

## PART 6 – RULES OF INTERPRETATION AND DEFINITIONS

### ARTICLE 6.1 RULES OF INTERPRETATION

Some of the words, phrases, and terms used in the Alpine Land Use and Development Code have specific meanings that are defined within Article 6.2. Words, phrases, and terms not defined in the Land Use and Development Code shall be given their usual and customary meanings except where the context clearly indicates a different meaning.

The word “shall” requires mandatory action. The words “may” and “should” are discretionary.

Within the Land Use and Development Code, various sections identified as “Intent” are provided as an official statement of legislative purpose. These sections are intended as a guide to the administration and interpretation of the Land Use and Development Code. However, they are not binding standards.

### ARTICLE 6.2 DEFINITIONS

General Comments:

The code user should be familiar with the terms in this section because:

1. The definitions are essential to the correct interpretation of the International Building Code (IBC) and/or International Residential Code (IRC);
2. The user might not be aware that a particular term encountered in the text has the special definition found herein; and
3. Terms not defined: Where terms are not defined through the methods authorized by the section, such terms shall have ordinarily accepted meanings such as the context implies.

Words with specific defined meanings are as follows:

Accessory Building/Structure. A detached building/structure located on a parcel of land that is used to support the primary use of a principal building, located on the same lot as the primary structure/building.

Accessory Use. A secondary use of a parcel of land that is secondary to the primary use of the property.

Alley. A public thoroughfare which affords only a secondary means of access to an abutting property.

Ambulance Station. A structure or facility for storage of ambulance vehicles and their medical equipment are stationed, as well as working, living and sleeping space for their staff/crew, including a kitchen and showers, while they are on duty (transient).

Apartment. A dwelling unit within a multi-unit residential facility.

Appliance. A device or apparatus that is manufactured and designed to utilize energy and for which this code provides specific requirements.

Attach. To make fast; permanently fixed.

Attached/Attachment. To make fast, permanently fixed; must have contiguous foundation wall; can include a covered walkway. Roof of addition and/or walkway, must be attached to the principal building.

Authorized Representative. An individual appointed by the Town Council to enforce the provisions of the International Building Code (IBC), International Residential Code (IRC), International Mechanical Code (UMC), International Plumbing Code (UPC), National Electric Code, and the Alpine Zoning Ordinance.

Banners. Signs that are made out of a fabric weight or material that indicates temporary activities or welcomes.

Bed-and-Breakfast Operation. An owner-occupied single-family dwelling with a maximum of five (5) guest bedrooms within the dwelling. Guest bedrooms used to provide short-term overnight accommodations are rented for periods less than thirty (30) days. Only breakfast meals are served to guests of the bed-and-breakfast operation.

Breezeway. A roofed, often open passage connecting two buildings (as a house or garage) or halves of a building.

Building. Any permanent structure built for the shelter or enclosure of persons, animals, chattels, or property of any kind.

Building Eave Projections and/or Overhangs: The eaves are the edges of the roof which overhang the face of a wall and normally project beyond the side of a building

Building Envelope. The building envelope includes all the building components that separate the indoors from the outdoors as to the perimeter of the building itself; specific to placement of structure on lot within setback parameters and lot lines.

Building Materials. Are substances used to construct buildings and other structures. They can be natural materials like wood and clay, or synthetic materials like metal and brick

Building, Principal. A building which represents the primary use of a property.

Carport. A roofed, wall-less shed, usually projecting from the side of a building, used as a shelter for an automobile.

Commercial Frontage. Is the full length of a plot of land or a building measured alongside the road on to which the plot or building fronts. In the case of contiguous buildings, individual frontages are usually measured to the middle of any party wall.

Community Land Use Plan Map. An illustration that depicts a general community vision regarding the type and location of various land uses in Alpine. This map is presented as Figure 8-4 within the Alpine Municipal Master Plan report dated October 25, 2006.

Conceptual Site Plan. An illustration of a general land use development concept for one or more parcels of land which provides an identified map scale, identifies the boundaries of project development site, and locates all proposed buildings and other land uses, vehicular parking areas and access to the project development site, utility distribution systems, and primary site development features.

Condominium. A living unit in a multi-unit residential facility that is owned in fee simple. The use of the living unit, as well as shared common space areas and facilities, are subject to covenants, conditions, and restrictions that are enforced by a homeowner's association.

Construction Activities. The processes involved in building, altering, or repairing structures, including activities like land clearing, grading, excavation, and installation, as well as maintenance and repair work.

Construction Fences. A temporary fence constructed to preserve the safety of the building site during construction of a building.

