

**CITY OF GREELEY, COLORADO
ORDINANCE NO. _____, 2021**

**AN ORDINANCE AMENDING TITLE 24 OF THE GREELEY MUNICIPAL CODE REGARDING
HOUSEHOLD OCCUPANCY STANDARDS BY AMENDING THE DEFINITION OF "FAMILY" IN
SECTION 24-5**

WHEREAS, it becomes necessary to update the Greeley Municipal Code from time to time to adopt standards that continue to align with public values, the Comprehensive Plan, and City Council priorities; and

WHEREAS, it is in the public interest to revise household occupancy standards by amending the definition of "family" in Title 24 of the Greeley Municipal Code to promote the health, safety and welfare of City residents; and

WHEREAS, the Planning Commission conducted a public hearing to review and consider the proposed Code update on May 11, 2021, which was continued to a special meeting on May 18, 2021, and recommended adoption to the City Council.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF GREELEY, COLORADO:

Section 1. That the Greeley Municipal Code be amended by revising the definition of "family" in Section 24-5 to read as shown in Appendix A by making the text amendments as shown.

Section 2. This ordinance shall become effective five (5) days after its final publication as provided by the Greeley City Charter.

PASSED AND ADOPTED, SIGNED AND APPROVED ON THIS _____ DAY OF _____, 2021.

ATTEST

THE CITY OF GREELEY, COLORADO

City Clerk

Mayor

Appendix A
ORDINANCE AMENDING TITLE 24
OF THE GREELEY MUNICIPAL CODE

Sec. 24-5. Definitions.

The following words, terms and phrases, when used in this title, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

100-year flood means a flood having a recurrence interval that has a one-percent chance of being equaled or exceeded during any given year (one-percent-annual-chance flood). The terms "one-hundred-year flood" and "one-percent-chance flood" are synonymous with the term "100-year flood."

100-year floodplain means the area of land susceptible to being inundated as a result of the occurrence of a 100-year flood.

500-year flood means a flood having a recurrence interval that has a two-tenths-percent chance of being equaled or exceeded during any given year (two-tenths-percent-chance-annual flood).

Abandoned sign means:

- (1) A sign or sign structure and components, for which no legal owner can be found; and/or
- (2) A sign and structure which are used to identify or advertise a business, tenant, owner, product, service, use, event or activity that has not been located on the premises for a period of 90 consecutive days or longer.

Accessory building or structure means a detached building or structure located upon the same lot as the principal building or structure to which it is related, which is incidental to and customarily found in connection with such principal building or structure and which is not to be used for human habitation.

Accessory use means a use customarily incidental, related and subordinate to the main use of the lot, building or structure which does not alter the principal use.

Act, as used in chapter 18 of this title, means the Oil and Gas Conservation Act of the State of Colorado.

Addition means an extension to an existing structure after completion of the original structure. For the purposes of this title, such additions and the point of attachment thereof shall be habitable space as defined in the uniform building code, as may be amended from time to time, and the dimension of the point of attachment shall constitute a minimum of 20 percent of the circumference of the exterior walls of the addition.

Address sign means signs that give the address or name of a building or residence without reference to, or inclusion of, the name or logo of a product sold, or service performed on the lot or in a building or structure, or name of the business enterprise occupying the property.

Adjacent means land which shares a boundary line with the lot in question or which would share a boundary line if not for the separation caused by a street, alley, sidewalk, railroad right-of-way, utility line, trail or irrigation ditch.

Adjacent uphill lot means an adjacent lot, whether or not separated by streets, easements or the like, which has an average ground level higher than the average ground level of the subject lot.

Administrative official means an individual appointed by the city manager to administer and enforce the provisions of this title.

Administrative review team (ART) means the city staff review team consisting of representatives of city departments involved with development and land use activities within the city and its long-range planning areas.

Adult business means any store, establishment, tavern, club or theater having a substantial portion of its stock in trade, books, magazines or other periodicals; video movies, films, slides or photographs; instruments, devices or paraphernalia; or live performances, which are characterized by their emphasis on matters depicting, describing, or related to specified anatomical areas or specified sexual activities. For the purposes of this definition, a business shall not be considered an adult business if it carries less than 20 percent of its stock in adult materials and it prevents the public from viewing or observing merchandise or products that depict specified anatomical areas or specific sexual activities, as may be displayed by the products or on the packaging.

(1) *Specified anatomical areas* means:

- a. Less than completely and opaquely covered human genitals, pubic region, buttocks and female breast above or below a point which would expose any portion of the areola; and
- b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(2) *Specified sexual activities* means:

- a. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breast;
- b. Human genitals in a state of sexual stimulation or arousal;
- c. Sex acts, actual or simulated, including intercourse, oral copulation or sodomy;
- d. Masturbation, actual or simulated; or
- e. Excretory functions as part of or in connection with any of the activities set forth in subsections (2)a through d of this definition.

Advertise means to attract attention to a business, product, service, use or event with a sign, display item or other device, such as flags, pennants, air driver devices and lights.

Airport means the Greeley-Weld County Airport, located in sections 2 and 3 and sections 26 and 35, T5N, R65W of the 6th P.M., Weld County, Colorado.

Airport elevation means the established elevation of the highest point on the usable landing area (4,690 feet above sea level).

Airport reference point means the point established as the geographic center of the airport landing area. The reference point at Greeley-Weld County Airport is a point which geographical coordinates are latitude 40 degrees, 26 minutes, eight seconds north and longitude 104 degrees, 37 minutes, 55 seconds west.

Alley means a minor way used primarily for vehicular access to the back of properties adjacent to a street and which is not intended to be used for primary access to a property. An alley shall not be considered a street.

Alteration means any act or process requiring a building permit, moving permit, demolition permit or sign permit for the reconstruction, moving, improvement or demolition of any designated property or district; or any other action in which a review by either the historic preservation commission or the city's historic preservation specialist is necessary under this article and/or the district designation plan and in accordance with the definitions of major and minor alterations, for the purposes of this article.

Amortization means the prohibition and removal of a nonconforming use after the expiration of a reasonable period of time.

Amortization period means a reasonable period of time to recoup a return on the investment in an animal confinement use, but which in no event shall exceed nine years from the effective date of the ordinance codified in this Development Code, or from the date the use became nonconforming, whichever is later.

Animal confinement use means a place for confinement of livestock for the purposes of commercial food production, where feeding of the livestock is other than grazing and where the capacity at any one time is greater than permitted on the animal equivalency chart for the zoning district in which it is located. Such animal confinement uses may include dairies, feedlots, poultry and swine production facilities.

Animal unit means a unit of measurement used to determine the animal capacity of a particular site or parcel of land and to establish an equivalency for various species of livestock. The animal unit capacity is determined by multiplying the number of animals of each species by the appropriate equivalency factor from the animal unit equivalency chart in section 24-1267 and summing the resulting totals for all animal species contained on a site or parcel of land. The number of animals allowed per acre on a site or parcel of land is based on area requirements for each species, and the resulting acreages are also summed. If the maximum number of permitted animal units as provided on the animal unit equivalency chart is exceeded for a property that does not contain an animal confinement use as of the effective date of the ordinance codified in this Development Code, the property and use contained on said property shall be determined to be a nonconforming use and subject to the provisions in chapter 19 of this title.

Animated sign (see *Flashing or animated or Imitating sign*).

Antenna means a device used to transmit and/or receive radio, television or any other transmitted signal and which may be rooftop, wall or ground-mounted.

Apex means the uppermost or highest point.

Appeal means a review of a final decision by a higher authority.

Applicant means the owners or lessees of property, their agent, or persons who have contracted to purchase property, or the city or other quasi-governmental entity that is proposing an action requiring review and approval by one or more of the sections in this title. An applicant may subsequently become the developer once approval is granted and, in this case, the terms shall be interchangeable.

Approach surface means a surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in division 4 of article III of chapter 8 of this title. In plain view, the perimeter of the approach surface coincides with the perimeter of the approach zone.

Appurtenances means the visible, functional objects accessory to and part of buildings or structures and which may extend above the height of the roof.

Area, for the purposes of this article, means the geographical region or the extent of land identified with one or more areas of significance as set forth in criteria for designation, section 24-947, and may be nominated for historic designation on the local register.

Area of shallow flooding means a designated Zone AO or AH on a community's flood insurance rate map (FIRM) with a one-percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard means the land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year.

Art means all forms of original creations of visual art, including, but not limited to, sculpture; mosaics; painting, whether portable or permanently fixed, as in the case of murals; photographs; crafts made from clay; fiber and textiles; wood; glass; metal; plastics; or any other material or any combination thereof; calligraphy; mixed media composed of any combination of forms or media; unique architectural styling or embellishment, including architectural crafts, environmental landscaping; or restoration or renovation of existing works of art of historical significance. Works of art are not intended to be used for commercial advertising purposes.

Arterial street (see *Street*).

Articulation means using architectural elements such as windows, balconies, entries, etc., to visually break the appearance of large buildings or walls into smaller, identifiable pieces.

Assembly building, as used in chapter 18 of this title, means any building or portion of building or structure used for the regular gathering of 50 or more persons for such purposes as deliberation, education, instruction, worship, entertainment, amusement, drinking, dining or awaiting transport.

Assisted living unit means a residential facility that provides rooms, meals, personal care and supervision of self-administered medication, as well as other services, including recreational activities and transportation, to individuals who do not have an illness, injury or disability for which regular medical care or 24-hour nursing services are

required. An assisted living unit shall not be considered a board and care home or a nursing home.

Automobile wrecking yard (see Junkyard).

Awning means a framed exterior architectural feature, attached to and supported from the wall of a building and/or held up by its own supports, which provides or has the appearance of providing shelter from the elements to pedestrians, vehicles, property or buildings.

Awning, internally illuminated, means any transparent backlit awning or awning lettering which transmits light from within the awning to the outside surface of the awning.

Awning sign means a sign that is mounted or painted on or attached to an awning.

Backing means the background area of a sign, which differentiates the total sign display from the background against which it is placed.

Banner means a sign applied to flexible materials (e.g., cloth, paper or fabric of any kind) with no enclosing framework.

Bare tube neon means a bare tube neon light attached to a building that is used to light or accent the building and/or its architecture.

Base flood elevation (BFE) means the elevation shown on a FEMA flood insurance rate map that indicates the water surface elevation resulting from a flood that has a one-percent chance of equaling or exceeding that level in any given year.

Basement means any level of a building where more than one-half of the vertical distance between floor and ceiling is below the grade of the site.

Beacon (see Searchlight, strobe light or beacon).

Bed and breakfast means a building, or portion thereof, of residential character, offering temporary lodging for compensation and at least one meal daily for guests and having a manager residing on the premises. Rooms in a bed and breakfast shall not be rented more than twice during any 24-hour period.

Bedroom means any room intended and used principally for sleeping purposes.

Berm means a mound of earth, higher than grade, used for screening, definition of space, noise attenuation and decoration in landscaping.

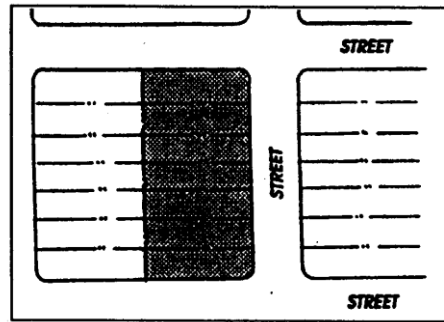
Bicycle parking space means a space for one standard bicycle, located in a secure bicycle rack on the same lot as the structure for which the bicycle parking is intended to serve.

Billboards and bus bench/shelter sign (see Off-premises advertising device).

Block means a group of lots within defined and fixed boundaries of a subdivision and usually being an area surrounded by streets or other features such as parks, railroad rights-of-way or municipal boundary lines.

Block face means all lots on one side of a block.

Block Face



Board and care home means a residential facility providing room and board to one or two individuals who are not related to the owner or principal occupant and who, because of impaired capacity for independent living, elect protective oversight, personal services and social care, but do not require regular 24-hour medical or nursing care. A board and care home shall not be considered an assisted living unit or nursing home.

Boardinghouse and roominghouse means a building or portion thereof which is used to accommodate boarders or roomers, not including members of the occupant's immediate family who might be occupying such building, and whose occupants shall have common access to kitchen, bathroom and dining areas. Boardinghouses and roominghouses shall not include hotels, motels and lodges.

Brewpub means a business for the brewing, sale and consumption of alcoholic beverages on the premises and which may also prepare and sell food on the premises.

Buffer means to promote separation and compatibility between land uses of different intensities within or adjacent to a development, or along roadways or other public areas through the use of setbacks, natural vegetation, berms, fences, walls or a combination thereof. The term "buffer" may also be used to describe the methods used to promote compatibility such as a landscape buffer.

Buffer yard means that area intended to provide buffering between land uses of different intensities or along roadways or other public rights-of-way.

Building means any structure built for the shelter or enclosure of persons, animals or property of any kind, excluding fences or walls.

Building appurtenance means the visible, functional or ornamental object accessory to and part of a building.

Building code means any law, ordinance or code which is in force in the city and which pertains to the design and construction of buildings and other structures, or to any components thereof, such as cooling and heating, plumbing, electricity and the like.

Building envelope means the area in which a building or structure is constructed or placed in a development and in which the land area beyond the envelope is under the common ownership of all property owners within the development.

Building footprint means the outline of the total area which is covered by a building's perimeter at the ground level.

Building frontage means the horizontal linear dimension which is designated as the primary facade of that portion of a building occupied by a single use or occupancy. Corner tenants will be permitted to use their secondary facade to determine their building frontage.

Building frontage, principal, means the horizontal linear dimension which is designated as the primary facade of that portion of a building occupied by a single use or occupancy.

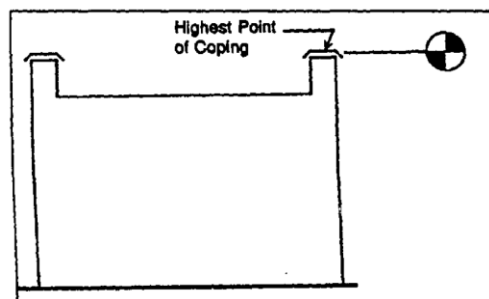
Building frontage, secondary, means that dimension of a building abutting a public right-of-way other than the principal building frontage.

