



Article 6. Definitions

Sec. 17-6-100. - General.

- (a) Words or phrases contained in this Chapter are those having a specific meaning in this Land Use Code.
- (b) Words not listed in this Article are defined by a published standardized dictionary.
- (c) Interpretation and Rules of Construction are outlined in Section 17-1-60 "Interpretation and Rules of Construction."

Sec. 17-6-200. - Definitions of Words, Terms, and Phrases.

100-Year Flood is the flood level having a one percent chance of occurring in a year.

Access means the place, means, or way by which vehicles and persons shall have safe, adequate, and usable ingress and egress to a property, a use, or a parking space.

Accessible means approachable, enterable, and usable by persons with disabilities.

Accessory building, structure or use means a building, structure or use that has less square footage than the principal building or structure and is clearly subordinate to the principal use or structure and located on the same lot or parcel or an adjacent lot or parcel serving a purpose that is customarily incidental to the principal use or structure. Accessory uses, or structures may include, without limitation, storage sheds, garages, parking areas, and play equipment. Fences and walls that exceed six feet (6') in height are considered accessory structures. Accessory uses, or structures, do not include intermodal shipping containers or portable-on-demand storage containers. Accessory buildings, structures and uses are further defined as follows:

1. Is clearly subordinate, incidental, and customary to, and commonly associated with the operation of the use by right as determined by the square footage of each structure or use;
2. Is operated and maintained under the same ownership as the use by right on the same zone lot or nearby lot;
3. Includes only those structures or structural features consistent with the use by right.

Accessory Dwelling Unit. A second, subordinate dwelling unit located on the same lot as a primary dwelling unit or commercial unit. The unit includes its own independent living facilities with provisions for sleeping, cooking, and sanitation, and is designed for residential occupancy independent of the primary dwelling unit or commercial unit. The unit may have a separate entrance or an entrance to an internal common area accessible to the outside. Recreational vehicles are not Accessory Dwelling Units.

Adjacent means meeting or touching at some point or separated from a lot or parcel by one (1) of the following: a street, alley, or other right-of-way, lake, stream, or open space.

Adjacent property owner is an owner of record of any estate, right or interest in real property abutting the subject property.

ADT means average daily traffic.



AF means acre-feet, a quantity of water equal to an area of one acre one foot deep or 326,000 gallons.

Agricultural shall mean farming, including plowing, tillage, cropping, utilization of best management practices, seeding, cultivating or harvesting for the production of food and fiber products (except commercial logging and timber harvesting operations); the grazing or raising of livestock (except in feedlots); aquaculture; sod production; orchards; Christmas tree plantations; nurseries; and the cultivation of products.

Agricultural uses means the production, keeping, or maintenance for sale, lease, or personal use, of plants and animals useful to man including, but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, domestic elk, bison, mules, ducks, emus, horses, goats, llama, sheep, swine, horses, ponies, mules or goats, or any mutations or hybrids thereof, including the breeding and grazing of any or all such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds and vegetables.

Alley means a minor or secondary way that is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

Amendment means change in the wording, context, or substance of this Zoning Code or a change in the zone district boundaries on the official zoning map.

Animal boarding shall mean the operation of an establishment in which domesticated animals are housed, groomed, bred, boarded, trained or sold.

Applicant means a person submitting an application for development, a permit or other required approval under this Code. Applicant includes the owner of the property subject to the application and any person designated by the owner to represent himself or herself as evidenced by signatures stating that the owner has designated a representative.

Applicable development sites are those that result in land disturbance of greater than or equal to one acre, including sites less than one acre that are part of a larger common plan of development or sale. Applicable development sites include all new development and redevelopment sites for which permanent water quality control measures were required in accordance with an MS4 permit.

Bar or tavern means an establishment providing or dispensing fermented malt beverages and/or malt, vinous or spirituous liquors, and in which the sale of food products such as sandwiches or light snacks is secondary; includes nightclubs and lounges.

Beacon, revolving means a rotating source of light.

Bed and breakfast means an overnight lodging establishment that provides short-term lodging for a charge to the public, generally for periods of less than one (1) month, having an owner or manager residing on the site.

Bikeway means a path designed for use by bicyclists, which may be used by pedestrians.

Block means a unit of land, or a group of lots, bounded by streets or by a combination of streets and public lands or other rights-of-way other than an alley, waterways or any barrier to the continuity of development, or land which is designated as a block on any recorded subdivision tract-plat.

Board of Adjustment, or BOA means a special review board operating under the authority of the Palmer Lake Municipal Code for purposes of hearing and deciding appeals or variances to this Title.



Board of Trustees (Board) means the governing board of the Town of Palmer Lake.

BOCC means the El Paso County Board of County Commissioners.

Brew pub means a restaurant or tap room that sells beverages (beer and other malt liquors) brewed on the premises.

Brewery means a building or establishment that creates ales, beers, meads, wines, spirits, and/or similar beverages on site or for wholesale production.