Construction Materials. Construction materials are any materials used in the construction, alteration, repair, or demolition of structures, including buildings, bridges, and other infrastructure.

Copyright. The exclusive legal right that protects original works of authorship as soon as an author fixes the work in a tangible form of expression, whether by print, publication, film or recorded/recording of materials. (Example: © **ALL RIGHTS RESERVED**). Copyright is a type of intellectual property that protects original works of authorship as soon as an author fixes the work in a tangible form of expression.

Deck. An exterior floor supported on at least two (2) opposing sides by an adjacent structure, and/or posts, piers or other independent supports. Decks with heights of thirty (30) inches or greater need guard rails.

Drainage. The process by which water or other liquids flow away into pipes or into the ground. Such as: Final Grade shall be sloped away from the structure.

Detached Accessory Structure. The International Code Council (ICC) defines a detached accessory structure as a structure that is not the main building on a property but is used for a purpose related to the main building. Detached accessory structures must be subordinate to the main building and located on the same property.

Development. A specified state of growth or advancement; the process of converting land to a new purpose by constructing buildings or making use of its resources.

Development Fee. Total of all costs incurred from initiation to implementation of a project.

Driveway. A private road connecting a house, garage, or other building with the street.

Due Dilligence: The investigation or exercise of care that a reasonable business or person is normally expected to take **BEFORE** entering into an agreement or contract with another party or an act with a certain standard of care, i.e. vetting issues thoughtfully and carefully.

Dwelling. Any building that contains one or two dwelling units, used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes.

Dwelling, Single-Family. A residential structure limited to a stick-built home, manufactured home, modular home, or factory-built home, which is physically arranged to create an independent housekeeping establishment for occupancy by one (1) family or one (1) household. The structure is characterized by separate facilities for wastewater disposal, cooking and sleeping.

Dwelling Multi-Unit. A residential building occupied by two (2) or more families or households living independently of each other.

Dwelling Unit. A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

E-Mail. A system for sending and receiving messages electronically over a computer network.

Easement: An agreed upon use of land, usually of record, by someone other than the landowner for a specific purpose (i.e. utilities).

Emergency Care Facility. A physician's office, clinic, or other health care center which provides emergency medical care in conjunction with other primary care services.

Emergency Medical Facility. A freestanding emergency center or trauma center, such as hospital or any other institution licensed by the cabinet for Health and Family Services that furnishes emergency medical services.

Emergency Medical Services (EMS). Also known as ambulance services or paramedic services, are emergency services that provide urgent pre-hospital treatment and stabilization for serious illness and injuries and transport to definitive care.

**Factory-Built Home.** Any residential dwelling that is wholly, or in substantial part, made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly on a building site. Factory-built homes shall include, but not be limited to, manufactured homes, modular homes, and mobile homes.

**Family Household.** A single-family dwelling or multi-unit dwelling that is occupied by a family that is comprised by any number of persons related by blood, marriage, or adoption.

**Floor Area.** Area contained within the building measured to the external face of the external walls.

**Frontage.** The direction in which a building faces; the front of a building or lot; the lineal extent of this front; the land between a building and the street; body of water etc.

**Front Yard.** Portion of a property that is adjacent to the street frontage where the primary structure's driveway exits and enters.

**Fireplace.** An assembly consisting of a hearth and fire chamber of noncombustible material and provided with a chimney, for use with solid fuels.

**Factory-built fireplace.** A listed and labeled fireplace and chimney system composed of factory-made components and assembled in the field in accordance with manufacturer's instructions and the conditions of the listing.

**Masonry chimney.** A field constructed chimney composed of solid masonry units, bricks, stones or concrete.

**Masonry fireplace.** A field constructed fireplace composed of solid masonry unit, bricks, stone or concrete.

**Fire Station.** A structure or facility for storage of firefighting vehicles and equipment are stationed, as well as working, living and sleeping space for their staff/crew, including a kitchen and showers, while they are on duty (transient). Also called firehouse or fire hall.

**Food Truck.** A large, motorized vehicle (such as a van or multi-stop truck) or trailer equipped to store, transport, cook, prepare, serve and/or sell food.

**Full-Time Employees.** Full-time employees are those employees working forty (40) hours or more per week, or those individuals that have been deemed by the Governing Body as full-time employees.

**Governing Body.** The Alpine Town Council.

**Grade.** The average finished ground elevation around a building.

**Gross Floor Area.** The total floor area contained within the building measured to the external face of the external walls.

**Gross Internal Area.** The floor area contained within the building measured to the internal face of the external walls.