Building or structure height means the vertical distance from grade at an exterior wall of a building or structure to the highest point of the coping of a flat roof, to the average height of the highest gable of a hipped roof, or a monitor roof, or to the highest point of a curved roof. For the purposes of measuring the setback and height performance options in section 24-1030, setback increases shall only be required for that portion of the building for which a height increase is sought. This measurement shall be exclusive of church spires, cupulas, chimneys, ventilators, pipes and similar appurtenances. For the purposes of this definition, grade, as a point of measure, means either of the following, whichever yields a greater height of building or structure:

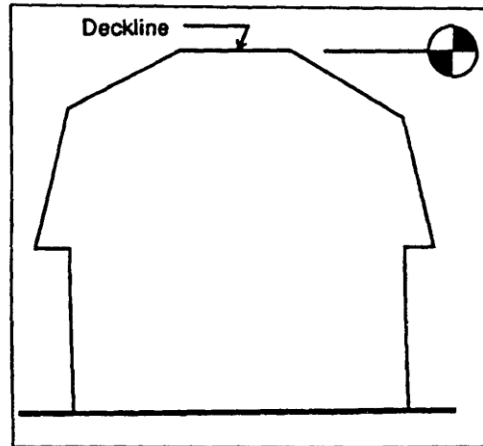
- (1) The elevation of the highest ground surface within a five-foot horizontal distance from the exterior wall of the building, when there is less than a ten-foot difference between the highest and lowest ground surface within a five-foot horizontal distance from said wall.
- (2) An elevation ten feet higher than the lowest ground surface within a five-foot horizontal distance from the exterior wall of the building, when there is greater than a ten-foot difference between the highest and lowest ground surface within a five-foot horizontal distance from said wall.

The height of the building is the vertical distance above a reference datum measured to:

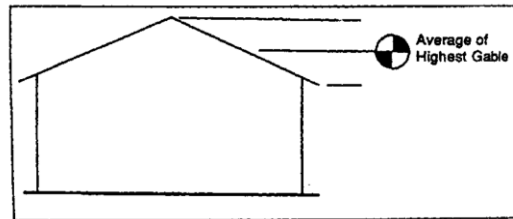
Building With Flat Roof (Measured to Highest Point of Coping)



Mansard Roof (Measured to Deckline)



Hipped or Gabled Roof (Measured to Average of the Highest Gable)



Gabled Roof(2 or More Gables) (Measured to the Average of the Highest Gable)



Building Height from Ground

The diagrams illustrate the maximum height of a building based on its base width. The left diagram shows a building with a height of 5' and a base width of 5'. The right diagram shows a building with a height of 10' and a base width of 5'. Both diagrams include a 'DATUM' line and a 'HEIGHT OF BUILDING' label.

does not include any of the factors listed above shall not be considered a change of use.

Changeable copy sign (also known as a marquee sign) means a sign designed to allow the changing of copy as with individual letters through manual means, without altering the sign backing or structure in any such way.

Channel means a natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuous or periodic flowing water.

Channel letters, individual letters, raceway and channel sign means individual letters, flat cutout letters or symbols constructed to be applied singly in the formation of a wall sign or freestanding sign.

Channelization means the artificial creation, enlargement or realignment of a stream channel.

Character mean the sum or composition of a building's or group of buildings' attributes which serve to distinguish its appearance and establish its visual image. Attributes that contribute to character include, but are not limited to, size, shape and height of buildings, materials, architectural style, sidewalk location and vegetation.

Character overlay district means an overlay district established for the purposes of maintaining and preserving the attributes which make up the character of a particular and definable area within the city, as provided for in article III of chapter 8 of this title.

Chief building official means the chief building official of the city.

Childcare center means a facility which is maintained for the whole or part of a day for the care of seven or more children under the age of 16 years and not related to the owner, operator or manager, whether such facility is operated with or without compensation for such care and with or without stated educational purposes. The term "childcare center" also, includes, but is not limited to, facilities commonly known as daycare centers, day nurseries, nursery schools, preschools, play groups, day camps and summer camps.

Childcare home means a facility providing care and/or training in a place of residence, on a regular basis, for compensation, for no more than six children under the age of 16 years who are not related to the caretakers and not including 24-hour care. This type of childcare home provides less than 24-hour care for two or more children on a regular basis in a place of residence.

- (1) Care may be provided for up to six children from birth to 13 years of age with no more than two children under two years of age. This shall not prohibit the care of children with special needs ages 13 to 18 years.
- (2) Care also may be provided for no more than two additional children of school age attending full-day school. School-age children are children enrolled in a kindergarten program a year before they enter the first grade and children six years of age and older.
- (3) Residents of the home under 12 years of age who are on the premises and all children on the premises for supervision shall be counted against the approved capacity.

- (4) A major childcare home is a state-licensed childcare facility in a home, operated by an experienced childcare provider/proprietor for the purposes of care for up to nine children in conformance with the Colorado Code of Regulations.

Church means a place designed and intended for the regular assembly for the purposes of religious worship, meetings and other church-sponsored activities. Accessory uses such as schools, daycare centers, columbariums, counseling services and bingo parlors shall be permitted, provided that such accessory uses shall be secondary to that of normal church activities and shall be permitted within the zoning district in which the subject property is located.

Circumference means the perimeter measurement of a building or structure, measured as a continuous line.

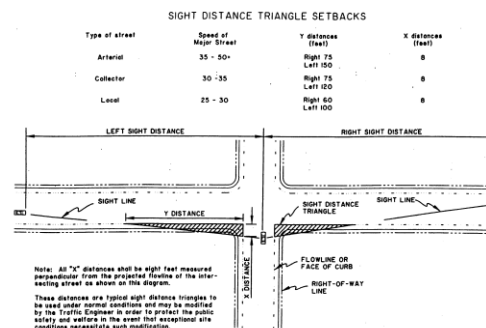
City means the City of Greeley, Colorado.

City council means the city council of the City of Greeley, Colorado.

City manager means the city manager, or the city manager's designee or other official, body or agency designated by the Charter or ordinance to act on behalf of the city.

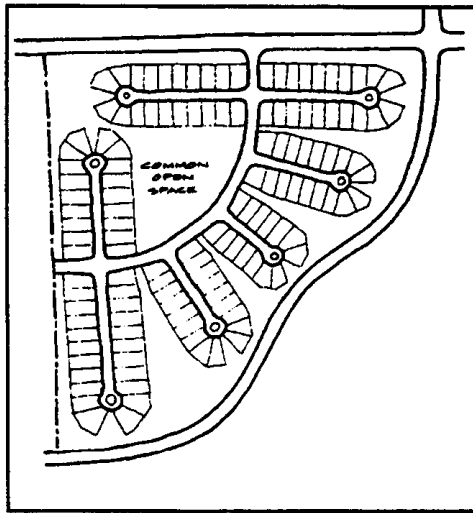
Clear vision zone or area means that area which the city requires an unobstructed line of sight necessary for most drivers stopped at an intersection to see an approaching vehicle, pedestrian or bicyclist to avoid a collision.

Clear Vision Sight Distance Triangles



Cluster subdivision or development means a form of development in which the lot sizes are reduced and the resulting land area is devoted to common open space.

Cluster Subdivision



Co-generation plant means a facility for the purposes of producing power as a by-product of a manufacturing or power-producing process.

Collector street (see *Street*).

Columbarium means a structure or place for the interment of ashes of the cremated dead.

Commemorative sign means a sign, tablet, cornerstone or plaque memorializing a person, event, structure, site or landmark and not used to advertise a product, service or activity.

Commercial or industrial development identification sign means an on-premises sign for identifying a commercial or industrial development, park or subdivision.

Commercial mineral deposit means a natural mineral deposit of limestone used for construction purposes, coal, sand, gravel and quarry aggregate, for which extraction is or will be commercially feasible and regarding which it can be demonstrated by geologic, mineralogic or other scientific data that such deposit has significant economic or strategic value to the area, state or nation.

Commission means the planning commission of the city, or in chapter 18 of this title, the oil and gas conservation commission of the State of Colorado (OGCC), or in this article, the historic preservation commission of the city.

Common consumption area means an area designed as a common area located within a designated Entertainment District and approved by the local licensing authority that uses physical barriers to close the areas to motor vehicle traffic and limit pedestrian access.

Community, as used in chapter 13 of this title, means one or more populations of plants and animals in a common grouped arrangement, within a specified area.

Community development director means the community development director of the city.

Community event sign means a sign that provides information relating to any community event sponsored by a nonprofit group or agency.

Compatible means having harmony in design, appearance, use and/or function of the characteristics of a building or structure, a neighborhood or an area. Design characteristics may include, but are not limited to, height, mass, scale, land use, architecture, color and materials.

Compatible Roof Pitch, Scale, Massing and Height



Comprehensive plan means the comprehensive plan of the city, as provided for in the city Charter and which provides for the future growth and improvement of the community, for the preservation of historic and natural resources and for the general location and coordination of streets and highways, recreation areas, public building sites and other physical development.

Conditional letter of map revision (CLOMR) means FEMA's comment on a proposed project which does not revise an effective floodplain map, which would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodplain.

Condominium means a form of ownership in which the interior floor space of a unit or area is owned individually, and the structure, common areas and facilities are owned by all of the owners on a proportional, undivided basis.

Conical surface means a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to one for a horizontal distance of 4,000 feet.

Conservation easement means an easement acquired by the public and which is designed to restrict the use of private land to preserve open space or natural resource areas.

Contractor sign means a sign naming those engaged in the design, financing and construction on the property where the sign is located.

Contributing buildings, site, structures and objects, for the purposes of this article, means historic properties within the proposed or designated district and includes individually designated properties and nondesignated properties that contribute to the historic district by their shared and unique architectural, historic or geographic characteristics.

Convenience store means a general retail store which sells goods which may include ready-to-eat products, groceries and sundries which comprise more than 25 percent of all sales and which may accompany gasoline pumps and the sale of gasoline.

Copy or print shop means an establishment that provides duplicating services using photocopy, blueprint, offset and typesetting printing equipment and including collating of booklets and reports.

Cornerstones means a stone forming a part of a corner or angle in a wall that provides building identification.

Correctional facility means a secured facility providing housing and treatment of those convicted and confined for serious criminal offenses.

Corridor or movement corridor means a belt, band or stringer of vegetation or topography that provides a completely or partially suitable habitat and which animals follow during daily, periodic or seasonal movements.

Coverage means land area which is covered with impervious surfaces, such as buildings, patios or decks with roofs, carports, swimming pools, tennis courts or land area covered by any other type of structure, including parking lots.

Crematorium means a place for the cremation of human or animal remains.

Critical facility means a structure or related infrastructure, but not the land on which it is situated, as specified in section 24-728, that, if flooded, may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood.

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

Cul-de-sac means a local street of no more than 500 feet in length, with one open end and the other end terminating in a vehicular turn around.

Day means a calendar day, unless otherwise noted.

Deciduous means a plant with foliage that is shed annually.

Deck means a floored outdoor area, typically elevated above grade and adjoining a residential dwelling.

Dedication means setting aside property for a specific purpose, including, but not limited to, streets, utilities, parks and trails.

Demolition, for the purposes of this this article, means any act or process which destroys, in part or in whole, any designated property or property located within a designated historic district.

Demolition by neglect means neglect in maintenance, repair or security of a site, building or structure, resulting in any of the following conditions:

- (1) The deterioration of exterior walls or other vertical supports or a portion thereof;
- (2) The deterioration of roofs or other horizontal members;
- (3) The deterioration of exterior chimneys;
- (4) The deterioration of exterior plaster or mortar;

- (5) The ineffective weatherproofing of exterior walls, roofs and foundations, including broken windows and doors; or
- (6) The serious deterioration of any documented exterior architectural feature or significant landscape feature which, in the judgment of the commission, produces a detrimental effect upon the character of the district.

Density means the number of dwelling units per gross acre of land area.

Designated property means an historic property individually listed on the city's historic register through the procedural requirements in section 24-948 and which meets the criteria set forth in section 24-947.

Detention area means an area which is designed to capture specific quantities of stormwater and to gradually release the same at a sufficiently slow rate to reduce the risk of flooding.

Developing means a lot, or grouping of lots or tracts of land, with less than 60 percent of their perimeter boundary adjacent to existing development. For the purposes of this definition, public parks, natural areas and other such areas which are not eligible for further development shall be considered developed. Areas which were originally platted prior to 1978 and which have at least 75 percent of the lots in the development built on within this 20-year period shall also be considered developed. A replat of the original plat shall not affect the commencement of this 20-year period.

Development means any construction or activity which changes the basic character or use of land on which construction or activity occurs, including, but not limited to, any non-natural change to improved or unimproved real estate, substantial improvements to buildings or other structures, mining, dredging, filling, grading, paving, extraction or drilling operations.

Development concept master plan means a preliminary master plan for the development of a large or complicated land area, the platting of which is expected in progressive stages.

Development or subdivider's agreement means a written instrument for the purposes of specifying all improvements to be constructed by the subdivider, as well as the timetable for construction of such improvements, any special conditions of construction and construction cost estimates.

DFIRM database means a database (usually spreadsheets containing data and analyses that accompany DFIRMs). The FEMA Mapping Specifications and Guidelines outline requirements for the development and maintenance of DFIRM databases.

Digital flood insurance rate map (DFIRM) means a FEMA digital floodplain map. These digital maps serve as regulatory floodplain maps for insurance and floodplain management purposes.

Direct lighting means spot or floodlighting used to illuminate a sign surface.

Directional on-site means signs that direct the movement or placement of pedestrian or vehicular traffic on a lot without reference to, or inclusion of, the name or logo of a product sold or services performed on the lot or in a building, structure or business enterprise occupying property, such as "welcome," "entrance," "exit," "restrooms," "parking," "loading area" and "drive-thru."

Director, for the purposes of chapter 18 of this title, means the director of the oil and gas conservation commission of the state.

Directory sign means a sign listing the names, uses or locations of the various businesses or activities conducted within a building or group of buildings, that is centrally located and intended to provide on-site directions and is not legible off-site.

Dissolve means a mode of message transition on an electronic message display accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second message.

District means a portion of the community within which uniform regulations apply.

