, Easement, and Disposition.

Domesticated Animal: A small animal customarily considered as a pet animal and permitted to be kept in a residential dwelling for company or pleasure, including, but not limited to, dogs, cats, pot-bellied pigs, gerbils, guinea pigs and similar rodents, hamsters, tropical fish, or common house birds, provided that such animals are not kept to constitute a source of food, resource, or for any commercial purpose.

Driveway: A vehicular access connected to a public right-of-way.

Dwelling Unit: A Building or part of a Building providing complete independent living facilities for one or more persons, including identifiable areas or rooms for sleeping, eating, meal preparation (A kitchen including the capacity for installation of a stove and refrigerator with hot and cold water/sink area), and a bathroom (toilet, shower and/or tub, hot and cold water/sink area).

Dwelling Unit, Duplex: A Building consisting of two (2) Dwelling Units.

Dwelling Unit, Multifamily: A Building divided into three (3) or more Dwelling Units. Such Dwelling Units may or may not share common entrances and/or other jointly accessible spaces.

Dwelling Unit, Single Family: One (1) Building containing only (1) Dwelling Unit and detached from any other Building.

Easement: A lawfully recognized interest in, and right of use of the property of another person.

Educational Facility: A specialized educational or training establishment.

Educational Facility, Post-Secondary: A public, private, or religious institution authorized by the state to award associate, baccalaureate, or higher degrees.

Educational Facility, Primary/Secondary: A public, private, or religious institution, including charter schools, that provides educational instruction to students and meets state requirements for primary and/or secondary education. This definition does not include any institution providing post-secondary education.

Emergency Services Facility: A structure operated by a special district containing fire, ambulance, and/or search and rescue equipment and personnel employed by or volunteering for the special district.

Employee Housing: Dwelling Unit(s) reserved and restricted for residential use by employees engaged in ranching or agricultural activities on the same property upon which the Employee Housing is located.

Evidence: Any map, table, chart, contract, or other document, or oral testimony, prepared, certified, or offered by a qualified person to attest to a specific claim, condition, position, or proposition, which is found as relevant and competent by the reviewing agency to support the claim, condition, position, or proposition.

Evidence of Ownership and Encumbrances: Documentary evidence acceptable to the County reasonably establishing: (a) that the Applicant(s) is/are either the fee owner(s) of the entire property proposed for subdivision; and (b) the full names and mailing addresses of all other interest holders in the property. Documentation of ownership shall be satisfied by a deed. At the discretion of the Planning Director, documentation of liens and encumbrances may include all of the following:

- A. A written ownership and encumbrances report or title commitment prepared by a title company and dated not more than 60 days from the date of the application submission to the County; and
- B. A listing of the owners of any surface, subsurface, or above surface rights, easements or other interests in the land including the names and addresses of such owners, together with the book or film, page and reception number of each owner as recorded in the office of the County Clerk and Recorder; and
- C. A listing of all liens and encumbrances against the subject property with the book or film, page and reception number of each lien or encumbrance as recorded in the office of the County Clerk and Recorder including the names and addresses of all such lien holders.

Family: Any number of individuals who are related by blood, marriage, legal adoption, or unrelated individuals living together as a single residential housekeeping unit and doing their cooking on the premises. A single residential housekeeping unit is generally characterized by a familial-like social structure and the sharing of responsibility associated with the maintenance of human life and comfort with a sense of permanency as opposed to the transient nature of a Bed and Breakfast, Motel or Hotel, or other temporary occupancy arrangement.

Floodplain: See Article VII, Division 10.

Fraternal Organization: Any incorporated society, order, or supreme lodge, with more than fifteen local members that regularly assemble for on-site meetings, without capital stock, conducted solely for the benefit of its members and their beneficiaries and not for profit, operated on a lodge system with ritualistic form of work, and having a representative form of government. This definition does not include religious organizations.

Frontage: The width of a Lot abutting a public right-of-way measured at the front property line.

Geologic Hazard: A naturally occurring or man-made geologic condition or phenomenon that presents a risk or potential danger to life, health, or property of sufficient magnitude and probability as to affect the utilization of an area or tract of land.

Geologist: A person who is a graduate of an institution of higher education which is accredited by a regional or national accrediting agency, with a minimum of thirty semester (forty-five quarter) hours of undergraduate or graduate work in a field of geology and whose post-baccalaureate training has been in the field of geology with a specific record of an additional five years of geological experience to include no more than two years of graduate work.