**Guard.** A building component or a system of building components located at or near the open side of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

**Habitable Space.** A space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

**Handrail.** A horizontal or sloping rail intended for grasping by the hand for guidance or support.

**Hardship:** A condition that is difficult to endure and can be proven, i.e. especially financial/economic.

**Height of Buildings.** The vertical distance from the average finished ground elevation that adjoins a building at all exterior walls. Where the finished ground elevation slopes away from the exterior walls, a grade plane will be established by the lowest points within the area between the building and the lot line. Where the lot line is more than six (6) feet from the building, a grade plane will be established between the structure and a point six (6) feet from the building.

**Historical Buildings.** Buildings that are listed in or eligible for listing in the National Register of Historic Places or designated as historical under an appropriate state or local law.

**Home Occupation.** A professional, technical or retail service operated by the occupants of a single-family residence and not more than two (2) non-household employees. However, such enterprises will generate limited vehicular traffic and vehicular parking along residential streets, as well as limited noise within residential neighborhoods.

**Hotel.** Any building containing six (6) or more guest rooms used to provide short-term overnight accommodations, which are rented, for less than thirty (30) days. This facility may also include commercial food preparation and dining facilities, as well as other onsite amenities.

**Household.** A household consists of all the people who occupy a single-family or multi-unit dwelling but does not include more than three (3) persons who are not related by blood or marriage.

**Impact Fee.** A fee imposed on a new or proposed development project to pay for all or a portion of the costs of providing public services to the new development.

**Impervious:** A hard surface that does **NOT** let runoff/water soak into the ground or greatly reduces the amount of runoff/water that soaks into the ground.

**Improved Surface:** Any surface which has been improved with pavement, asphalt, cement, brick, interlocking pavers or other similar material and maintained in such a manner as to provide for a mud-free and dustless surface, such as pavers or pervious concrete.

**Irregular Lot.** Not even or balanced in shape or arrangement; contrary to the rules or to that which is normal or established. Such as: lots with multiple street frontages.

**Jurisdiction:** The governmental unit that adopts and enforces all codes, including but not limited to the IBC, IRC, IFC, IMC and the IPC of the “Jurisdiction”.

**Kitchen.** Kitchen shall mean an area used, or designated to be used, for the preparation of food and shall contain permanent provisions for the cooking, storage and preparation of food consisting of a sink, refrigerator oven and/or a cook top.

**Landscaping.** To improve the appearance, the process of making a yard or other piece of land more attractive by altering and/or adding ornamental features, the planting of trees, shrubs grass or other ornamental vegetation.

**Land Use Plan Map.** The definition of land use plan map is synonymous with the definition for “community land use plan map”.

**Live Loads.** Those loads produced by the use and occupancy of the building or other structure and do not include constructions or environmental loads such as wind load, snow load, rain load, earthquake load, flood load or dead load.

**Live Work Unit.** The International Code Council (ICC) defines a live/work unit as a dwelling unit that contains a workplace. Live/work units are flexible and can include a variety of living and working arrangements.

Loads. Forces or other actions that result from the weight of building materials, occupants and their possessions, environmental effects, differential movement and restrained dimensional changes

Lot. A parcel of land within the Town of Alpine which may be vacant, occupied by a building or a group of buildings, as well as contain utility systems and/or accessory buildings.

Lot Area. The total land area contained within a parcel of land.

Maintenance. The cleaning, painting, repair of a building, or the replacement of defective materials and fixed equipment within a building, in a manner that does not alter the basic design of the structure.

Manufactured Home. A single-family dwelling structure which:

- (a) Is partially or entirely manufactured in an offsite factory facility.
- (b) Will adhere to the building standards outlined in Part 4, Section 4-502 of the Alpine Land Use and Development Code.

Man-Made Materials. Also known as synthetic materials, are substances created or modified by humans, often through chemical processes, that do not occur naturally in their final form

Master Plan. The Towns comprehensive project plan that define project scope, cost, planning, activities and resources. Reflects a vision set in the early stages of a project and moves everyone in the same direction.

Maximum Amount. Refers to the largest possible quantity or value that is allowed or attainable in a given situation, essentially meaning the highest limit of something that can be reached or used.

Mean Roof Height. The average of the roof eave height and the height to the highest point on the roof surface.

Membership Club. A private group of people organized in association with a national, state, or local non-profit organization.

Minimum Amount. Refers to the smallest quantity or value that is allowed or possible in a given situation, essentially representing the lowest limit or threshold: it's the least amount that can be accepted or considered viable.

Mobile Food Dispensary/Vendor. A vendor which is a self-contained, licensed and movable facility that is designed to prepare, serve and sell food or drinks for immediate consumption. Food trucks are equipped with a kitchen on wheels and can be used to sell a variety of food items.