District designation plan, for the purposes of this article, means a plan generated by the historic district residents and/or owners for commission use in reviewing certificate of approval applications. This plan shall incorporate elements such as, but not limited to, building height, setback, building envelope and new construction.

Downtown Entertainment District means that area contained within the south curb flow line of 7th Street, the west curb flow line of 8th Avenue, the north curb flow line of 10th Street and the east curb flow line of 9th Avenue.

Drive-in or drive-thru means an establishment that, by design of physical features or by service or packaging procedures, encourages or permits customers to order and receive food or beverages while remaining in a motor vehicle for consumption on or off the site and which includes a menu board and audio or video speakers.

Drive-up means an establishment that, by design of physical facilities or by service or packaging procedures, encourages or permits customers to receive services or obtain or drop off products while remaining in a motor vehicle and which excludes a menu board and/or audio or video speakers.

Driveway means an improved concrete or asphalt path leading directly to one or more city-approved parking spaces constructed with a concrete, asphalt or similar all-weather surface.

Dry wash channel means natural passageways or depressions of perceptible extent, containing intermittent or low-base flow.

Dust abatement plan means a plan intended and designed to control dust during the construction or development of property.

Dwelling or residence, multiple-family, means a building, site or a portion thereof which contains three or more dwelling units, not including hotels, motels, fraternities, sororities and similar group quarters.

Dwelling or residence, secondary, means a second, freestanding residential building constructed or placed on an infill lot or tract of land which contains a principal residential building.

Dwelling or residence, single-family, means a detached principal building, other than a mobile home, designed for and used as a single dwelling unit by one family. The term "single-family residence" includes a manufactured home which:

- (1) Is partially or entirely manufactured in a factory;
- (2) Is not less than 24 feet in width and 36 feet in length;
- (3) Is installed on an engineered permanent foundation;
- (4) Has a brick, wood or cosmetically equivalent exterior siding and all exterior walls which provide a consistent, continuous facade from the bottom of the soffit (top of the wall section) downward to the top of the exposed perimeter wall, foundation or to grade, whichever is applicable; and has a pitched roof; and
- (5) Is certified pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 USC 5401 et seq., as amended, and all regulations enacted pursuant thereto, including any local modifications as are expressly allowed by federal law, or which has been certified by the state as being in compliance with the requirements of the uniform building code, as adopted by the state and as is enforced and administered by the state division of housing.

Dwelling or residence, two-family, means a building containing two independent living units and which may commonly be referred to as a duplex.

Dwelling unit means one room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease as a single unit, on a monthly basis or longer, physically separated from any other room or dwelling units which may be in the same structure and served by no more than one gas meter and one electric meter.

Easement means a right granted by a property owner permitting a designated part of interest in the property owner's property to be used by others for a specific use or purpose.

Ecological character means the natural features and attributes of an area or landscape that, combined, give the area its character.

Educational facility, as used in chapter 18 of this title, means any building used for legally allowed educational purposes for more than 12 hours per week for more than six persons. This includes any building or portion of building used for licensed daycare purposes for more than six persons.

Election sign means a sign related to public election.

Electronic message display means a sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.

Elderly group housing means a building which is occupied by not more than eight persons who are 60 years of age or older and who use the building as their primary residence, if the building is either owned by some or all of them or by a nonprofit corporation.

Elevated building means a nonbasement building built to have the top of the elevated floor above the ground level by means of pilings, columns (posts and piers) or shear walls parallel to the flow of the water and adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of

the base flood. Elevated building also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters.

Emergency, for the purposes of this article, means an unexpected and sudden event that must be dealt with urgently in order to stabilize or protect a structure.

Emergency shelter or mission means a facility operated by a nonprofit, charitable or religious organization providing temporary housing, food, clothing or other support services, such as counseling and referral services, primarily for homeless individuals or those at risk.

Enhancement means the improvement of the land or water of the impacted or replacement area, beyond that which would occur without the development.

Entertainment District means an area within the city that is designated as an Entertainment District of a size no more than 100 acres and containing at least 20,000 square feet of premises licensed as a tavern, hotel and restaurant, brew pub, retail gaming tavern or vintner's restaurant at the time the district is created.

Entertainment establishment shall be a land use designation in addition to the underlying principal land use, and means any commercial establishment which shares a common wall or zero lot line property boundary with a residential land use or that is within 100 feet of a residential land use as measured from building to building, and:

- (1) Dispenses alcohol beverages on the premises and where amplified or live entertainment is provided; or
- (2) Does not dispense alcohol beverages but provides amplified or live entertainment either independent of or in conjunction with any other uses, except where amplified sound is provided only as background entertainment and at levels not to interrupt normal conversation at or beyond the property line.

Evergreen means a plant with foliage that persists and remain green year-round.

Existing development means any development in the city once all public improvements, including water, sewer, streets, curb, gutter, streetlights, fire hydrants and storm drainage facilities, are installed and completed.

Exposed incandescent or high intensity discharge lighting means any sign or portion of a sign that utilizes an exposed incandescent or high intensity lamp, with the exception of neon.

Exterior or perimeter wall means a wall, elements of a wall, parapet wall or any elements or groups of elements which define the exterior boundaries or courts of a building.

Facade means the exterior face of a building.

Fade means a mode of message transition on an electronic message display accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

Family shall mean an individual living alone, or any number of persons a group living together as a single household comprised of any number of persons who are interrelated by blood, marriage, civil union, adoption, or other legal custodial relationship, plus a number of unrelated adults per the chart below; ~~or not more than two (2) unrelated adults and any number of persons related to those unrelated adults by blood, adoption, guardianship or other legal custodial relationship. In multi-family units, the number of unrelated adults shall be determined based on the provisions of the City's Housing Code. For purposes of this definition, a bona fide employee of the family who resides in the dwelling unit and whose live-in status is required by the nature of his or her employment shall be considered a member of the family. The number of household occupants must also be compliant with the International Property Maintenance Code.~~

<u>Zoning Districts</u>	<u>Number of bedrooms in the dwelling unit</u>	<u>Number of allowed unrelated adults*</u>
<u>R-E, R-L, R-MH</u>	<u>Any number</u>	<u>1</u>
<u>R-M</u>	<u>Efficiency or 1 bedroom</u>	<u>1</u>
	<u>2 bedrooms</u>	<u>2</u>
	<u>3 bedrooms</u>	<u>3</u>
	<u>4 or more bedrooms</u>	<u>4</u>
<u>All other zoning districts</u>	<u>Any number</u>	<u>Any number</u>
<u>*Plus any number of persons related to the allowed unrelated adults(s) by blood, adoption, guardianship, or other legal custodial relationship</u>		

Farming means the production of crops such as vegetables, fruit trees or grain; the growing of trees and shrubs for landscape purposes; and the raising of farm animals such as poultry or swine, which shall be limited to the animal unit capacity as determined in the definition of animal unit and the animal unit equivalency chart in these definitions. The term "farming" shall not include the commercial raising of animals, commercial production of milk, commercial pen feeding (feed lots) or the commercial feeding of garbage or offal to swine or other animals.

Federal register means the official daily publication for rules, proposed rules, and notices of federal agencies and organizations, as well as executive orders and other presidential documents.

Fence means any artificially constructed barrier of an approved material or combination of materials erected vertically to enclose or screen areas of land.

Figures means an outline, shape or pattern of numbers, letters or abstract images.

Filing plat (see *Plat, filing*).

Financial security or guarantee means a financial obligation, in a form acceptable to the city, which assures completion and payment for all improvements related to development of property.

Flag means material attached to or designed to be flown from a flagpole or similar device and which may display the name, insignia, emblem or logo of any nation, state, municipality or commercial or noncommercial organization (see *Pennants*).

Flashing or animated means signs or lighting with flashing, blinking, moving or other animation effects or that give the visual impression of such movement by use of lighting, or intermittent exhibits or sequential flashing of natural or appearance of artificial light or colors, including those signs that rotate, revolve, spin, swing, flap, wave, shimmer or make any other motion, or illusion of motion, or which imitate official governmental protective or warning devices (see *Imitating sign*).

Flea or farmer's market means an occasional or periodic sales activity held within a building, structure or open area where groups of individual sellers offer new and used goods or produce for sale to the public, not including private garage sales.

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

Flood, base, means a flood having a one-percent chance of being equaled or exceeded in any year. The term "base flood" is used interchangeably with the terms "intermediate regional flood," "100-year flood," "one-percent flood" and "area of special flood hazard."

Flood boundary and floodway map (FBFM) means an official map, as amended from time to time, issued by the Federal Emergency Management Agency, where the boundaries of the base flood, floodway and 500-year flood have been delineated.

Flood control structure means a physical structure designed and built expressly or partially for the purpose of reducing, redirecting or guiding flood flows along a particular waterway. These specialized flood-modifying works are those constructed in conformance with sound engineering standards.

Flood fringe means that portion of the floodplain that could be obstructed without increasing the water surface elevation of the base flood more than one foot.

Flood hazard, area of special, means the land within the floodplain within a community subject to a one-percent or greater chance of flooding in any given year.

Flood insurance rate map (FIRM) means an official map issued by the Federal Emergency Management Agency, as amended from time to time, where the boundaries of the base flood, 500-year flood, water surface elevations of the base flood and special flood hazard areas and the risk premium zones have been delineated.

Flood insurance study (FIS) means an official study by the Federal Emergency Management Agency, as amended from time to time, examining, evaluating and determining flood hazards, corresponding water surface elevations and flood profiles of the base flood.

Flood-protection elevation, regulatory, means the elevation one foot above the peak water surface elevation of the base flood.

Floodplain means an area which is adjacent to a stream or watercourse and which is subject to flooding as a result of the occurrence of an intermediate regional flood and which is so adverse to past, current or foreseeable construction or land use as to constitute a significant hazard to public health and safety or to property. The term "floodplain" includes, but is not limited to, mainstream floodplains, debris fan floodplains and dry wash channels and floodplains.

Floodplain, debris fan, means a floodplain located on landforms that form by deposition of water-transported rock fragments, soil and vegetation debris at the confluence of tributary streams with a larger trunk stream valley.

Floodplain, dry wash, means an area adjacent to a dry wash channel which is periodically subject to sudden water and debris flooding.

Floodplain administrator means the community official designated by title to administer and enforce the floodplain management regulations.

Floodplain development permit means a permit required before construction or development begins within any special flood hazard area (SFHA). Permits are required to ensure that proposed development projects meet the requirements of the NFIP and article III of chapter 8 of this title.

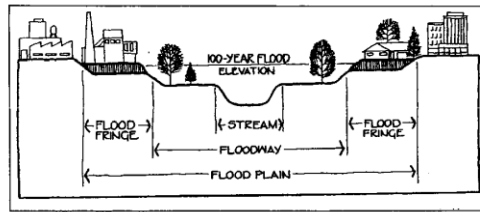
Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including, but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain management regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term "floodplain management regulations" describes such federal, state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing means any combination of structural and/or nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway (regulatory floodway) means the channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. The statewide standard for the designated height to be used for all newly studied reaches shall be one-half foot (six inches). Letters of map revision to existing floodway delineations may continue to use the floodway criteria in place at the time of the existing floodway delineation.

Floodway, Floodplain, Flood Fringe



Floor area, gross, means the total area of a building measured by taking the outside dimensions of the building at each floor level, or from the centerlines of walls separating two buildings and excluding areas used exclusively for the service of the building such as mechanical equipment spaces and shafts, elevators, stairways, escalators, ramps, loading docks, cellars, unenclosed porches, attics not used for human occupancy, any floor space in accessory buildings, or areas within the building which are intended for the parking of motor vehicles.

Floor area ratio means the ratio of floor area to lot area, commonly referred to as FAR.

Flow line means the low point within a street section wherein water is intended to collect and flow, typically the gutters along each edge of pavement.

Food and beverage processing facility (major) means a manufacturing establishment packaging, producing or processing foods for human consumption and certain related products and includes, but is not limited to, the following: bakery products, sugar and confectionary products (except facilities that produce goods only for on-site sales and not wider distribution); dairy products processing; fats and oil products (not including rendering plants); fruit and vegetable canning, preserving and related processing; grain mill products and by-products; meat, poultry and fish canning, curing and by-product processing (not including facilities that also slaughter animals); and miscellaneous food preparation from raw products, including catering services that are independent from food stores or restaurants.

Food and beverage processing facility (minor) means a manufacturing establishment primarily for packaging, producing or processing foods for human consumption that meets the definition of food and beverage processing (major) but which also dedicates a portion of the building footprint's square footage (a minimum of ten percent, up to 50 percent) to sales of food, beverages and/or other retail for on-premises purchase and/or consumption; and which occupies a site of three acres or less; and which cannot generate offensive odors, emissions, traffic or other off-site impacts or shall otherwise be considered a major food processing facility.

Frame means a complete, static display screen on an electronic message display.

Frame effect means a visual effect on an electronic message display applied to a single frame to attract the attention of viewers.

Fraternities and sororities means student organizations established primarily to promote friendship and welfare among the members and which shall provide a place of residence for members.

Freeboard means the vertical distance in feet above a predicted water surface elevation intended to provide a margin of safety to compensate for unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood, such as debris blockage of bridge openings and the increased runoff due to urbanization of the watershed.

Freestanding sign means a sign which is not attached to any building. A freestanding sign shall include, but is not limited to, a pole, monument, a canopy and freestanding wall sign. A sign that extends more than four feet from a wall but is attached and/or is part of a canopy or an awning shall be considered a freestanding sign.

Freestanding wall or fence means either a wall that is not attached to a building or a wall attached to a building that projects more than four feet beyond the exterior wall of the habitable portion of the building.

Frontage lot/property means that portion of a lot that is directly adjacent to a public street.

Funeral home or mortuary means a building or part thereof used for human funeral services, which may contain space and facilities for services used in preparation of the dead for burial; the storage of caskets, urns and other related funeral supplies; and the storage of funeral vehicles. Funeral homes shall not include crematoriums as accessory uses.

Garage or yard sale means the occasional sale of new or used goods at a residence, which may be held outside and/or within a garage or accessory building and which shall occur no more than two times during a calendar year, for no more than three consecutive days each time, within any consecutive 12-month period.

Gas means all natural gases and all hydrocarbons not defined as oil.