Glare: A harsh or bright light or reflection that is significantly greater in intensity than lighting or reflective sources located on neighboring or surrounding properties.

Golf Course: A regulation course for the game of golf, which may or may not be accompanied by a country club, putting greens and practice areas, or golf driving ranges but does not include free-standing miniature courses (see Recreation Facility, Outdoor).

Grazing Association: A body of people organized for the purpose of permitting the grazing of livestock.

Ground Water: Subsurface water within and below the zone of continuous saturation.

Group Home, Residential: A use licensed by the State of Colorado as defined under 12 CCR 2509 - 8 program area 7 – Rules Regulating Residential Child Care Facilities. A “Residential Child Care Facility (RCCF)” shall provide 24 hour residential group care and treatment for five or more children.

Group Home, Special: A use licensed by the State of Colorado as defined under 12 CCR 2509 - 8 program area 7 – Specialized Group Facilities.

Guest House: An accessory Single Family Dwelling Unit used to house a property caretaker or visitors and guests of the occupants of the primary Dwelling Unit on a lot. Guest Houses must have a smaller Gross Floor Area than the primary Dwelling Unit and have lawful means of obtaining water and disposing of wastewater. No lot may contain more than one Guest House.

Guest Ranch (Dude Ranch): A type of ranch oriented towards visitors and tourism. A Guest Ranch is patterned after a western ranch, featuring indoor accommodations, camping, horseback riding, and other similar outdoor activities.

Hazardous Materials: Material(s) defined as: (a) explosive or hazardous by the Code of Federal Regulations at Title 49, Chapter 1, parts 173.50 through 173.389; (b) fireworks by C.R.S. §12-28-101(3); and (c) flammable liquids by C.R.S. § 42-1-102.

Health Care Clinic: An establishment open to the public and engaged in providing one or more human outpatient medical, clinical, dental, vision, pharmacy, chiropractic, physical therapy, alternative medicine, psychiatric, and other similar health care services together with accessory administrative offices.

Heavy Vehicle and Equipment Storage Yard: the parking, maintenance, and minor repair of vehicles used in off-site construction and excavation. This use must include an office structure of at least 500 square feet, be screened from adjacent lots or parcels with berms, vegetation, and/or fencing approved during plan review by the planning department and meet all other applicable requirements of these land use regulations. Any fuel storage must be aboveground, contained within a lipped impervious surface, of no more than five hundred gallons total capacity, and approved in writing by the local fire protection district.

Historic Archeological Resources: Historically significant artifacts remaining from past land uses, such as but not limited to tools, parts of buildings, and mining, building, and railroad sites.

Historic Architectural Resources: Historically significant structures remaining from past land uses, such as but not limited to residences, mining structures, and agricultural buildings.

Historic Preservation: See Article IX, Division 4.

Homeless Shelter: A facility providing temporary food and shelter without charge for people with no regular residence. The facility may also provide, without charge, counseling and vocational training.

Home Occupation: Any type of work conducted regularly for wages, fees, salary, or commercial gain, completely within a Dwelling Unit or completely within a building Accessory to a Dwelling Unit, which use is clearly incidental and secondary to the use of the dwelling for residential purposes. Home Occupations may not include a retail store. Home Occupations are divided into two classes: "Minor Home Occupation" and "Major Home Occupation:"

- A. Minor Home Occupation: A use conducted only by full-time residents of the dwelling unit that generates not more than a total of sixteen (16) vehicle trips (a vehicle trip is equal to a departure or an arrival by the proprietor, a customer, or a delivery/pick-up) during any day.
- B. Major Home Occupation: All Home Occupations not defined as Minor Home Occupation shall be Major Home Occupations.

All Home Occupations (both Major and Minor) shall meet all of the standards required by Article V of these Land Use Regulations.

Hospital: A licensed institution primarily operated for the diagnosis, treatment, and care of human illness or infirmity and providing health services, primarily for inpatients, and including as related facilities, laboratories, outpatient services, training and education facilities, and staff offices. (A Hospital may include the delivery of services customarily provided in a Health Care Clinic)

Hotel, Motel or Inn: A commercial establishment with guest bedrooms or cabins with access to full-service bathrooms and operated for lodging and overnight accommodation for transient guests on a rental or fee basis. May include Bar, Restaurant, or Retail Store as accessory uses.