Mobile Home. A single-family dwelling that does not meet the definition of a manufactured home of this ordinance, and has the following characteristics:

- (a) It is designed for long or short-term occupancy; and
- (b) It contains sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities; and
- (c) It contains plumbing and electrical connections to local utility systems; and
- (d) It is designed to be transported after fabrication, on its own wheels, a flatbed truck or other trailers, or on detachable wheels; and
- (e) It arrives at the building site where it is to be occupied as a complete unit and is ready for occupancy except for minor and incidental unpacking and assembly operations, installed on foundation supports or jacks, underpinned, and connected to utilities.

Mobile Kitchen/Trailers. Movable facility that is pulled behind a vehicle. Typically, larger than food trucks and offer more space and facilities.

Modular Home. A residential dwelling, which:

- (a) Is constructed in a factory in accordance with the most current version of the International Building Code.
- (b) Will adhere to the building standards outlined in Section 4-503 of the Alpine Land Use and Development Code.

Motel. Any building or complex containing six (6) or more guestrooms used to provide short-term overnight accommodations, which are rented, for usually less than thirty (30) days.

Multi-Unit Complex. A residential development that includes a group of multi-unit residential facilities that are owned by one landowner.

Multi-Unit Residential Facility. A group of dwelling units within one building that contains separate living units for three or more families who may share supporting services and facilities.

Nonconforming Building/Structure. An existing structure which, on the effective date of this ordinance, does not comply with the provision of this ordinance for the zoning district where the building is located.

Nonconforming Sign. All signs in existence before the effective date of this ordinance.

Nonconforming Use. A legal use of land which, on the effective date of this ordinance, does not conform to the permitted uses established for the zoning district where the existing land use is located.

Nonfamily Household. A nonfamily household consists of a householder living alone (a one { 1 } person household) or where the householder shares the home exclusively with not more than three (3) persons to whom he or she is not related.

Occupied. The use of a developed property for one (1) or more purposes.

Parapet. A low wall or railing to protect the edge of a platform, roof or bridge.

Pavement Structures. The implementation of a sub-base, base and surface material, to accommodate the needs of traffic and load bearings.

Permanent Foundation. A system of supports, including piers, either partially or entirely below grade which is:

- (a) Capable of transferring all design loads imposed by or upon the structure into soil or bedrock without failure;
- (b) Placed at an adequate depth below grade to prevent frost damage;
- (c) Constructed of concrete, metal, treated lumber or wood, or grouted masonry; and
- (d) In accordance with manufacturer specifications and applicable sections of the International Building Code (IBC).

Pervious: A surface that allows for the penetration of runoff/water through the surface and into underlying soils.

Planned Unit Development. A development of one (1) or more parcels of land that is planned and developed as a single development project and/or programmed for development over a series of incremental development stages. This development approach integrates site development considerations for proposed land uses, vehicular access, parking and circulation, supporting utility systems, landscaping, site constraints and development opportunities, and zoning requirements.

Plot Plan. An illustration depicting a proposed land use which shall be prepared to a defined map scale, identifies the general location of the project site, project development site boundaries, locates the proposed vehicular access to the project development site, as well as identifies and locates proposed land uses.

Pole Barn. Structure/Building built for animal shelter, equipment and/or storage of open at the sides and/or ends.

Primary Structure. The structure from which the principal use of a property is conducted.

Private Nuisance. An unlawful interference with the use and enjoyment of land.

Project Stipulations. Potential requirements which may accompany decisions by the Alpine Planning and Zoning Commission, Board of Adjustment, and Alpine Town Council concerning proposed planned unit developments, zone changes, and variances.

Public Way. Any street, alley or other parcel of land open to the outside air leading to a public street, which has been deeded, dedicated or otherwise permanently appropriated to the public for public use.

Public Nuisance. An act, condition, or thing that is illegal because it interferes with the rights of the public generally. An obnoxious or dangerous person or group of people.

Ramp. A walking surface that has a running slope steeper than one unit vertical in twenty (20) units horizontal (five {5} percent slope).

Rear Yard. Portion of a property that is opposite the front yard.

Recycled Materials. Material that have been collected and reprocessed to be used again. They can be used in consumer products and manufacturing processes.

Remodel. Change the structure or form of (something, especially a building).

Renovate. To renew; to revamp something to make it look new again.

Reproduce. To produce again, to cause to exist again or anew.

Right-Of-Way: Establishes use of property for town matters without conferring ownership (i.e. snow storage, utilities, fire access) including, but not limited to.