General Improvement District #1 means that 19-block district bounded by 11th Street to the south, 6th Street to the north, 7th Avenue to the east and 11th Avenue to the west, excluding city Block 35.

Geologic hazard means a geologic condition which is adverse to current or foreseeable future construction or land use associated therewith, constituting a hazard to public health and safety or property, including, but not limited to, landslide, rock fall, subsidence, expansive soils, slope failure, mudflow or other unstable surface or subsurface conditions.

Ghost sign means old hand-painted signage that has been preserved on a building for an extended period of time, whether by actively keeping it or choosing not to destroy it.

Glare means a sensation of brightness within the visual field that causes annoyance, discomfort or loss in visual performance and visibility.

Grade means the average elevation of the finished surface of the ground, paving or sidewalk with a radius of five feet from the base of the structure.

Graphics means drawings, decals, paint or illustrations.

Gravel means inert materials such as loose fragments of rock larger than "pea" size and commonly used as parking surface material.

Gross floor area (see *Floor area*).

Gross land area means the total land area of a site or property, including land to be dedicated for streets and other public purposes.

Ground cover means those materials used to provide cover of the soil in landscaped areas and shall include river rock, cobble, boulders, patterned concrete, grasses, flowers, low growing shrubs and vines and those materials derived from once-living things, such as wood mulch.

Ground kites are freestanding frames usually covered with flexible fabric and designed to be animated by the wind to attract attention.

Group home means a residence operated as a single dwelling housing no more than eight individuals, licensed by or operated by a governmental agency, for the purpose of providing special care or rehabilitation due to physical condition or illness, mental condition or illness, or social or behavioral problems, provided that authorized supervisory personnel are present on the premises. The term "group home" shall not include alcoholism or drug treatment centers, work release facilities or other housing facilities serving as an alternative to incarceration. Group homes which are mandated by federal or state regulations shall be permitted as required by law.

Group home, over eight residents, means an institutional facility for more than eight individuals, licensed by or operated by a governmental agency, for the purpose of providing special care or rehabilitation due to physical condition or illness, mental condition or illness, social or behavioral problems, for alcoholism or drug treatment, or work release facilities.

Guest means a person who is visiting at the principal or primary home of another person for up to 30 days, and which home is not the principal or primary home of the guest.

Habitat means areas that contain adequate food, water and cover to enable one or more species of wildlife to live in or use the area for part of all of the year and which typically consists of natural or planted vegetation, along with one or more sources of water available in the area or adjacent areas.

Habitat, aquatic, means areas which are typically adjacent to sub-irrigated areas or standing or flowing water and which can be identified by the presence of water at or near the ground surface, including streams, rivers, creeks, lakes, ponds, reservoirs, wetlands, marshes, springs, seep areas, bogs and riparian areas.

Habitat, terrestrial, means trees, shrubs, grasses, forbs and legumes which provide food and/or cover for one or more species of wildlife.

Hazard means any structure or use of land which endangers or obstructs the airspace required for aircraft in landing, take-off and maneuvering at the airport.

Hazard to air navigation means an obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

Hazardous material means any substance or materials that, by reason of their toxic, caustic, corrosive, abrasive or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with

such material or substance, or which may be detrimental to the natural environment and/or wildlife inhabiting the natural environment.

Health club means those private establishments intended for the purpose of improving or maintaining a person's physical health and well-being, including, but not limited to, private gymnasiums, private athletic, health or recreational gyms, reducing salons and weight control establishments.

Height (see *Building height*).

Height, for the purposes of determining the height limits in all zones set forth in article III of chapter 8 of this title and shown on the Greeley-Weld County Airport Zoning Map, shall be the mean sea level elevation unless otherwise specified.

Heliport means an area licensed for the loading, landing and takeoff of helicopters, including auxiliary facilities such as parking, waiting rooms, fueling and maintenance equipment.

Helistop means a heliport without auxiliary facilities.

High density area, as used in chapter 18 of this title, means an area determined at the time the well is permitted on a well-by-well basis, by calculating the number of occupied building units within the 72-acre area defined by a 1,000-foot radius from the wellhead or production facility and means any tract of land which meets one of the following:

- (1) Thirty-six or more actual or platted building units within a 1,000-foot radius, or 18 or more building units are within any semi-circle of the 1,000-foot radius, at an average density of one building unit per two acres. If platted building units are used to determine density, then 50 percent of said platted units shall have building units under construction or constructed;
- (2) An educational facility, assembly building, hospital, nursing home, board and care facility or jail is located within 1,000 feet of a wellhead or production facility; or
- (3) If a designated outside activity area is within 1,000 feet of a wellhead or production facility, the area may become high density upon application and determination by the OGCC.

High impact areas, as used in chapter 13 of this title, means those designated areas which contain significant natural features which would be severely and negatively compromised by development. Such areas are identified on the areas of ecological significance map.

High intensity use, for the purposes of chapter 11 of this title, means a use expected to have a significant effect on adjacent properties as determined on table 24-1144.6, required buffer yards.

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Hillside development means development in areas which contain existing, natural slopes in excess of 15 percent.

Historic district means a geographically definable area with a concentration of buildings, structures, sites, spaces or objects unified by past events, physical

development, design, setting, materials, workmanship, sense of cohesiveness or related historical and aesthetic associations, that is recognized through listing in a local, state or national landmarks register.

Historic preservation means the protection, rehabilitation and/or restoration of districts, buildings, structures and artifacts which are considered significant in history, architecture, archaeology or culture.

Historic property means the resources of the city, both public and private, including buildings, homes, replicas, structures, objects, properties, parks, land features, trees and sites that have importance in the history, architecture, archaeology or culture of the city, state or nation, as determined by the historic preservation commission.

Historic sign means a sign that has been officially designated as an historic landmark.

Historic structure means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior; or
 - b. Directly by the Secretary of the Interior in states without approved programs.

Holiday decorations means temporary decorations, lighting or displays which are clearly incidental and customary and commonly associated with any national, state, local, religious or commonly celebrated holiday and which contain no commercial message.

Home occupation means an occupation, profession, activity or use conducted within a residential dwelling unit that is incidental and secondary to the use of a residential dwelling unit, which does not alter the exterior of the property or affect the residential character of the residential environment and which meets the provisions of this article.

Home occupation, rural, means an accessory use to a farming operation or a nonfarm household located in a rural area, designed for gainful employment involving the sale of agricultural produce grown on the site, conducted either from within the

dwelling and/or from accessory buildings located within 500 feet of the dwelling occupied by those conducting the rural home occupation.

Homeowners' association means an association of homeowners or property owners within a development, typically organized for the purpose of enforcement of private covenants and/or carrying out the maintenance of common areas, landscaping, parks, building exteriors and streets.

Horizontal surface means a horizontal plane 150 feet above the established airport elevation, the perimeter of which in plain view coincides with the perimeter of the horizontal zone (4,808 feet above sea level).

Hospital means a facility providing health services primarily for in-patients and medical or surgical care of the human sick and injured, including as an integral part, such related facilities as laboratories, out-patient services, rehabilitation and recovery services, training facilities, central service facilities and staff offices.

Hospital, nursing home, board and care facilities, as used in chapter 18 of this title, means buildings used for the licensed care of more than five in-patients or residents.

Hotel or motel means a facility offering furnished lodging accommodations on a daily or weekly rate to the general public, for which a lease or deposit is not required and which may provide additional services, such as restaurants, meeting rooms and recreational facilities. Rental of a hotel or motel room on a daily basis shall not occur more than twice during any 24-hour period.

Household pet means any nonvenomous species of reptile and any domestic dog, cat, rodent, primate or bird over the age of four months, which is typically kept indoors. For the purposes of this definition, guide or assistance animals shall not be considered household pets.

Human sign means a person carrying or wearing a sign.

Hydric soils means soils which are saturated, or nearly so, during all or part of the year.

Hydrophilic plant populations means vegetation that requires standing or flowing water, or saturated or nearly saturated soils in order to grow.

Ideological sign means a sign which is not used for the purpose of advertising, identifying or announcing any commercial product, goods, establishment, facilities or services and which conveys ideas, philosophy or religious or political views not related to a specific election.

Illumination means the use of artificial or reflective means for the purpose of lighting a sign.

Imitating sign means signs which purport to be, are an imitation of, or resemble an official traffic sign, signal or equipment which attempt to direct the movement of pedestrian or vehicular traffic using such words as "Stop," "Danger" or "Caution" to imply a need or requirement to stop, or a caution for the existence of danger, such as flashing red, yellow and green (see *Flashing or animated*).

Incidental sign means nondescript signs, emblems or decals attached to a permanent structure informing the public only of those facilities or services available on the premises, such as a credit card sign or a sign indicating hours of business.

Indirect lighting means reflected light or lighting directed toward or across a surface.

Individual letters (see *Channel letters*).

Infill means a lot, or grouping of lots or tracts of land, with at least 60 percent of their perimeter boundary adjacent to existing development. If a right-of-way at least 120 feet in width or streets designated on the comprehensive transportation plan, as major collectors or arterial streets are adjacent to the subject lot, lots across such a street shall be excluded for the purposes of determining infill and at least 60 percent of the remaining boundaries of the site shall be adjacent to existing development for the lot to be determined to be infill.

Inflatable sign or inflatable object means any object filled with air or other gas, including balloons, which characterize a commercial symbol or contain a message.

Inspector, city, as used in chapter 18 of this title, means any person designated by the city manager or the city manager's designee, who shall have the authority to inspect a well site to determine compliance with chapter 18 of this title and other applicable ordinances of the city.

Intensity means an expression of the level or nature of development in nonresidential developments, or zones or specific land uses which are expected to have a certain level of intensity.

Intermediate care facility means a facility that provides, on a regular basis, personal care, including dressing and eating and health-related care and services, to individuals who require such assistance but who do not require the degree of care and treatment that a hospital or nursing care facility provides.

Internal illumination means a light source that is contained within the sign itself, or where light is visible through a translucent surface.

Irrigation system means an automatically- or manually-controlled sprinkler system that supplies water to support vegetation.

Jail, as used in chapter 18 of this title, means those structures where the personal liberties of occupants are restrained, including, but not limited to, mental hospitals, mental sanitariums, prisons and reformatories.

Joint identification sign means a sign, structure or surface which serves as a common or collective identification for two or more uses on the same premises (see *Multi-tenant sign*).

Junk or refuse means garbage and all other waste matter or discarded or unused material such as, but not limited to, salvage materials, scrap metal, scrap materials, bottles, tin cans, paper, boxes, crates, rags, used lumber and building materials; manufactured goods, appliances, fixtures, furniture, machinery, motor vehicles or other such items which have been abandoned, demolished or dismantled, or are in such a condition as to be unusable for their original use, but may be used again in present or different form for a new use; discarded or inoperable vehicles, machinery parts and tires; and other materials commonly considered to be refuse, rubbish or junk.

Junkyard means an industrial use for collecting, storing or selling scrap metal or discarded material or for collecting, dismantling, storing, salvaging or demolishing vehicles, machinery or other material and including the sale of such material or parts.

Kennel means a land use designation independent of or in conjunction with another land use and also means any premises, operated for compensation, where four or more dogs, cats or other household pets over three months of age are kept for the purpose of boarding, raising, sale, breeding, training, showing, treatment, day care or grooming, whether in special structures or runs or not.

Kiosk means a freestanding structure upon which temporary information and/or posters, notices and announcements are posted.

Land use means the way land is occupied or utilized.

Landing means a level part of a flight of stairs.

Landscape plan means a plan showing the treatment of all open space areas, parking lots, parking areas, areas adjacent to the public right-of-way and other landscaped areas, which may include any combination of living plants, such as trees, shrubs, vines, ground covers, flowers or grass; natural features, such as rock, stone, bark chips or shavings; and structural features, including, but not limited to, fountains, reflecting pools, screening walls, fences and benches. The landscape plan may include a perimeter treatment plan as defined in these definitions and shall delineate species, size and location of all landscape elements.

Landscaped area means an area for the planting of trees, shrubs, ground cover or a combination thereof and which is defined by an edge strip material or the adjacency of sod or lawn area.

Landscaping means any combination of living plants, such as trees, shrubs, vines, ground covers, flowers or grass; natural features, such as rock, stone, bark chips or shavings; and structural features, including, but not limited to, fountains, reflecting pools, screening walls, fences and benches. Landscaping shall not be covered with parking or outdoor displays.

Large retail use means a retail use or any combination of retail uses in a single building occupying more than 40,000 square feet of gross floor area.

Larger than utility runway means a runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

Leading edge of means the point of a sign, including its support structure, nearest to the public right-of-way.

Legal description means a land description recognized by law, including the measurements and boundaries.

Legally nonconforming sign is a sign that was lawfully constructed prior to the most recent enactment of this article and has been maintained as a sign, but which no longer complies with the provisions of chapter 17 of this title as amended.

Legible means a sign capable of being read with certainty without visual aid by a pedestrian of normal visual acuity.

Letter of map revision (LOMR) means FEMA's official revision of an effective flood insurance rate map (FIRM) or flood boundary and floodway map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations (BFEs) or the special flood hazard area (SFHA).

Letter of map revision based on fill (LOMR-F) means FEMA's modification of the special flood hazard area (SFHA) shown on the flood insurance rate map (FIRM) based on the placement of fill outside the existing regulatory floodway.

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

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

Live plantings means trees, shrubs and organic ground cover which are in healthy condition.

Livestock means animals typically related to agricultural or farming uses, including, but not limited to, chickens, swine, sheep, goats, horses, cattle, yaks, alpacas and emus.

Living unit means any habitable room or group of rooms forming a single habitable unit, used or intended to be used for living and sleeping, but not for cooking or eating.

Loading space or zone means an off-street space or berth used for the loading or unloading of cargo, products or materials from vehicles.

Local government designee, as used in chapter 18 of this title, means the office designated to receive, on behalf of the local government, copies of all documents required to be filed with the local governmental designee pursuant to the rules of the OGCC.

Local street (see *Street*).

Long-term care facility means a health institution that is planned, organized, operated and maintained to provide facilities and services to inpatients who require care on a full-time basis, including continuum care facilities, hospices, congregate and nursing care facilities.