Improvement: Any utility, roadway, building, structure or other man-made changes to the land. Improvements include street grading, street surfacing and paving, curb and gutter, sidewalks, cross walks, water mains and lines, fire hydrants, sanitary sewers, drainage facilities, culverts, bridges, and utilities.

Interest: For purposes of these Land Use Regulations, a legally recognized right, claim, title, privilege, or share in real property. Interest includes fee simple title, or such lesser right such as an Easement (see definition for Easement). An Interest shall specifically include an Easement which reserves to any person other than the fee owner any right to development of real property described in the Easement.

Industrial, Light: Uses engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales or distribution of such products. Further, light industrial shall mean uses such as the manufacture of electronic instruments, preparation of food and beverage products, custom meat and wild game processing, pharmaceutical manufacturing, research and scientific laboratories, wood processing or the like. Light industrial shall not include uses such as mining and extracting industries, petrochemical industries, rubber refining, primary metal or related industries. Light industrial operations occur at higher volumes than craft studios and may include retail sales as a secondary use to primary industry.

Industrial, Heavy: Uses engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing

processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous conditions. Heavy Industrial includes asphalt and concrete batch plants, fuel alcohol plants, fuel bulk plants, slaughterhouses, recycling facilities and ice and cold storage plants. Heavy Industrial shall also mean those uses involving the operation of heavy equipment, solid waste or sanitary waste transfer stations and transport terminals (truck terminals, public works yards, container storage).

Jail or Prison: A licensed facility for the processing, confinement and supervision of people legally held in custody.

Kennel: Any structure where any combination of domesticated animals, totaling four or more animals, six months of age or older, are kept, boarded, or bred for commercial purposes.

Landfill: A state-licensed use of property primarily for the disposal by dumping, burial and other means of garbage, junk, trash, refuse, discarded machinery, vehicles or parts thereof.

Laundry and Dry-Cleaning Facility, Individual Service: A retail business that provides laundry services to individual customers.

Laundry and Dry-Cleaning Plant, Commercial: A facility for cleaning of garments, fabrics, rugs, draperies or other similar items on a commercial or bulk basis.

Livestock, Large: Equine animal, bovine animal, sheep, goat, swine, reindeer, llama, ostrich, emu, yak, cattalo, and other hoofed animals customarily raised or kept on farms and ranches for profit or other productive purposes.

Livestock, Small: Mink (and other similar fur bearing mammals), duck, chicken and other poultry or fowl, and other animals of similar size customarily raised or kept on farms and ranches for profit or other productive purposes as opposed to domesticated animals.

Lot: An identifiable and specific tract, parcel, or area of land recognized by Park County. A Lot is not an Easement.

Lot Area: The total area within the boundary lines of a Lot.

Lot Width: The average distance between the side lot lines of a Lot.

Manufactured Home: A dwelling unit which is partially or entirely manufactured in a factory; is installed on a permanent foundation meeting all applicable provisions of the County Building Code; has brick, wood, or cosmetically equivalent exterior siding and a pitched roof; and is certified pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974," 42 U.S.C. §§ 5401 et seq., as amended. The term Manufactured Home does not include Mobile Homes or Recreational Vehicles.

Master Site Plan: A site plan drawn to a constant scale showing the precise locations and dimensions of all property lines, easements, and existing and proposed structures and uses; including but not necessarily limited to vehicular and pedestrian access, parking, landscaping, lighting, and utility infrastructure.

Mining: An enterprise or operation involving underground or surface excavation for the purpose of extracting ore, minerals, rock, or other earthen materials, excluding sand and gravel, together with other activities often associated with mining, such as, but not limited to: exploration; development; and milling, concentrating, refining, or other procedures designed to separate valuable products from waste material.

Mining Associated Housing: Dwelling unit(s) reserved and restricted for residential use by those engaged in mining or mining activities on the same property upon which the housing is located.

Mining Engineer: a Colorado-licensed professional engineer with a documented academic and professional career in the theory, practice, and technology of extracting and processing minerals from a naturally occurring environment.

Minimize: For the purposes of these regulations, to "minimize" means to demonstrate that no alternative plan will result in a reduction of impact.

Mixed Use Development: A single Building containing more than one type of land use or a single development of more than one Building and use, where the different types of land uses are in close proximity, planned as a unified complementary whole and functionally integrated to share vehicular and pedestrian access and other infrastructure.