Road Elevation. Defined as road cross section at a given position on the road reference line.

Road Grade. Grade is the rate of change of the vertical alignment, at the center of the road.

RV (Recreational Vehicle). A vehicle, such as a Class A, B, or C RV, a RV Folding Trailer, RV Travel Trailer, Fifth Wheel Travel Trailer, or a truck camper mounted or un-mounted inside of a truck bed, primarily used for leisure activities, traveling and recreational activities.

Sandwich Board. Signboard consisting of two (2) hinged boards that hang and/or sit front and back from the shoulders of a walker and/or are placed on the ground, that are used to display advertisements.

Setback: The areas measured from the property line to any structure, within which building is prohibited, but which may include driveway area (s) as designated (i.e. the distance a building or impervious surface must be from all of the boundary lines).

Shed. A structure/building for storage.

Side Yard. Portion of a property that runs perpendicular to the front and side yards.

Silt Fence. Temporary sediment control device typically used in combination with sediment basins and sediment traps, as well as erosion controls, which are designed to retain sediment in place where soil is being disturbed by construction processes. A typical fence consists of a piece of synthetic filter fabric stretched between a series of wooden or metal stakes.

Single Family Dwelling Unit. One (1) family or non-family household occupies the single-family dwelling unit; limited to stick-built homes, manufactured homes and modular homes. However, owners may provide room and board for up to three (3) persons who are not related by blood or marriage; provided no separate kitchen is provided.

Site Plan. An illustration or construction document submitted with the application for *permit* depicting a proposed land use which shall be prepared to a defined map scale, identifies the general location of the project site, project development site boundaries showing the size and location of new construction and/or existing structures, utilities, snow storage, proposed vehicular access to the project development site, as well as identifies and locates the proposed land uses.

Sleeping Quarters. Rooms where people sleep, such as bedrooms in a house, or separate rooms in a larger building or complex.

Snow Fence. A temporary fence to prevent blowing and drifting snow.

Stair. A change in elevation, consisting of one or more risers.

Storage Building. A detached building located on a parcel of land that is used to support the primary use of a principal building, located on the same lot as the primary structure/building.

Street. A public or private transportation facility which affords public access to adjacent properties and/or other parts of the community.

Street – Right of Way. The legal right established by usage or grant, to pass along a specific route through grounds or property belonging to another.

Structure. A new, extended, expanded, or renovated building constructed on a property.

- (a) Permanent: A structure fixed to the ground by any of the various types of foundations, slabs, piers, poles, or other means allowed by building codes.
- (b) Temporary: A type of building, tent and/or greenhouse that is used for a limited period of time – this could be for an event, or a warehouse needed to store seasonal stock for a retail shop.

Townhome: An attached single-family home that has a common wall with an adjacent single-family home. This type of housing is sometimes referred to as a duplex or twinhome.

Townhouse: A single-family dwelling unit constructed in a group of three or more attached units in which each unit extends from foundation to roof with open space on at least two sides.

Transient. Occupancy of a dwelling unit or facility with 10 or fewer occupants staying or working in a place for only a short period of time, time not to exceed five (5) consecutive days.

Utility Systems. Means any of the following: A system for the treatment or supply of water. A system for the collection or treatment of wastewater. A system for the generation or supply of steam, hot water, and chilled water. A system for the supply of natural gas. A system for the transmission of telecommunications.

Use. The purpose for which a parcel of land or building is utilized.

Vehicular Parking Area. An off-street area containing a paved surface designated parking stall, and appropriate signage for the parking of motor vehicles.

Violations: The act of doing something that is not allowed by a law/ordinance, or code.

Wall.

- (a) Retaining. A wall not laterally supported at the top, that resists lateral soil load and other imposed loads.
- (b) Load bearing. A wall supporting any vertical load in addition to its own weight.
- (c) Nonbearing. A wall which does not support vertical loads other than its own weight.

Water-Resistive Barrier. A material behind an exterior wall covering that is intended to resist liquid water that has penetrated behind the exterior covering from further intruding into the exterior wall assembly.

Xeriscaping. A landscaping method that makes routing irrigation unnecessary. It uses drought-adaptable and low-water plants as well as soil amendments such as compost and mulches to reduce evaporation.

Yard, Front, Side, or Rear. Required open space area on an occupied lot which is defined via minimum setback requirements from property lines.

Zoning Administrator. A person who is an authorized individual (and/or their representative) to manage the practices, policies and regulations of the operations of the Zoning Commission.

Zoning District. A land use zoning designation for selected geographical areas within the Town of Alpine.