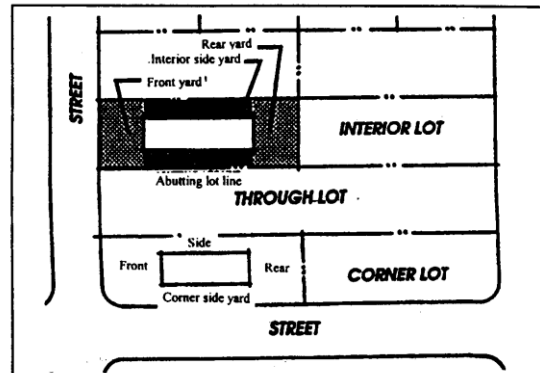
Loss means a change in wildlife resources due to development activities, that is considered adverse and which would:

- (1) Reduce the biological value of habitat;
- (2) Reduce the numbers of species;
- (3) Reduce population numbers of species;
- (4) Increase population numbers of nuisance/generalist species;
- (5) Reduce the human use of wildlife resources; or

(6) Disrupt ecosystem structure and function.

Lot means a parcel of land, established by a subdivision plat, having a minimum width of at least 20 feet, which shall be located on either a public right-of-way or on a legal and perpetual access and which is occupied or designed to be occupied by one or more principal buildings, structures or uses.

Types of Lots



Lot area means the total square footage or acreage contained within lot lines.

Lot, corner, means a lot abutting on and at the intersection of two or more streets.

Lot coverage (see Coverage).

Lot depth means the average distance between the front and rear lot lines.

Lot, double frontage or through, means a lot that fronts upon two parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lot. The lot line abutting the street which provides primary access shall be considered the front lot line.

Lot, interior, means a lot other than a corner lot, with frontage on only one street.

Lot line means a line dividing one lot from another lot, or from a street or alley.

Lot line, front, means the property line dividing a lot from a street. On a corner lot, only one street lot line, which generally has the shorter street frontage, shall be considered as a front line.

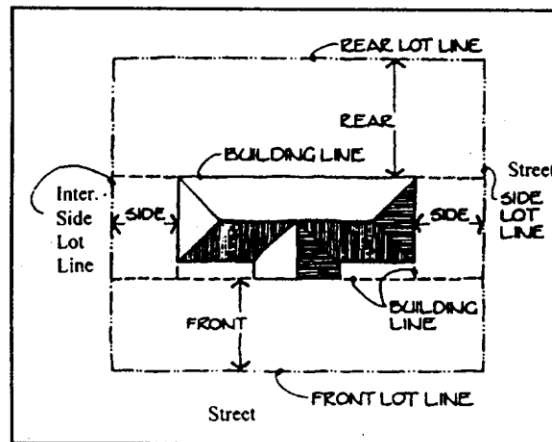
Lot line, interior side, means a side lot line which is adjacent to a side lot line of another lot.

Lot line, rear, means the line opposite the front lot line. Where the side lot lines meet in a point, the rear lot line shall be assumed to be a line not less than ten feet long, lying within the lot and parallel to the front lot line.

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

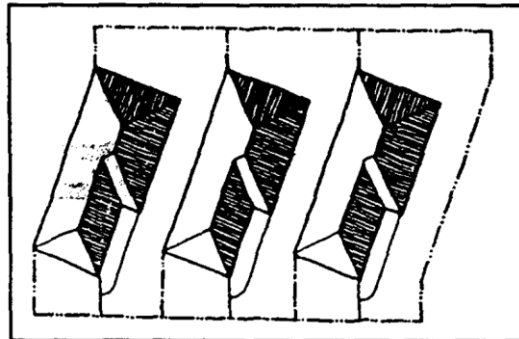
Lot line, street side, means a side lot line which separates the lot from a street.

Lot and Building Lines



Lot line, zero, means the location of a building on a lot in such a manner that one or more of the building's sides rests directly on a lot line, provided that separations or setbacks between buildings meet all applicable building and fire code provisions.

Zero Lot Line Development



Low intensity use, for the purposes of chapter 11 of this title, means a use expected to have a limited effect on adjacent properties as determined on table 24-1144.6, required buffer yards.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, shall not be considered a building's lowest floor, provided that such enclosure shall not be built so as to render the structure in violation of the applicable design requirements of division 2 of article III of chapter 8 of this title, floodplain overlay.

Low-water adaptive plants means those plants which have or can adapt to low levels of irrigation water.

Maintenance, as used in this article, means measures to protect and stabilize a property, including ongoing upkeep, protection and repair of historic materials and features. The term "maintenance" shall include the limited and responsive upgrading of

mechanical, electrical and plumbing systems and other code-required work to make a property safe and functional.

Maintenance of landscaping means, but not be limited to, regular watering, mowing, pruning, fertilizing, clearing of debris and weeds, the removal and replacement of dead plants and the repair and replacement of irrigation systems.

Maintenance of a sign means cleaning, repairing, painting or replacement of defective parts in a manner that does not alter the dimension, material or structure.

Major alteration, for the purposes of this article, means a modification to a structure that has potential to significantly alter the character of the property and, includes, but is not limited to, window replacement; building addition; porch enclosure; reconstruction of a portion of the primary building; addition of dormers or other alteration to the roofline; reconstruction of features on a building; material replacement with a different material (e.g. siding, etc.); alteration or replacement of a character-defining feature; demolition; relocation; and new construction. Major alterations include any modification that is not considered maintenance or a minor alteration.

Manufactured home (see *Dwelling or residence, single-family*).

Manufacturing means the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products and the blending of materials such as lubricating oils, plastics or resin.

Mass means the total volume in size and height of a building or structure.

Material safety data sheet (MSDS) means a form with data regarding the properties of a particular substance. An important component of product stewardship and workplace safety, it is intended to provide workers and emergency personnel with procedures for handling or working with that substance in a safe manner and includes information such as physical data (melting point, boiling point, flash point, etc.), toxicity, health effects, first aid, reactivity, storage, disposal, protective equipment and spill-handling procedures.

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

Mechanical equipment means any and all equipment ancillary to the use or function of a building and/or structure, including, but not limited to, heating or cooling equipment, pool pumps and filters, electrical equipment, transformers, exhaust stacks and roof vents.

Medical or dental clinic or office means the office of practitioners of the healing arts, where the practitioner employs more than one person, the primary use is the delivery of health care services and no overnight accommodations are provided.

Medium intensity use, for the purposes of chapter 11 of this title, means a use expected to have a moderate effect on adjacent properties as determined on table 24-1144.6, required buffer yards.

Membership clubs and facilities means golf courses, tennis courts, swimming pools, country clubs and recreational facilities for fraternal organizations, all of which are

owned and operated with a limited membership or by private individuals who own the facilities and are the sole users of them.

Menu board means a permanently mounted sign which lists the products or services available at a drive-in or drive-thru facility and not legible from the right-of-way.

Midpoint means that point equidistant from the foundation at ground level, to the apex of the roof, excluding roof structures, stairways, parapet walls, towers, flagpoles, chimneys or similar structures.

Mid-range expected service area means the growth area capable of accommodating the estimated increase in development in the city in the next five years.

Mineral owner means any person having title or right of ownership in subsurface oil and gas or leasehold interest therein.

Minor alteration, for the purposes of this article, means a modification to a structure that does not significantly alter the character of the property and includes, but is not limited to, replacement of roof; installation and repair/replacement of gutters if exterior trim elements are not altered; reconstruction and/or repair of portions of secondary structures; addition or replacement of storm windows and doors to existing windows and doors; repair or replacement of architectural elements with the same material, design, size, color and texture; replacement of less than 50 percent of a porch railing; replacement of original material with the same material (e.g., replacing a portion of wood siding with wood siding of same size, profile, type); removal of non-original material, such as vinyl, aluminum, etc.; adding awnings; repointing masonry; and signs requiring a permit.

Minor subdivision means a subdivision procedure that may be used for division of a parcel of land of two acres or less into not more than five lots which are intended for residential use; or of five acres or less into not more than three lots which are intended for commercial or industrial use; or for the creation of lots not less than 80 acres in size, the plat of which does not propose new public streets or municipal financial participation in any public improvements required as a result of said proposed plat. A minor subdivision may also be used for the aggregation of not more than five parcels into one or more parcels, the dedication and/or vacation of easements, the division of a parcel of land into townhouse lots, adjustments to lot lines and to correct errors in surveys or plats.

Mitigation means a mechanism for addressing undesirable impacts on fish, wildlife, plants, habitat and other natural resources. Mitigation may be accomplished in several ways, including reducing, minimizing, rectifying, compensating or avoiding impacts. The term "mitigation" may include:

- (1) Avoiding the impact altogether by not taking a certain action or parts of an action;
- (2) Minimizing impacts by limiting the degree or magnitude of the action and its implementation;
- (3) Rectifying the impact by repairing, rehabilitating or restoring the affected environment;

- (4) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; or
- (5) Compensating for the impact by replacing or providing substitute resources or environments.

Mixed-use means a building or structure that contains two or more different uses, one of which shall be residential.

Mobile home means a detached, single-family housing unit that does not meet the definition of single-family dwelling or residence set forth in these definitions and which has all of the following characteristics:

- (1) Designed for a long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities and has plumbing and electrical connections provided for attachment to outside systems;
- (2) Designed to be transported after fabrication on its own wheels, on a flatbed or other trailers or on detachable wheels;
- (3) Arrives at the 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, location on foundation supports or jacks, underpinned, connections to utilities and the like;
- (4) Exceeding eight feet in width and 32 feet in length, excluding towing gear and bumpers; and
- (5) Is without motive power.

Mobile home accessory building or structure means a building or structure that is an addition to or supplements the facilities provided in a mobile home. It is not a self-contained, separate, habitable building or structure. Examples are awnings, cabanas, garages, storage structures, carports, fences, windbreaks or porches and patios that are open on at least three sides.

Mobile home park or community means a site or tract of land, at least eight acres in size, held under one ownership, which is suited for the placement of mobile homes.

Mobile home park or community, existing, means a mobile home park or community for which the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) are completed before the effective date of the ordinance codified in this Development Code.

Mobile home park or community, expansion to, means the preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads).

Mobile home site means a plot of ground within a mobile home community designed for the accommodation of one mobile home and its accessory structures.

Model home means an unoccupied dwelling unit built on a site in a development for display and/or sales purposes and which may include an office solely for the

development in which it is located, and which typifies the units that will be constructed in the development.

Moderate impact areas, as used in chapter 13 of this title, means those designated areas which contain significant natural features which would be moderately and negatively compromised by development. Such areas are identified on the areas of ecological significant map.

Monoculture means the extensive use of the same species of plant materials.

Monument sign means a freestanding sign supported primarily by an internal structural framework or other solid structure features where at least 60 percent of the base of the sign is in contact with the ground.

Moving/relocating means lifting a building, structure or object from the existing location and taking it to a new location.

Multi-tenant sign means a sign which serves as a common or collective identification for two or more uses on the same premises (see *Joint identification sign*).

Multiple use means a site, tract of land or development that contains more than one type of land use, including, but not limited to, residential, office, retail or industrial uses.

Mural means a graphic displayed on the exterior wall of a building, generally for the purposes of decoration or artistic expression, including, but not limited to, paintings, frescoes or mosaics, with the exception that any portion of the mural that references the business name, logo, words, text or brand-specific merchandise shall be considered a sign.

Nameplate sign means a door entrance sign indicating the name and address of a building or the name of an occupant.

National Flood Insurance Program (NFIP) means FEMA's program of flood insurance coverage and floodplain management administered in conjunction with the Robert T. Stafford Relief and Emergency Assistance Act. The NFIP has applicable federal regulations promulgated in title 44 of the Code of Federal Regulations. The U.S. Congress established the NFIP in 1968 with the passage of the National Flood Insurance Act of 1968.

Natural area means aquatic or terrestrial habitats or areas which exist in their natural condition and which have not been significantly altered by human activity.

Natural area corridor means an aquatic or terrestrial corridor that connects one or more natural areas or habitats together.

Natural feature means those features which give an area its general appearance and ecological character and which attract or support the wildlife species that use or inhabit the area.

Neighborhood means the land area which is in the vicinity of the lot, tract or parcel of land in question and which will be affected to a greater extent than other land areas in the city by uses which exist on the lot or are proposed for it. A neighborhood also includes lots which are adjacent to one another and have a community of shared interest.

Neon means a sign illuminated by a light source consisting of a neon or gas tube that is bent to form letters, symbols or other shapes.

New construction means structures for which the start of construction commenced on or after the effective date of the ordinance codified in this article.

Newspaper and publishing plants means industrial facilities used for printing newspapers and large quantities of other printed materials, such as books, posters, leaflets and reports and which may include facilities for the shipping and receiving of materials and products.

Nits means a unit of measurement of luminance, or the intensity of visible light, where one nit is equal to one candela per square meter.

Nomination, for the purposes of this article, means the process of filing an application for designation.

Nonconforming means any building, structure or use that does not conform to the regulations of this Development Code, but which was lawfully constructed, established and/or occupied under the regulations in force at the time of construction or initial operation.

Noncommercial sign (see also *Residential complex, subdivision or residential identification sign*).

Nonconforming sign (see *Legally nonconforming sign*).

Nonconforming mobile home communities means mobile home communities lawfully established and properly licensed by the city under the 1976 Code, or which were developed and used prior to and as of September 5, 1972, as a place where mobile homes were located for residential occupancy and, as of that date, the area must have been in compliance with any and all applicable city or county ordinances and regulations related to mobile home use of land.

Noncontributing buildings, sites and structures means those properties which do not share the architectural, historical or geographical characteristics of the historic district except for their physical presence within the district. These properties do not contribute to the historic district's characteristics. New construction shall be considered a noncontributing building or structure.

No-rise certification means a record of the results of an engineering analysis conducted to determine whether a project will increase flood heights in a floodway. A no-rise certification must be supported by technical data and signed by a state-registered professional engineer.

Nursing home (see *Long-term care facility*).

Obstruction means any dam, wall, embankment, levee, dike, pile, abutment, projection, excavation channel rectification, culvert, building, fence, stockpile, refuse, fill, structure or matter in, along, across or projecting into any drain way, channel or watercourse, which might impede, retard or change the direction of a flow of water, either by itself or by catching or collecting debris carried by such water.