Mobile Home: A factory-assembled structure at least fourteen (14) feet wide without a permanent foundation, designed to be transported on its own wheels arriving at the site requiring no construction activities in order to be occupied. The unit is equipped with all the necessary service connections required in order for the unit to be occupied. Removal of the wheels and placement on a foundation does not change its classification as a Mobile Home. By definition, a Mobile Home includes any mobile factory-assembled structure constructed prior to the implementation of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. § 5401 et seq.). Park County does not allow a Mobile Home to be used as a Principal or Accessory Building in any zone district except for the Mobile Home Park zone district. The term "Mobile Home" does not include travel trailers, fifth-wheel trailers, campers, camper buses, motor homes, modular homes, Recreational Vehicles, or Manufactured Homes.

Model Home: A structure temporarily used as a display and sales office for land or buildings within a development under current or imminent construction and not for general real estate business or any residential purpose.

Mortuary or Funeral Home: An establishment in which the deceased are prepared for burial or cremation. The facility may include a chapel for the conduct of funeral services and space for storage, display and sale of funeral equipment.

Motor Vehicle: An automobile, truck, bus, motorcycle, recreational vehicle or other conveyance designed and constructed for traveling on public streets.

Museum: A Building or institution, indoor or outdoor, for the exhibition of natural, scientific, or literary curiosities or works of art. The Building or institution must be designed and intended for use by the public and may include as an accessory use the sale of memorabilia related to the museum.

Nursery: An establishment where flowers, shrubbery, vegetables, trees, and other horticultural and floricultural products are grown for sale.

Official Zoning Map: The map and accompanying descriptive information adopted by the Board of County Commissioners pursuant to C.R.S. § 30-28-111 for purposes of regulating land use within Park County.

Oil and Gas Production: Development, buildings, structures, and other non-residential uses which are necessary and related to the exploration, extraction, and/or production of oil and natural gas such as drilling equipment, an accessory office, storage buildings, and oil and gas gathering systems.

On-site Sewage Treatment System: A sewage system installed on a lot or parcel and designed to collect and treat sewage generated from uses on that parcel designed, constructed, and operated in accordance with all local, state, and federal laws governing such systems, including but not limited to the Park County Individual Sewage Disposal System Regulations (see Appendix L).

Open Space: Any area permanently prohibited from development and intended primarily for one or more of the following: passive and undeveloped recreational use, preservation of rural and open character, protection of wildlife habitat, preservation of scenic views and natural features or environmental quality,

and for other similar benefit and enjoyment for the general public or a specified group of owners, residents, and visitors of an identifiable subdivision, platted area, or parcel of land.

Outdoor Event: Group gathering; a group of 150 or more persons assembled together for a meeting, festival, religious or social gathering, or other similar purposes. Outdoor events occur primarily outdoors in any place maintained, operated or used for a group gathering, or assemblage, except an established permanent stadium, athletic field, arena, auditorium, coliseum, fairground, school, or other similar permanent place of assembly. Family reunions and weddings (not more than one per calendar year) attended by 150 to 200 people, are not Outdoor Events.

Outlot: A described and identified unit of land illustrated or depicted as an "outlot" on a Plat. Except to the extent expressly and specifically stated on the final plat, an outlot is not a lot or building site. Use and development of an outlot in a manner not identified on the Plat requires approval of a Plat Amendment.

Owner: A person named as grantee on the current deed for real property as such person's name appears in the appropriate records of Park County. Where an Owner is to submit, perform, state, or otherwise act pursuant to these Land Use Regulations, the term "Owner" shall include any agent of the Owner authorized by law to act on behalf of such Owner, including authorization granted by power of attorney, court decree or order, or a written and notarized affidavit found authentic and credible evidence by Park County of the Owner's delegation of authority.

Park: Any public or private land substantially open, with or without secondary and incidental buildings for temporary shelter from the weather, picnic tables, fences, and maintenance sheds, that is readily available for active and passive recreational uses or scenic purposes, such as, but not limited to, ball fields, grassed areas, horseshoe pits, playground equipment, etc.

Park and Ride: Parking lots or structures, located along public transit routes, designed to encourage transfer from private automobiles to a publicly owned mass transit system.

Parking Lot: An area other than a street or alley that is permanently reserved and maintained for the parking of Motor Vehicles on a temporary basis.