BUG Rating means a classification system from the Illuminating Engineering Society (IES) that rates outdoor lighting fixtures based on:

- B (Backlight): Light emitted behind the fixture
- U (Uplight): Light emitted upward into the sky
- G (Glare): Light emitted at high angles causing discomfort

Each category is rated from 0 (best) to 5 (worst).

Building means any structure used or intended for sheltering any use or occupancy, which includes a roof supported by walls and/or columns and is partially or fully enclosed by walls, including one or more openings such as doors and walls.

Building code means and includes any law, ordinance, or code that is in force in the Town, and which pertains to the design and construction of buildings and other structures.

Building frontage means the building face on which the primary entry is located. There can be only one (1) building frontage per building.

Building height in the Town of Palmer Lake is defined by the Pikes Peak Regional Building Department. The definition of building height is from the International Building Code (IBC 2021) as may be amended.

Building Official means the officer or other designated authority charged with the administration and enforcement of the adopted building code, or a duly authorized representative.

Caliper means the American Association of Nurserymen standard for trunk measurement of nursery stock, as measured at six (6) inches above the ground for trees up to and including four-inch caliper size, and as measured at twelve (12) inches above the ground for larger sizes.

Campground means a parcel of land used or intended to be used, let, or rented for overnight or short-term occupancy by campers, trailers, tents, or recreational vehicles.

Caretaker Unit means an accessory dwelling unit used as a residence by an individual who provides care or security for a property.

Carport means a covered structure used to offer limited protection to vehicles, primarily cars, and other personal items from the elements. The structure can either be free-standing or attached to a wall, and it is open on two or more sides.

Cash-in-lieu (also known as *fee-in-lieu*) means that the applicant, at the determination of the Board of Trustees, may pay the Town of Palmer Lake money instead of land dedication in those cases where the dedication of land is not the Town's preferred alternative

CDOT means the Colorado Department of Transportation.



Character means those attributes, qualities, and features that make up and distinguish a development project and give such project a sense of purpose, function, definition, and uniqueness.

Child care center means a facility that is not a residence, is licensed by the State, and is maintained for the whole or part of a day for the care of children under the age of sixteen (16) years not related to the owner, operator or manager thereof, whether such facility is operated with or without compensation for such care and with or without stated educational purposes pursuant to Section 26-6-102(1)(6), C.R.S.; including without limitation facilities commonly known as day care centers, day nurseries, nursery schools, kindergartens, preschools, play groups, day camps, summer camps and centers for developmentally disabled children, except that the term shall not apply to any kindergarten maintained in connection with a public, private or parochial elementary school system.

Civic facility means a facility or office building which is primarily intended to serve the recreational, educational, cultural, administrative or tourism, and entertainment needs of the community, such as places of worship, museums, libraries, concert halls, and similar establishments serving a public or quasi-public purpose but excluding public and private schools.

Clinic means a building designed and used for the diagnosis and treatment of human patients that does not include overnight care facilities.

Code means the Palmer Lake Municipal Code, as may be amended from time to time.

Colorado Revised Statutes, or C.R.S., means the codified laws of the State of Colorado, as the same may be amended from time to time.

Commercial means an activity involving the sale of goods or services carried out for profit.

Commercial garage means an indoor area for repairing and servicing motor vehicles for profit.

Common area means any portion of a development that is designed for the common usage of the owners and residents within a development. These areas may include plazas, private parks, and open spaces, and in some cases parking lots and pedestrian walkways. Maintenance of such areas is the responsibility of a private entity and is normally set forth in the form of private restrictive covenants, which guarantee the private maintenance of these areas.

Common open space means a parcel of land, an area of water, or a combination of land and water not covered by buildings, parking areas, driveways or other impervious surfaces. Open space shall be devoted to the purpose of outdoor living spaces for the residents and may include lawn areas, walkways, sitting areas, courtyards and the like

Compatibility means the characteristics of different uses, activities or design which allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include height, scale, mass and bulk of structures. Other characteristics include pedestrian or vehicular traffic, circulation, access and parking impacts. Other important characteristics that affect compatibility are landscaping, lighting, noise, odor and architecture. Compatibility does not mean "the same as." Rather, *compatibility* refers to the sensitivity of development proposals in maintaining the character of existing development.

Community Master Plan means the plan which was adopted by the Planning Commission and approved Board of Trustees in accordance with Section 31-23-206, C.R.S., to guide the future growth, protection and development of the Town of Palmer Lake, affording adequate facilities for housing, transportation, comfort, convenience, public health, safety and general welfare of its population.



Conditional Review Use means a use that is generally compatible with the other uses permitted in a zone district, but which requires site-specific review of its location, design, configuration, density, intensity and operating characteristics, and may require the imposition of appropriate conditions in order to ensure compatibility of the use at a particular location, to mitigate its potentially adverse impacts and to ensure that it complies with all of the standards of this Chapter.