Obstruction, for the purposes of article III of chapter 8 of this title, means any structure, growth or other object including a mobile object which exceeds a limiting height set forth in section 24-786.

Office means a building or portion thereof where services are performed involving predominantly administrative, professional or clerical operations.

Official map means the map establishing the zoning classifications of all land in the city and showing all amendments to zoning classifications as they may be adopted.

Off-premises advertising device means a sign or device that advertises a business establishment, good, facility, service or product which is not sold or conducted on the premises on which the sign or device is located and which may be designed to change copy on a periodic basis.

Off-street parking areas (see *Parking*).

Oil means crude petroleum oil and any other hydrocarbons, regardless of gravities, which are produced at the well in liquid form by ordinary production methods, and which are not the result of condensation of gas before or after it leaves the reservoir.

Oil and gas operations means exploration for oil and gas, including the conduct of seismic operations and the drilling of test bores; the siting, drilling, deepening, recompletion, reworking or abandonment of an oil and gas well, underground injection well or gas storage well; production operations related to any such well including the installation of flowlines and gathering systems; the generation, transportation, storage, treatment or disposal of exploration and production wastes; and any construction, site preparation or reclamation activities associated with such operations.

On-premises sign means a sign which advertises or directs attention to a business, product, service or activity which is available on the premises where the sign is located.

Opacity means the degree or extent that light is obscured.

Open space, common, means a common area permanently set aside for the common use and enjoyment of residents or occupants of a development or members of a homeowners' association, which open area may be landscaped and/or left with natural vegetation cover and which may include swimming pools and other recreational leisure facilities; areas of scenic or natural beauty and habitat areas; hiking, riding or off-street bicycle trails; and landscape areas adjacent to roads which are in excess of minimum required rights-of-way.

Open space, private or on-lot, means an outdoor area not intended for habitation, directly adjoining a dwelling unit or building, which is intended for the private enjoyment of the residents or occupants of the adjacent dwelling unit or building and which is defined in such a manner that its boundaries are evident. Private or on-lot open space may include lawn area, decks, balconies and/or patios.

Open space, usable, means that portion of a lot excluding the required front yard area which is unoccupied by principal or accessory buildings and available to all occupants for the building for use for recreational and other leisure activities normally carried on outdoors. The area shall be unobstructed to the sky and shall have a minimum dimension of 50 feet and a minimum area of 6,000 square feet. Usable open space shall also include recreational facilities as determined in article VI of chapter 8 of this title.

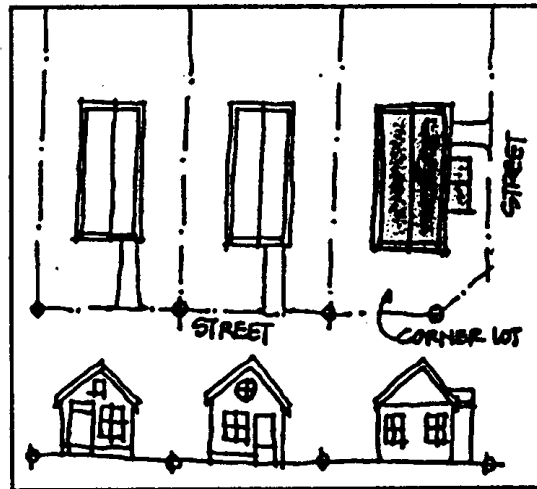
Operating plan, as used in chapter 18 of this title, means a general plan which describes an oil and gas exploration and production facility identifying purpose, use,

typical staffing pattern, seasonal or periodic considerations, routine hours of operation, source of services and infrastructure, any mitigation plans and any other information related to regular functioning of that facility.

Operator, as used in chapter 18 of this title, means the person designated by the owner or lessee of the mineral rights as the operator and so identified in oil and gas conservation commission applications.

Oriented means to locate or place a building or structure in a particular direction on a lot or site which shall generally be parallel to the adjacent street.

Buildings Oriented to the Street



Ornamental tree means a deciduous tree planted primarily for its ornamental value or for screening and which will typically be smaller than a shade tree.

Outdoor display means the display of products for sale outside a building or structure in areas to which customers have access, including vehicles, garden supplies, tires, motor oil, boats, aircraft, farm equipment, motor homes, burial monuments, building and landscape materials and lumber yards. Outdoor display areas in vehicular parking areas shall not impede access or reduce the number of required parking spaces.

Outdoor storage means the keeping, outside a building, of any goods, material, merchandise or vehicles in the same place for more than 24 hours. Outdoor storage shall not include the storing of junk or the parking of inoperable motor vehicles. Storage of commercial recreational vehicles/equipment, boat and personal vehicles are excluded from this definition.

Outlot means a tract of land platted in a subdivision for a specific purpose which shall be shown on the face of the plat. Specific purposes may include, but are not limited to, drainage areas, stormwater detention or retention areas, parks, open space, future development or land areas reserved for other public facilities.

Overlay district means a zoning district classification which encompasses a defined geographic area and imposes additional requirements above that required by the underlying zoning.

Parapet wall means an extension of the fascia wall above the roofline, which appears architecturally contiguous.

Parcel means a unit or contiguous units of land in the possession of, or recorded as the property of one person, partnership, joint venture, association or corporation, or other legal entity.

Park means any dedicated and accepted public or private land available for recreational or scenic purposes.

Parking means the parking or leaving of an operable, licensed vehicle, current in its registration, for a temporary period.

Parking areas or lots means areas designed, used, required or intended to be used for the parking of motor vehicles, including driveways or access ways in and to such areas but excluding public streets and rights-of-way.

Parking lot or structure means a parcel of land devoted to parking spaces as set forth by the parking standards of the city.

Parking, shared, means the development and use of parking areas on two or more separate properties for joint use by the uses on those properties.

Parking slab means a paved parking space located off-street and designed to accommodate two standard-sized motor vehicles as provided in the off-street parking and loading requirements chapter of this Development Code.

Parking space means a space or stall within a parking area established in conformance with this Development Code.

Parking space, storage, means a space for the storage of operable, licensed vehicles, current in registration, including recreational vehicles or equipment, for a period of 30 days or longer.

Parkway means the strip of land located between the sidewalk and the curb.

Party-in-interest means the applicant, developer or subdivider of a development application or a citizen of the city who provided verbal or written comments at the hearing on the development application, who may appeal decisions as provided for in chapter 7 of this title.

Path or pathway means a designated route or path for nonmotorized use such as for walking or bicycling. Paths may include both sidewalks and trails.

Patio means a hard-surfaced outdoor area adjoining a mobile home site not covered by a mobile home and not used for parking.

Pedestrian plaza means that area of 8th Street Plaza between the west right-of-way line of 8th Avenue and the east right-of-way line of 9th Avenue and the mid-block access between the 9th Street Plaza and the 8th Street Plaza.

Pennants means any long, narrow, usually triangular flag typically made of lightweight plastic, fabric or other material, and not containing a message, image or representative symbol, usually found in a series on a line and designed to move in the wind.

Perimeter treatment plan means a plan designed for the installation and perpetual maintenance of improvements intended to provide visual and noise protection for the outer edges of developments which border arterial or major collector streets. Said plan shall include materials, techniques and sizes of buffering treatments, such as landscaping, fencing, screen walls, berms or a combination thereof sufficient to provide adequate buffering. The perimeter treatment plan may be incorporated into and shown on the landscape plan.

Permanent sign means a sign attached to a building, structure or the ground in a manner that precludes ready removal or relocation of the sign.

Permitted sign means a sign having a legal permit issued in accordance with the provisions of chapter 17 of this title.

Permitted use means a use allowed in a zoning district and subject to the restrictions which apply to that district.

Permitted use, design review, means a use allowed in a zoning district and subject to the restrictions and design review criteria which apply to that district and land use.

Person means any person, firm, association, organization, partnership, business, trust, corporation, company, contractor, supplier, installer, user or owner or any representative, officer or employee thereof.

Personal service shops means shops primarily engaged in providing services generally involving the care of the person, such as portrait and photographic studios, massage therapists, barber, beauty and nail salons, shoe and watch repair, travel agencies and similar services, but excluding adult business, service or entertainment establishments.

Physical map revision (PMR) means FEMA's action whereby one or more map panels are physically revised and republished. A PMR is used to change flood risk zones, floodplain and/or floodway delineations, flood elevations and/or planimetric features.

Planned unit development (PUD) means a development planned, designed and constructed with specific standards as an integral unit and which typically consists of a combination of uses on land within a PUD district and provides for an equivalent level of standards.

Planned unit development, final plan, means a site-specific development plan which describes all details for a specific site and which shall require detailed engineering and design approval as provided in article II of chapter 8 of this title.

Planned unit development, master plan, means a plan required for properties which are intended to be developed over time and which shall include general information on street pattern, school sites, parks or other public areas or facilities and land uses and utility systems within the area surrounding a proposed PUD.

Planned unit development, preliminary plan, means a plan that specifies the range of land uses and general layout of improvements, landscaping and buffering, circulation, setbacks, open space and height and massing of buildings and structures proposed for the site.

Planning commission means the planning commission of the city.

Plat means a subdivision map or plan of property.

Plat, filing, means a subdivision map used in conjunction with a planned unit development, to identify the legal boundaries of a lot or grouping of lots.

Plat, final, means a completed map of a subdivision setting forth fully and accurately all legal and engineering information, survey certification and any accompanying materials as required by chapter 4 of this title.

Plat, preliminary, means a proposed subdivision map and any accompanying materials as required by chapter 4 of this title, which provide sufficiently detailed information so that preliminary agreement as to the form and content of the plat, within the objectives of chapter 4 of this title, may be reached between the subdivider and the city.

Pole sign means a sign that is affixed, attached or mounted on a freestanding pole or structure that is not itself an integral part of or attached to a building or structure.

Portable sign means a sign that is not permanently affixed to a building, structure or the ground and that is easily moved, such as a sandwich board sign.

Practicable means capable of being done within existing constraints including environmental, economic, technological or other pertinent considerations.

Precision instrument runway means a runway having an existing instrument approach procedure utilizing an instrument landing system (ILS). It shall also mean a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

Premises means the land, site or lot at which, or from which, a principal land use and activity is conducted.

Preservation plan means the officially adopted document which provides information about local history and preservation programs and articulates city preservation goals and objectives and guides decisions and actions of the historic preservation commission and staff.

Primary entrance means the entrance to a building or structure which is intended to be the principal entrance and which shall typically be located on the front of the building or structure.

Primary surface means a surface longitudinally centered on a runway extending 200 feet beyond each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of a primary surface is:

- (1) 250 feet for runways having only visual approaches.
- (2) 1,000 feet for precision instrument runways.

Principal building or structure (see *Building*).

Private sale or event sign means a sign that provides information relating to a sale or event being held by an individual or group of individuals on private property, which may include, but not be limited to, a garage or yard sale.

Production facilities, as used in chapter 18 of this title, means all storage, separation, treating, dehydration, artificial lift, power supply, compression, pumping,

metering, monitoring, flow lines and other equipment directly associated with oil wells, gas wells or injection wells.

Prohibited activities sign means signs located on a property posting said property for warning or prohibition, such as "no hunting," "no swimming" or "no parking."

Projecting wall sign means any sign attached to a building and that extends more than 20 inches from the surface to which it is attached, but no more than four feet from the wall of the building. Signs projecting more than four feet from the building shall be considered freestanding signs.

Promotional association means an association that is incorporated within the state that organizes and promotes entertainment activities within a common consumption area and is organized or authorized by two or more people who own or lease property within an Entertainment District.

Public means a person, structure, activity or purpose owned or operated by a governmental agency or by a public nonprofit corporation with tax-exempt status under the federal Internal Revenue Code.

Public affairs sign means a sign erected and maintained by or on behalf of the government for civic purposes.

Public comment means any notation, observation, remark or recommendation made during a hearing by a member of the public in response to a proposed commission action.

Public hearing means a hearing held to allow interested persons to present their views before the zoning board of appeals, planning commission or city council. A public hearing is different from an open meeting which does not allow participation by the public.

Public improvement means any improvement required by chapter 4 of this title for which the city or a quasi-public agency agrees to assume responsibility for maintenance and operation, or which may affect an improvement for which the city or a quasi-public agency is already responsible. Such facilities include, but are not limited to, streets, parks, trails, drainage facilities, water and sewer facilities, gas, electricity, telephone, cable television and other utility facilities.

Public sign means signs required or specifically authorized for a public purpose by any law, statute or ordinance, including public directional signs on the right-of-way; signs which identify the city by name; signs that direct travelers to public buildings, parks or attractions; interpretative signs; way-finding signs, municipal uniform traffic control devices; and the like.

Public structure, activity or purpose means a structure, activity or purpose owned or operated by a governmental agency or by a public nonprofit corporation with tax-exempt status under the federal Internal Revenue Code, if the nonprofit corporation makes the structure or facility available for the use of all members of the public without regard to membership status.

Quasi-public means a structure, activity or purpose owned or operated by a nonprofit organization which obtains more than 51 percent of its funds from public funds.

Real estate model home sign means a sign identifying a model home within a subdivision and/or a temporary real estate sales office.

Real estate open house sign means a sign identifying that a building or portion of a building is available for inspection by prospective buyers or renters.

Real estate sign means a sign on the offered property which advertises the sale, rental, lease, transfer or exchange of the premises upon which said sign is located.

Recreational equipment means equipment intended for outdoor recreational use, including, but not limited to, snowmobiles, jet skis, all-terrain vehicles (ATVs), canoes and boats, and including the trailers for transporting such equipment (see also *Recreational equipment, major* and *Recreational equipment, minor*).

Recreational equipment, major, means boats that exceed 18 feet in length, utility trailers that exceed the dimensions of five feet by eight feet and enclosed utility trailers that exceed the dimensions of five feet by eight feet and are more than three feet in height.

Recreational equipment, minor, means boats that are 18 feet or less in length, utility trailers that are five feet by eight feet in size or less, canoes, snowmobiles, jet skis, all-terrain vehicles (ATVs) and similar small and low-profile outdoor recreational equipment.

Recreational facilities, indoor, means establishments primarily engaged in the operation of such indoor activities as exercise and athletic facilities, and amusement and recreational services, such as billiard and pool halls, skating rinks, exercise and health clubs and bowling alleys.