Parking Lot, Commercial: A lot entirely devoted to the rental of spaces for the short-term storage of personal transportation vehicles.

Permanent Sign: A sign that is neither a temporary sign as defined by this Division nor a sign prohibited within the County by these Land Use Regulations.

Personal Services: Retail activities customarily involving the on-site delivery or provision of personal services to customers such as, but not limited to: beauty and barbershops; gyms, exercise, and physical education facility or studio; massage therapy studio. Personal Services do not involve the retail sale of goods or merchandise as the primary part of the provision of Personal Services, e.g., the retail sale of hair care products would be a secondary part of a beauty or barber shop.

Planning Director: The Park County employee, regardless of title, assigned the primary authority and responsibility to administer these land use regulations.

Planned Unit Development: See Article V, Division 3, Section 5-313.

Plat: A surveyed map and supporting materials of specific described land prepared in accordance with subdivision regulations as an instrument for recording of real estate interests with the Park County Clerk and Recorder.

Prehistoric Archeological Resources: The physical remains evidencing activities occurring prior to written records, from large habitation complexes to isolated stone flakes.

Principal Building: The predominant, primary, fundamental, and essential building located on a Lot. Except within Planned Unit Developments or zone districts expressly authorizing more than one Principal Building for a Lot, each Lot shall lawfully have only one principal building; other lawfully erected buildings are deemed Accessory Buildings.

Principal Use: The predominant, primary, fundamental, and essential use of property.

Private Club: A building owned or maintained for social, civic, or philanthropic purposes, which is not readily open and available to the general public without membership or qualification.

Professional Office: Office uses typically involving persons of specified professional qualifications or experience such as accountants, bookkeepers, auditors, financial advisors, attorneys, real estate sales and management, real estate appraisal services, professional training and education services, and personal counseling (including psychiatric or other mental health counseling). Professional Office uses customarily involve less intensive daily customer trips due to relatively longer periods of appointment or visitation than Personal Service or Retail Store uses. Professional Office does not include Health Care Clinics.

Property Rights: A generic term that refers to any type of legally recognized right to specific property whether it is personal property or real property and use thereof.

Public Improvement: Any physical improvement of property intended to provide a service, amenity, or benefit to the general public or to owners and occupants of structures within a specific area of subdivision or development, including, but not limited to, utility systems (e.g., water and wastewater treatment facilities, mains, and service lines); improvements to manage drainage and stormwater; improvements to manage erosion and sedimentation; improvements to protect and enhance wildlife habitat, wetlands, and floodplains; transportation facilities (e.g. streets, roads, highways, and bridges); signage to manage and direct vehicular and pedestrian traffic; and recreational amenities (e.g., parks, trails, and open space).

Racetrack, Animals: A measured course where animals are entered in competition against one another or against time, including tracks used only in the training of animals for races.

Racetrack, Motorized Vehicles: A measured course where motorized vehicles are entered in competition against one another or against time.

Recreation Facility, Indoor: An establishment providing completely enclosed recreational activities to the public. Accessory uses may include the preparation and serving of food and/or the sale of equipment related to the principal recreational use. Included in this definition shall be bowling alleys, roller or ice-skating facilities, billiards, swimming pools, gymnasiums, tennis courts, motion picture theaters, electronic games, and related indoor amusements. An Indoor Recreation Facility is not a Conference & Retreat Facility.

Recreation Facility, Outdoor: An establishment, including permanent seasonal operations, providing recreational activities to the public in a largely outdoor setting. Accessory uses may include limited buildings for restrooms, dressing rooms, equipment storage and rental, maintenance, open-air pavilions or shelters, and similar structures all associated with the principal outdoor recreational use. Outdoor Recreation does not include Golf Course. An Outdoor Recreation Facility is not a Conference & Retreat Facility.

Recreational Vehicle: A motorized vehicle or trailer intended for transportation by means of attachment to a motorized vehicle, other than a Mobile Home, and which is designed as a camping unit for travel, recreation, or vacation use. Examples include, but are not limited to, currently licensed and registered motor homes, travel trailers, travel coaches, truck campers, camping trailers, and fifth wheel vehicles.

Recreational Vehicle Park: A use of land designed for the purpose of providing parking sites for the temporary stay of more than one Recreational Vehicle. See Article V for regulations governing Recreational Vehicle Parks.