Recreational facilities, intensive, means those recreational facilities which are intensively used and create greater impacts, such as noise, lighting and traffic impacts. Such uses may include, but are not limited to, miniature golf courses, golf driving ranges, amusement parks, stadiums, go-cart and bumper car tracks, video arcades, slides, skateboard parks, swimming pools and playing fields for soccer, baseball, softball and football.

Recreational facilities, outdoor extensive, means establishments primarily engaged in the operation of large scale, low impact outdoor recreational facilities, including, but not limited to, hunting, fishing and riding clubs, golf courses and tennis courts.

Recreational vehicle means a vehicle which is designed, intended and used for the purposes of temporary living accommodation for recreation, camping and travel use, including, but not limited to, travel trailers, truck campers, camping trailers and self-propelled motor homes, horse trailers and bus campers. For the purposes of this definition, neither a pop-up trailer nor a truck topper accessory (also known as a camper shell) which is not higher than eight inches above the truck cab when installed shall be considered a recreational vehicle. A horse trailer used primarily for transport of horses and/or livestock to or from the site it is stored upon shall not be considered a recreational vehicle under this definition.

Recreational vehicle/equipment, boat and personal vehicle storage, means an unenclosed area for the purpose of storing non-commercial recreational vehicles, recreation equipment (ATVs, jet skis, trailers) boats or personal vehicles (cars and trucks).

Recreational vehicle (RV) park means any lot of land upon which two or more recreational vehicle or tent sites are located, established or maintained for occupancy by the general public as temporary living quarters for recreation or vacation purposes.

Recyclable material means reusable material, including, but not limited to, metals, glass, plastic and paper, which are intended for reuse or reconstitution for the purpose of using the altered form. The term "recyclable material" shall not include refuse or hazardous materials or the processing of recyclable materials.

Recycling and collection center means a facility used for the collection and/or processing of reusable material, including, but not limited to, metals, glass, plastic and paper.

Redevelopment District means all land located within the boundaries of the urban renewal area of the city, as it may be amended from time to time by the city council.

Refuse (see *Junk*).

Refuse transfer station means a facility for the purposes of separation, aggregation and/or compaction of solid waste prior to delivery to a landfill.

Register means a locally maintained list of properties designated as historic.

Rehabilitation center means a facility which provides treatment and care of persons in need of therapeutic and rehabilitative counseling for alcoholism and/or drug addiction, mental condition or illness, or social or behavioral problems, and which treatment may be on a 24-hour basis.

Rehabilitation center, outpatient, means a facility which provides treatment and care of persons in need of therapeutic and rehabilitative counseling for alcoholism and/or drug addiction, mental condition or illness, or social or behavioral problems, and which treatment shall occur on an outpatient basis with no overnight care or treatment permitted at the facility.

Rental equipment store means an establishment with the primary purpose of renting equipment, tools and supplies to the public, including, but not limited to, the rental of equipment and tools for construction, moving, floor and carpet care, lawn, garden, home and business; equipment for special events; and moving trucks and trailers.

Replica means any reconstruction or recreation of any buildings, structures or other resources deemed to be of historic importance by the historic preservation commission.

Research or testing laboratory means a building or group of buildings in which are located facilities for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

Residential complex, subdivision or residential identification sign means an on-site sign that identifies a specific residential complex or subdivision.

Restaurant means an establishment whose primary business is the preparation and serving of food to the public.

Restaurant, drive-in or drive-through, means an establishment where food and/or beverages are sold to the customer for consumption within the interior of the building, within exterior dining areas or off the premises by order from vehicular passengers,

where the product is delivered to the car and which includes a menu board, audio or video speakers and pick-up windows.

Restaurant, pick-up or take-out, means an establishment where food and/or beverages are sold in a form ready for consumption, where all or a significant portion of the consumption takes place or is designed to take place outside the confines of the restaurant, where ordering and pickup of food may take place from an automobile and which does not include a menu board and audio or video speakers.

Restaurant, standard, means any establishment whose principal business is the sale of foods and/or beverages to the customer and whose design or principal method of operation includes one or all of the following characteristics:

- (1) Customers, normally provided with an individual menu, are served their foods or beverages by a restaurant employee at the same table or counter at which the items are consumed.
- (2) A cafeteria-type operation where foods and beverages are consumed within the restaurant building.
- (3) A walk-up window or counter for the ordering and/or pick-up of food to be consumed on- or off-premises.

Restoration, as used in article III of chapter 8 of this title, means the reconstruction and repair of a building or structure, or portions of a building or structure, to the condition that existed prior to damage sustained to the building or structure. For the purposes of historic preservation, the term "restoration" means the reconstruction and repair of a building's or structure's original architectural features.

Retail, large use, means a retail use, or any combination of retail uses in a single building, occupying more than 40,000 square feet of gross floor area.

Retail sales means the business of selling products directly to the ultimate consumer for any purpose other than for resale.

Right-of-way means a right granted by a property owner and which is intended to be occupied by a street, sidewalk, railroad, utilities and other similar uses.

Riparian zone means an area where the presence of a surface and/or high subsurface water level permits the existence of increased vegetative diversity and abundance as contrasted to surrounding areas.

Roof sign means a sign that is mounted on the roof of a building or structure such as a portico which is wholly dependent upon a building for support and which projects above the parapet of a building with a flat roof, or above the peak of the roof of that portion of the roof on which the sign is placed.

Runway means a defined area on an airport prepared for landing and takeoff of aircraft along its length.

Satellite earth station antenna means a reflective surface configured in the shape of a shallow dish, cone, horn or cornucopia which shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses, including, but not limited to, satellite earth stations, television reception only satellite dish antennas and satellite microwave antennas.

Scale means the proportional relationship of the size of a building or structure to its surroundings.

Scenic easement means an easement intended to preserve a view or scenic area.

School means any building or part thereof which is designed, constructed or used for education or instruction in any branch of knowledge.

School, adult, means a public or private school primarily teaching useable skills to adults, including, but not limited to, business, vocational, driving and trade courses.

School, compulsory, means any public or private elementary, junior high or high school licensed by the state and which meets state requirements for providing compulsory education.

Screening means a method of reducing the impact of visual and/or noise intrusions through the use of plant materials, berms, fences and/or walls, or any combination thereof intended to block that which is unsightly or offensive with a more harmonious element.

Searchlight, strobe light or beacon, means a stationary or revolving light that flashes or projects illumination, single color or multicolored, in any manner that is intended to attract or divert attention; excluding any device required or necessary under the safety regulations described by the Federal Aviation Administration or similar agencies.

Seasonal use means a use intended for a period of limited duration, including, but not limited to, the sale of seasonal goods and products such as pumpkins, Christmas trees, produce and living plants.

Secondary dwelling (see *Dwelling, secondary*).

Secretary of the Interior's Standards means the Secretary of the Interior's Standards for the Treatment of Historic Properties, in 36 CFR 68, which governs alterations to historic properties listed in the National Register of Historic Places. The standards, which pertain to the exterior and interior of historic buildings, deal with design, methods of construction and materials and define preservation, rehabilitation, restoration and reconstruction as treatments. This reference shall always refer to the current standards and definitions, as amended.

Setback means the minimum distance a building, structure or use may be erected from a street, alley or property line. Setbacks are also called required yards.

Setback, front, means the area extending across the full width of the lot, between the front lot line and the nearest line or point of the area allowed for construction or establishment of the building, structure or use.

Setback, interior side, means the area extending from the front yard to the rear yard, between the side lot line adjacent to another lot and the nearest line or point of the area allowed for construction or establishment of the building, structure or use.

Setback, oil and gas (see chapter 18 of this title).

Setback, rear, means the area extending across the full width of the lot between the rear lot line and the nearest line or point of the area allowed for construction or establishment of the building, structure or use.

Setback, side, means the area extending from the front yard to the rear yard, between the side lot line and the nearest line or point of the area allowed for construction or establishment of the building, structure or use.

Setback, street side, means the area extending from the front yard to the rear yard, which separates the lot from an adjacent street.

Shade tree means a deciduous tree planted primarily for its high crown of foliage or overhead canopy and which typically reaches a height of at least 40 feet.

Short-term rental means the rental of a dwelling unit, or portion thereof, for less than one month.

Shrub means a woody plant which consists of a number of small stems from the ground or small branches near the ground and which may be deciduous or evergreen.

Sidetracking means entering the same wellhead from the surface, but not necessarily following the same well bore, throughout its subsurface extent when deviation from such well bore is necessary to reach the objective depth because of an engineering problem.

Sidewalk means a paved, surfaced or leveled area, paralleling and usually separated from the street, used as a pedestrian path.

Sight distance (see *Clear vision area or zone*).

Sign means any device, surface, object, structure, building architecture or part thereof using graphics, symbols or written copy for the purpose of advertising, identifying or announcing or drawing attention to any establishment, product, goods, facilities, services or idea, whether of a commercial or noncommercial nature.

Sign allowance means the amount of signage that is allowable under the provisions of this article.

Sign alteration means any change of copy (excluding changeable copy signs), sign face, color, size, shape, illumination, position, location, construction or supporting structure of any sign.

Sign area means the entire face of a sign and any backing, frame, trim or molding and which may include the supportive structure.

Sign backing means the surface, pattern or color of which any sign is displayed upon, against or through and that forms an integral part of such display and differentiates the total display from the background against which it is placed.

Sign, exposed incandescent or high intensity discharge lighting, means any sign or portion of a sign that utilizes an exposed incandescent or high intensity lamp, with the exception of neon, in such a fashion as to project light directly onto adjoining property or right-of-way.

Sign face means the area of a sign on which the copy is placed, or, for individual cutout letters, painted letters, channel letters or symbols, the perimeter of the individual elements shall be considered the area of the sign.

Sign, for sale or for rent, means 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.

Sign frame means a sign cabinet or that portion of the sign that holds the sign face in place.

Sign, ground, means a type of freestanding sign which is erected on the ground and which contains no free air space between the ground and the top of the sign.

Sign height means the vertical distance measured from the grade, as defined herein, to the highest point of the sign or sign structure.

Sign, interior to a building, means signs inside buildings that are not legible from the public right-of-way.

Sign, interior to development, means any sign that is located so that it is not legible from any adjoining property or the public right-of-way and not oriented in such a way as to attract the attention of those traveling along the right-of-way.

Sign permit means a permit issued by a building official and which is required for any sign specified under section 24-1331.

Sign, political, means a sign relating to public elections.

Sign, public phone, means a sign identifying the phone's location and limited to the term "phone" and/or an illustration of a phone.

Sign separation means the distance or spacing between individual signs, whether they are on the same structure or on separate structures, as measured by a straight line.

Sign setback means the minimum distance required from the apparent centerline of the right-of-way, to any portion of a sign or sign structure.

Sign structure means the supports, uprights, bracing or framework of any structure for the purposes of displaying a sign.

Sign, wall, means a sign attached parallel to and extending less than 20 inches from the wall of a building. The definition of the term "wall sign" includes painted, individual letter, cabinet signs and those signs located on the roof of a building which are not roof signs as defined herein.

Sign, window, means any type of sign that is painted or attached to or within 12 inches of any exterior window.

Sign, within building, means any sign that is not visible from the public right-of-way or is more than 12 inches from the interior side of a window.

Significant (biologically) means wildlife or habitats that, because of their relative attributes, deserve greater consideration in resource management decisions. Relative attributes may include:

- (1) Species that have state and/or federal listing as endangered/threatened or have standing as species of special concern;
- (2) Species with restricted distributions or highly specific habitat requirements;
- (3) Species that are representative of a particular habitat type;

- (4) Indicator species, whose physical presence denotes the presence of other species or environmental conditions not readily observed; or
- (5) Species with economic value or possessing traits that are of particular interest to humans.

Significant habitat means an area which is necessary for maintaining viable local populations of organisms.

Silo means a building or structure designed and intended for the bulk storage of grains.

Single-room occupancy facility (SRO) means a facility which provides a single room intended for living purposes for one or two persons per room, offered on a weekly tenancy basis or longer, in which sanitary facilities are provided within the units and cooking facilities may be shared within the facility.

Site plan means a plan showing the boundaries of a site and the location of all buildings, structures, uses and principal site development features proposed for a specific parcel of land.

Site specific development plan means and be limited to final subdivision plats or minor subdivision plats as approved pursuant to chapter 4 of this title; final PUD site plans as approved pursuant to article II of chapter 8 of this title; and use by special review and design review site plans as approved pursuant to article III of chapter 4 of this title. Conditions placed on site specific development plans shall be met within the time period such plans are considered vested.

Sky dancers means freestanding tubes which often simulate the shape of a person into which air is forced to inflate and animate and which do not characterize a commercial message or contain a message.

Slope means the ratio between elevation change to horizontal distance, expressed as a percentage.

Special flood hazard area (SFHA) means the land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year (i.e., the 100-year floodplain).

Special review, use by, means a public review process used to determine if a proposed use, allowed only with special review approval, can be conducted without substantially interfering with the objectives of this Development Code and which shall be compatible with existing uses.

Species, endangered, means those species of wildlife and plants which have been identified and listed by the U.S. Fish and Wildlife Service as endangered.

Species, indicator, means those species of wildlife and plants which can be used to gauge or measure the quantity and/or quality of a particular type of habitat.

Species of special concern means those species of wildlife and plants which the state division of wildlife has identified and listed as state species of special concern.

Species, sensitive, means those species of wildlife and plants which have specialized habitat needs or species that require habitat that is available only in limited

quantity, or those species that are sensitive to noise or other types of disturbances which are usually caused by humans.

Species, threatened, means those species of wildlife and plants which have been identified and listed by the U.S. Fish and Wildlife Service as threatened.

Stable, commercial, means a structure or use for the keeping, boarding and/or training of horses, ponies, llamas, mules or other animals which may be used for riding purposes, for compensation and which may include an arena.

Stable, private, means an accessory structure or use for the keeping, boarding and/or training of horses, ponies, llamas, mules or other animals which may be used for riding purposes, for the use of the occupants of the premises.

Stacking space means an area for motor vehicles to line up in while waiting to go through a drive-thru facility, a designated passenger drop-off/pick-up area or a parking lot or area.