Recycling Facility: Any building, space, or location whose primary purpose is storage, holding, retention, accumulation, exchange, disassembly, shredding, salvaging, or other processing and handling of used, waste, and scrap materials including, but not limited to, metal, wood and wood products, paper, rags, tires, bottles, aluminum cans and containers, plastic items, and other such materials.

Refurbishing: To renovate to make good as new, repair. Not to include Vehicle Body Repair.

Restaurant: An establishment where the principal business is the sale of food and beverages to the general public in a ready-to-consume state, which may or may not include seating facilities or a Bar. Restaurant includes a drive in restaurant serving persons in their motor vehicles.

Retail Store: An establishment offering as the primary purpose of the use the display and retail sale to the general public goods, merchandise, and accessory services within an enclosed building. A Retail Store includes, but is not limited to, uses such as: convenience store (without gasoline or fuel sales), clothing store, grocery store, coffee shop, gift and craft store, packaged liquor store, and pharmacy.

Ridgeline: See Article VII, Division 6.

Riding Arena, Indoor: A structure used to shelter the private and non-commercial riding and training of animals.

Riding Arena, Indoor, Commercial: A structure used to shelter the riding and training of animals as part of a commercial enterprise.

Riding Arena, Outdoor: An enclosed outdoors area used for the private and non-commercial riding and training of horses.

Riding Arena, Outdoor, Commercial: An enclosed outdoors area used for riding and training horses as part of a commercial enterprise.

Right-of-way: All streets, roadways, sidewalks, alleys, and all other areas reserved for present or future use by the general public as a matter of right, for the purpose of vehicular or pedestrian travel, and which are held, owned, or controlled by Park County, an incorporated municipality, or the Colorado Department of Transportation. Right of way is synonymous with public roadway, public street, and public way. For purposes of an application for the vacation (abandonment) of a right-of-way, such term shall only include rights-of-way held and owned by Park County, Colorado.

Roof Sign: Any sign posted on, attached to, or extends or protrudes above the lowest elevation point of a roof, typically identified by the existence of a gutter, eve, overhang, soffit, parapet, or other similar structural or building element.

Sand and Gravel Extraction: An enterprise or operation involving underground or surface excavation for the purpose of extracting and processing sand and gravel.

Salvage Yard: A Lot, Structure, or Building used for the storage, salvage, recycling, destruction, or sale of material that is unfit for its original intended use, discarded, dismantled, or deteriorated into such condition that it is not usable or not safe or fit for human use or habitation.

Setback: The distance between the property line and:

- A. The nearest point on the outer wall, at grade, of a Structure on the same lot, or
- B. The outer edge of any above-grade extension of a Structure that projects more than three feet beyond its outer wall.

Sexually Oriented Business: An adult arcade, adult bookstore, adult novelty, shop, adult video store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, sexual encounter establishment, or nude model studio. The definition of sexually oriented businesses shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional personal licensed by the state engages in medically approved and recognized sexual therapy.

“Specified Anatomical Areas” includes any of the following:

- A. Less than completely and opaquely covered human genitals, pubic region, buttock, anus, or female breasts below a point immediately above the top of the areola; or
- B. Human genitals in a discernibly turgid state, even if completely and opaquely covered.

“Specified Sexual Activities” includes any of the following:

- A. The fondling or other intentional touching of human genitals, pubic region, buttocks, anus or female breasts;
- B. Sex acts, normal or perverted, actual or simulated, including, but not limited to: intercourse, oral copulation, sodomy, sadomasochism, or bestiality;
- C. Masturbation, actual or simulated;
- D. Human genitals in a state of sexual stimulation, arousal or tumescence;
- E. Excretory functions as part of or in connection with any of the activities set forth in subsections (A) through (D) of this subsection.

Shooting Range: An establishment open to the public that is designed and managed to permit the safe and organized discharge for sport and practice of firearms, archery equipment, and other lawful weaponry aimed at inanimate targets.

Sign: Any stationary object or device or part thereof situated outdoors or indoors, but subject to public view, which is used to advertise or identify an object, person, institution, organization, business, product, service, or event by means including words, letters, figures, design fixtures, colors, motion, illumination, or projected images.

Sign, Entry: A permanent sign located at a point of entry to a property from a public right-of-way.

Sign, Ground: A sign that is attached to, erected on, or supported by some apparatus (such as a pole, mast frame, or other apparatus) that is not itself an integral part of or attached to a building or other structure whose principal function is something other than the support of a sign.