Start of construction, as used in article III of chapter 8 of this title, shall include substantial improvement and means the date the building permit was issued, provided that the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation such as clearing, grading and filling; the installation of streets and/or walkways; excavation for a basement, footings, piers or foundations or the erection of temporary forms; or the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Stormwater management plan means a plan for the management of stormwater drainage and control prepared in conformance with the regulations for stormwater management, adopted by the state department of public health and environment; and further, including a plan for erosion and sediment control pursuant to the requirements of chapter 12 of title 3 of this Code, including its references.

Story means that portion of a building included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, the space between the floor and the ceiling above it.

Street means a way for vehicular, pedestrian or bicycle traffic whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or however otherwise designated.

Street, arterial, means those streets that permit relatively unimpeded traffic movement throughout the city and connecting to outside communities.

Street, arterial major, means those arterial streets which generally carry traffic volumes greater than 20,000 vehicles per day when the property which the arterial street serves is fully developed and which permit rapid and relatively unimpeded traffic movement throughout the city, connecting major land use elements as well as connecting to outside communities.

Street, arterial minor, means those arterial streets which generally carry traffic volumes greater than 10,000 vehicles per day when the property which the arterial street serves is fully developed and which permit relatively unimpeded traffic movement and are intended for use on routes where four moving lanes and one turn lane are required but where a major arterial cross-section is not warranted.

Street, collector, means those streets that collect and distribute traffic between arterial and local streets and serve as main connectors within the city, linking one neighborhood with another and which carry traffic with an origin or destination within the community.

Street, collector major, means those collector streets which generally carry traffic volumes greater than 7,000 vehicles per day when the property which the collector serves is fully developed and which permit relatively unimpeded traffic movement and are intended for use on those routes where four moving lanes are required but where a larger classified street is not warranted.

Street, collector minor, means those collector streets which generally carry traffic volumes up to 7,000 vehicles per day and collect and distribute traffic between arterial and local streets and which serve as main connectors within communities, linking one neighborhood with another.

Street, local, means those streets that provide direct access to adjacent property and which carry traffic with an origin or destination within the immediate neighborhood.

Street, local low volume, means those local streets which carry traffic volumes of up to 500 vehicles per day and which provide direct access to adjacent property.

Street, local standard I residential, means those local streets which carry traffic volumes of up to 1,000 vehicles per day and which provide direct access to adjacent property.

Street, local standard II commercial/industrial, means those local streets which carry traffic volumes of up to 5,000 vehicles per day and which provide direct access to adjacent property.

Street, private, means a private roadway used to provide vehicular and emergency access.

Street tree means a tree planted in close proximity to a street in order to provide canopy over the street to provide shade and soften the street environment.

Streetscape means the scene that may be observed along a street, including both natural and non-natural components, including vegetation, buildings, paving, plantings, lighting fixtures and miscellaneous structures.

Streetscaping means rehabilitation, preservation and beautification of those exterior elements of a designated property which are visible from a street, including elements and landscaping within a front or street side setback and/or the public right-of-way.

Stringer means a strip of vegetation that extends into another type of vegetation, creating an edge effect and providing a movement corridor for a variety of wildlife species.

Structure means anything constructed or erected on or in the ground, the use of which requires a more or less permanent location on or in the ground, and, including, but not limited to, walls, retaining walls, fences, parking lots, parking slabs and oil and gas production facilities.

Structure, for the purposes of article III of chapter 8 of this title, means an object, including a mobile object, constructed or installed by humans, including, but not limited to, buildings, towers, cranes, smokestacks, earth formations and overhead transmission lines.

Subdivider or developer means any person, partnership, joint venture, association or corporation or other legal entity who or which shall participate as owner, promoter, designer, builder or sales agent in the planning, platting, development, promotion, sale or lease of a subdivision.

Subdivision means the division of a lot, tract or parcel of land into two or more lots, tracts or parcels, or other division of land in compliance with the requirements of chapter 4 of this title.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure just prior to when the damage occurred.

Substantial improvement, as used in article III of chapter 8 of this title, means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. The value of the structure shall be determined by the local jurisdiction having land use authority in the area of interest. The term "substantial improvement" includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term "substantial improvement" does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local enforcement official and which are the minimum necessary to ensure safe living conditions; or
- (2) Any alteration of an historic structure, provided that the structure's designation as an historic structure remains.

Symbol means a graphic device which stands for a concept or object.

Temporary sign means any sign, not intended for permanent installation such as, but not limited to, a banner, balloon, pennant, searchlight or beacon. Generally, these signs are intended to be used for a limited period of time or for a purpose announcing a special event or presenting other miscellaneous or incidental information or instructions.

Temporary structure means a structure without any foundation or footings and which is intended to be removed at some point in the future.

Temporary use means a use which shall generally be permitted to exist and be operated for no longer than 90 days in 12 consecutive months and which may occur as an accessory or principal use.

Theater means a building, or a part thereof, devoted primarily to the showing of motion pictures or for entertainment or cultural events.

Theater, drive-in, means a site devoted primarily to the showing of motion pictures or theatrical productions to patrons seated in automobiles and which may include facilities for the sale of food and/or beverages to patrons.

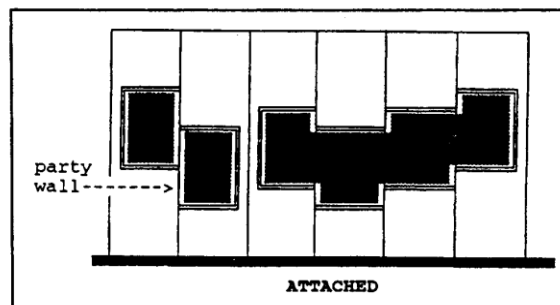
Threshold planning quantity (TPQ) means a quantity designated for each chemical on the list of extremely hazardous substances that triggers notification by facilities to the state that such facilities are subject to emergency planning requirements.

Time or temperature sign means a sign or portion thereof on which the only copy that is capable of being changed is an electronic or mechanical indication of time and/or temperature.

Towers, communication and utility, means a structure for transmitting or receiving radio, television, microwave and/or electromagnetic impulses or waves.

Townhouse dwelling means a dwelling in a building which contains two or more dwellings, each of which is individually-owned along with the land area which constitutes the lot on which the townhouse dwelling is situated. To qualify as a townhouse dwelling, the structure must comply in all respects with applicable building codes and each dwelling unit must be separated by a fire wall, if required by applicable city codes.

Townhouse or Attached Single-Family Units



Tract means a unit of land platted in a subdivision for a specific purpose which shall be shown on the face of the plat. A specific purpose may include, but is not limited to, drainage areas, stormwater detention or retention areas, parks, open space or land areas reserved for other public facilities. The term "tract" shall be used interchangeably with outlot.

Transition means a visual effect used on an electronic message display to change from one message to another.

Transitional surface means those surfaces which extend outward at 90-degree angles to the runway centerline and the runway centerline extended at a slope of

seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90-degree angles to the extended runway centerline.

Transportation facilities means the offices and vehicular storage areas of those establishments engaged in providing transportation for the public.

Transportation facilities, high impact, means those establishments engaged in providing transportation for the public by means which create higher impacts such as noise and vibration and, including, but not limited to, railroads, rapid transit and light rail.

Transportation facilities, low impact, means those establishments engaged in providing transportation for the public through such low impact means as taxis, buses and trolleys.

Travel trailer or recreational vehicle means a portable structure, mounted on wheels and designed to be towed by a motor vehicle, or propelled by its own motive power, that may contain cooking or sleeping facilities and is intended to provide temporary living quarters for recreational camping or travel. A travel trailer also does not comply with either the National Manufactured Housing Construction and Safety Standards Act of 1974 or the uniform building code standards. Travel trailers are not permitted in residential zones as living quarters except as guest quarters for no longer than seven consecutive days.

Tree means a large woody plant having one or several self-supporting stems or trunks and numerous branches and which may be deciduous or evergreen.

Truck or freight terminal means an area and/or building where trucks load and unload cargo and freight and where such cargo and freight may be separated or aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation and/or for storage.

Twinning means the drilling of a well adjacent to or near an existing well when the well cannot be drilled to the objective depth or produced due to an engineering problem, such as a collapsed casing or formation damage.

Unreasonable economic hardship, for the purposes of this article, means severe economic impact to the property as determined on a case-by-case basis by the historic preservation commission.

Use means the type of activity for which land or a building or structure is designated, arranged or intended and also means the activity which regularly takes place upon the land or in a building or structure on the land. Not all uses shall be considered legal or permitted uses.

Use by special review (see *Special review*).

Use, illegal, means a use that is not permitted by the zoning district regulations.

Use, permitted (see *Permitted use*).

Use, principal, means the primary use of a building, structure or lot.

Utility box or pedestal means devices designed and intended to house equipment necessary for the delivery of utility services to commercial and/or industrial customers, including, but not limited to, electric transformers, switch boxes, telephone pedestals and boxes, cable television boxes, traffic control boxes and similar devices.

Utility service facility means any aboveground structure or facility, excluding buildings, which is owned by a governmental entity or any entity defined as a public utility for any purpose by the state public utilities commission, and used in connection with the reproduction, generation, transmission, delivery, collection or storage of water, sewage, electricity, gas, oil or electronic signals. This shall also include facilities which provide similar services.

Utility stand means that part of a mobile home space which is used for the placement of the utility connections.

Vacant means a site or area that is not put to any use other than gardening.

Vacation means the legal abandonment of a right granted by a property owner, which was intended for a particular purpose, such as for streets or utility lines.

Variance means a modification of the strict terms of this Development Code as provided in chapter 6 of this title.

Vehicle signs means signs which are attached to or located on licensed vehicles, trailers or semi-trailers and contain or display signage for the primary purpose of advertisement, excluding bumper stickers on the bumper and similar-sized adhesive decals.

Very high intensity use, for the purposes of chapter 11 of this title, means a use expected to have a very significant effect on adjacent properties as determined on table 24-1144.6, required buffer yards.

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

Veterinary clinic or hospital means any facility which is maintained by or for the use of a licensed veterinarian in the diagnosis, treatment and prevention of animal diseases and which may include overnight care.

Visual runway means a runway intended solely for the operation of aircraft using visual approach procedures.

Wall sign means a sign attached parallel to and extending less than 20 inches from the wall of a building, fence or freestanding wall. Wall signs shall include painted, individual letter, cabinet signs and those signs located below the peak of the roof of a building which are not specifically defined as roof signs.

Warehouse means a commercial or industrial building used primarily for the storage of goods and materials.

Warehouse, self-storage, means a building or portion of a building used for the storage of goods and materials and which is available to the general public for rental for a fee. Self-storage warehouse space does not include the use of such space for manufacturing or other business purposes, other than for storage purposes of excess

goods and materials, nor does it include the use of the storage space for practice or staging areas.

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

Weed means any ground cover or shrub which is typically not installed for the purposes of landscaping; which is not typically propagated by the horticultural or nursery trades; or which presents a particularly noxious allergenic or growth characteristic.

Well means an oil or gas well, a hole drilled for the purpose of producing oil or gas, or a well into which fluids are injected.

Well site means the areas which are directly disturbed during the drilling and subsequent operation of, or affected by production facilities directly associated with, any oil well, gas well or injection well.

Wellhead means the mouth of the well at which oil or gas is produced.

Wetlands means lands that are transitional between aquatic and terrestrial habitat, where the water table is at or near the surface, or the land is covered by water during a portion of the year. Wetlands are characterized by hydric soils, with undrained substrate; hydrophilic plant populations; standing water or deposits of leached compounds in surface soils; or high subsurface water table.

Wildlife means wild, native vertebrates (including fish), mollusks and crustaceans and any species introduced or released by the division of wildlife, whether alive or dead, including any part, egg or offspring thereof.

Wind sign (see *Pennants*, *Ground kites* and *Sky dancers*).

Window sign means any signage or graphics applied directly to a window or surface or any sign hanging within 12 inches of the interior surface of a window, or which is clearly evident through a window and oriented to attract the public onto the premises.

Wireless telecommunication facility means a pole, tower or antenna for the purposes of transmitting and receiving communication signals and shall include, but not be limited to, monopoles and towers with attached appurtenances such as microwave dishes and antennae, rooftop, wall- and ground-mounted microwave dishes and antennas.

Work vehicle means a vehicle outfitted with equipment such as, but not limited to, storage racks, hoists, cranes, vises, heavy equipment or other business and construction equipment, whether attached or removable, or which may have attached trailers carrying such work equipment. A horse trailer used primarily for transport of horses and/or livestock shall not be considered a work vehicle under this definition.

Yard means that area of a lot between the property line and the foundation of a building, structure or use. The term "required yard" means that area also described as a required setback area where construction of buildings, structures and uses is limited in placement.

Yard, front or street side, for the purposes of this article, means that portion of a lot between the primary structure and right-of-way. A yard may contain more land area than a setback area.

Zoning board of appeals (ZBA) means an official body whose principal duties are to hear appeals and where appropriate, grant variances from the strict application of the zoning regulations.

Zoning district means a classification assigned to a particular area of the city, within which zoning regulations are uniform.

(Code 1994, § 18.12.030, apps. 18-B, 18-H; Ord. No. 27, 1998, § 1, 5-19-1998; Ord. No. 46, 1999, § 1, 11-2-1999; Ord. No. 65, 2002, § 1, 12-17-2002; Ord. No. 6, 2004, § 1, 2-17-2004; Ord. No. 4, 2006, § 1, 1-17-2006; Ord. No. 6, 2006, § 1, 3-7-2006; Ord. No. 01, 2007, § 2, 1-2-2007; Ord. No. 22, 2010, § 1, 6-15-2010; Ord. No. 25, 2010 § 1, 7-20-2010; Ord. No. 34, 2010, § 2, 10-19-2010; Ord. No. 44, 2011, § 1, 12-6-2011; Ord. No. 3, 2012, § 3, 1-31-2012; Ord. No. 7, 2012, § 2, 3-6-2012; Ord. No. 2, 2013, § 1, 2-19-2013; Ord. No. 30, 2015, § 1(exh. A), 8-18-2015; Ord. No. 1, 2017, § 1(exh. A), 1-17-2017; Ord. No. 32, 2018, exh. C, 8-7-2018; Ord. No. 17, 2019, exh. B, app. 18-B, 4-2-2019; Ord. No. 26, 2020, exh. A(app. 18-B), 11-17-2020)