Sign, Temporary: A sign that is intended for removal after a future event. Examples are signs promoting political candidates, selling real estate, or advertising one-time commercial events such as garage sales.

Sign, Wall: A sign attached flat or flush against a wall that comprises a structural and supporting exterior component of a lawfully existing structure or building. A wall sign may not extend more than eighteen (18) inches beyond the surface of the wall to which it is attached. A wall sign shall not extend above the height of the wall to which it is attached and no part or portion of a wall sign shall be located on or above the lowest point of any roof, parapet, or gutter. A wall sign may extend into a required setback.

Stable, Commercial: A commercial use of a building devoted wholly or partially to the permanent or temporary boarding, harboring, keeping, and maintenance of horses or permitted livestock animals.

Stable, Private: Any building located on a lot on which a dwelling is situated, which is designed, arranged, used or intended to be used for housing and/or grazing horses or permitted livestock animals for the private use of the occupants of the dwelling.

Staff: The Planning Director and other County employees engaged in the administration of these Land Use Regulations.

Storage Structures: Structures used for storage of inanimate objects.

Strategic Master Plan: See "Comprehensive Plan."

Street: Any thoroughfare or public way for vehicular traffic which has been dedicated or deeded to the public for public use, whether designated as or called a street, highway, road, avenue, place, parkway or however else named or designated.

Structure: Anything constructed or erected upon the ground, including, without limitation, Buildings, towers, Permanent Signs, Telecommunication Facilities, and tanks, but excluding Temporary Signs, utility poles and lines, flag poles, fences, earthworks, ditches, corrals, dams, reservoirs, pipelines, walks, driveways and curbs. Bridges and other water conveyance structures are excluded from structures required to meet the watercourse and wetland setbacks of Article V, Division 3. Applicable State and local permits are required.

Structure Height: The vertical distance from Grade Plane to the average height of the highest roof surface or the highest point of a structure not having a roof. Grade Plane is the average of the finished ground level adjoining the structure at all exterior surfaces. Where the finished ground level slopes away from the structure, a point at grade 6 feet from the structure shall be used in the calculation.

Subdivider or Developer: Any person, firm, company, partnership, joint venture or other group or association who shall participate as owner, promoter, developer, representative or sales agent in the planning, platting, development, promotion, sale or lease of a subdivision.

Subdivision or Subdivided Land: Any parcel of land that is or has been divided into two or more parcels, separate interests, or interests in common by a procedure regulated by Park County. For purposes of this definition, "interests" includes any and all interests in the surface of land but excludes any and all subsurface interests.

Subdivision Improvements Agreement (SIA): One or more contracts or agreements between Park County and a Subdivider and/or Owner that includes security arrangements to secure the actual cost of construction of public improvements as are required by County subdivision regulations or the approval of the subdivision or development. An SIA may include any one or a combination of the following types of security or collateral: restrictions on the conveyance, sale, or transfer of any lot, lots, tract, or tracts of land within the subdivision as set forth on the plat or as recorded by separate instrument; performance or property bonds; private or public escrow agreements; loan commitments; assignments of receivables; liens on property; letters of credit; deposits of certified funds; or any other form of similar surety agreements acceptable to the County.

Subdivision Plat: A recorded plat in the form required by applicable County regulations which both evidences the division of interests in real property and bears the approval of Park County.

Taxicab Service: A service that offers transportation in passenger automobiles and vans to persons including those who are handicapped in return for remuneration. The business may include facilities for servicing, repairing, and fueling the taxicabs or vans.

Telecommunication Facility: See Article V, Division 9.

Traditional Community Outdoor Event: an outdoor event that has been historically held, is open to the public, and has no admission fee or solicitation of donations for entry. The following are examples of Traditional Community outdoor events.

- Guffey Heritage Days (formerly Chicken Fly/Rodeo)
- Park County Fair and Rodeo
- Hartsel Days and Wounded Warrior Parade
- Bailey Car Show
- Lake George Gem & Mineral Show, Tractor Pull, Craft Fair, and Flea Market
- Como Railroad Day
- Como Mountain Man Rendezvous
- Bailey Day(s)
- Bailey Cowboy Christmas
- Bailey Halloween in the Park
- Emily's Parade
- Shawnee History Day
- Hundo
- Events within incorporated towns
 - Burro Days
 - Festival in the Clouds
 - South Park Art Celebration

Trailer: A vehicle without motive power, designed to be towed, used or adaptable for housing, business, storage and the transporting of anything.

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

Use: The purpose or function for which any land, structure or building is designed, constructed, maintained or occupied.

Use, Temporary: A use that is authorized by these Land Use Regulations to be conducted for a fixed period of time.

Utility Facility, County: Any Major Utility Facility or Minor Utility Facility owned by Park County.

Utility Facility, Major: An underground, surface or overhead structure or facility or an area of land used to generate, store, transmit, distribute or regulate electricity, oil, gas, or water; to pump or chemically treat water, sewage or solid waste; or for storm water drainage exceeding one hundred and twenty square feet in area. A major utility facility may include accessories such as poles, wires, mains, drains, vaults, culverts, sewers, pipes, signals or pumps. Specifically included as a major utility facility are transmission lines capable of the transmission of electricity more than 115 kilovolts (KV), water pipelines with a capacity of more than 15 cubic feet per second, and water storage facilities with a capacity of 30,000 gallons or more of water.

Utility Facility, Minor: An underground, surface or overhead structure that includes electric distribution lines, gas and water distribution pipelines and sewage lines that serve the specific area through which they are routed. Minor utility facility specifically includes electric transmission lines at 115 kilovolts (KV) or less, low-pressure gas distribution lines, structures for the diversion of water with a capacity of less than 15 cubic feet per second, and water storage facilities with a capacity of less than 30,000 gallons.

Variance: Authorization issued by the County in accordance with Article III of these Land Use Regulations to lawfully depart from the literal requirements of a regulation or obligation where the failure to comply would otherwise be unlawful, illegal, or otherwise violate the requirements of these Land Use Regulations.

Vehicle Body Repair: Repair, rebuilding or reconditioning of motor vehicles including bodywork, framework, welding and painting service.

Vehicle Repair Service: A commercial establishment open to the general public engaged in providing all forms of repair and maintenance of automobiles, motor vehicles, tractors, trailers, recreational vehicles, and similar mechanical equipment. A Vehicle Repair Service is not a salvage or storage yard and all vehicle storage must be temporary and preparatory to repair.

Vehicle Sales or Rental: A commercial establishment open to the general public primarily engaged in the display, sale, or rental of automobiles, motor vehicles, tractors, trailers, and similar mechanical equipment.

Vehicle Service Station: A commercial establishment for the principal purpose of servicing automobiles and motor vehicles with fuels (including propane), oil, air, and water. An accessory and clearly secondary use may include the minor and emergency repair, maintenance, or replacement of electrical or mechanical parts. Accessory retail sale of products and convenience food goods may also be available.

Vehicle Storage Yard: An established site for the principal purpose of permanent or temporary storage, securing, retention, or other holding of automobiles, motor vehicles, trailers, boats, and/or recreational vehicles. A Vehicle Storage Yard is not a Salvage Yard.

Vested Right, Statutory: See Article IX, Division 2.

Veterinarian, Small Animal: A commercial establishment operated by a licensed veterinarian for the principal purpose of offering and providing services for the medical and health care of Domesticated Animals. Small Animal Veterinarian use may provide as a clearly secondary use the accommodation for overnight stay of Domesticated Animals. A Small Animal Veterinarian use is not a Kennel.

Veterinarian, Large Animal: A commercial establishment operated by a licensed veterinarian for the principal purpose of offering and providing services for the medical and health care of Domesticated Animals and Livestock. Large Animal Veterinarian use may provide as a clearly secondary use the accommodation for overnight stay of Domesticated Animals and Livestock. A Large Animal Veterinarian use is not a Kennel.

Warehouse: A Building in which goods, merchandise, equipment, or other items are stored for distribution. A Warehouse shall not include the storage of Hazardous Materials.

Wastewater Treatment Facility: A facility or group of units used for the treatment of industrial or domestic wastewater for sewer systems and for the reduction and handling of solids and gases removed from such wastes, whether or not such facility or group of units is discharging into state waters. Wastewater treatment plant specifically excludes a facility or group of units used for pretreatment, treatment, or handling of industrial water, wastewaters, reuse waters, and wastes which are not discharged into state waters.

Watercourse: A stream, creek, slough, gulch, arroyo, reservoir, lake, pond, or portion of the floodplain functioning as a natural or improved channel carrying water flows, not constituting a flood.

Wetland: See Article VII, Division 9.