Condominium unit means a physical portion of a common interest community which is designated for separate ownership or occupancy and the boundaries of which are described or determined in the declaration.

Conservation easement means a right of the owner of the easement to prohibit certain acts with respect to the property in order to maintain the property in a manner that will preserve its value for recreation, education, habitat, open space or historical importance. See also 36-30.5-102, C.R.S.

Covenant or restrictive covenant means a contractual agreement between the subdivider or landowner and the buyer of a piece of property that restricts the use of all or portion of the property. The covenant will normally run with the land and therefore will apply to succeeding owners.

Container (also known as a Connex, cargo, or shipping container) is a reusable intermodal metal box or structure fabricated originally for the transportation of goods via rail, ship, or truck.

Covenants mean a private written agreement outlining regulations specific to a development.

Cul-de-sac means a local street with only one (1) outlet and having the other end for the reversal of traffic movement.

Curb cut means the length of an opening in the curb along a roadway that allows vehicular access to an abutting development site.

Cut means removal of existing soil without replacing or backfilling the removed earth.

Cutoff angle means the angle of a luminaire, measured up from the nadir (i.e. straight down), between the vertical axis and the first line of sight at which the bare source (the bulb or lamp) is not visible.

Day care center means the commercial use of property as a business for the care and education of pre-school and school-age children as defined by CRS 26-6-102 and meeting the licensing requirements of the state of Colorado.

Dedication means any grant by the owner of a right to use land for the public in general, involving a transfer of property rights, and an acceptance of the dedicated property by the appropriate public agency.

Density, gross means the average number of dwelling units or gross commercial building floor area per acre for the entire development area or site (property boundaries).

Density, net means the average number of accommodation and/or dwelling units or gross commercial building floor area per acre, except all land areas dedicated for public or private joint use for the entire development area, such as streets, parking, drives, recreation facilities, and open space. Net density for lots within a development is calculated to the midpoint of adjacent public and private streets and/or contiguous open spaces that provide a boundary to the lots.



Design standards or design requirements means all requirements and regulations relating to design and layout of subdivisions as contained in these regulations.

Detached means not attached and having no wall in common and separated by three feet (3') or more; structures that are connected by a covered, unenclosed breezeway shall be considered detached if the breezeway is at least three feet (3') *in length*, less than twelve feet (12') in height and less than six feet (6') in width.

Detention basin means a manmade or natural water collector facility designed to collect surface and subsurface water in order to impede its flow and to release the same gradually at a rate not greater than that prior to the development of property, into natural or manmade outlets.

Developer means any person, partnership, joint venture, limited liability company, association or corporation who participates as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale or lease of a development.

Development means any building activity or the dividing of land into two (2) or more parcels. When appropriate in context, *development* shall also mean the act of developing or the result of development. *Development* shall also include:

- a. Any construction, placement, reconstruction, alteration of the size or material change in the external appearance of a structure on land;
- b. Any change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on a tract of land, or a material increase in the intensity and impacts of the development.
- c. Any change in the use of land or a structure.
- d. The commencement of drilling wells, stockpiling of fill materials, filling, or excavation on a parcel of land.
- f. The demolition of a structure;
- g. The clearing of land as an adjunct of construction;
- h. The deposit of refuse, solid or liquid waste, or fill on a parcel of land.

Development shall not include:

- a. Work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way;
- b. Work by any public utility for the purpose of inspecting, repairing, renewing or constructing, on established rights-of-way, any mains, pipes, cables, utility tunnels, power lines, towers, poles or the like; provided, however, that this exemption shall not include work by a public entity in constructing or enlarging mass transit or fixed guide way mass transit depots or terminals or any similar traffic-generating activity;
- c. The maintenance, renewal, improvement or alteration of any structure, if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure;
- d. The use of any land for *agriculture* as defined in this Section.
- e. A change in the ownership or form of ownership of any parcel or structure; or
- f. The creation or termination of rights of access, easements, covenants concerning development of land, or other rights in land.



Development agreement means a legislatively approved contract between a jurisdiction and a developer (person) have legal or equitable interest in real property in the jurisdiction. The agreement establishes the developer's responsibility regarding project phasing, the provision of public and private facilities, and improvements and any other mutually agreed to terms and requirements.

Development plan, Site means the written and graphical documents that detail the provisions for development. These provisions may include, and need not be limited to, easements, covenants and restrictions relating to use; location and bulk of buildings and other structures; intensity of use or density of development; utilities, private and public streets, ways, roads, pedestrian areas and parking facilities; and common open space and other public facilities.

Development Review Team (DRT) means the town staff, and those technical experts including planning, engineering, legal, stormwater quality control, and other needed contracted specialists, whose role is to collaboratively review and evaluate land use applications, code compliance, utilities, stormwater, and other technical aspects for the Planning Commission and Board of Trustees.

Dormer means a projecting structure built out from a sloping roof, usually housing a vertical window or vent.

Drive aisles mean the lanes in a parking lot devoted to the passage of vehicles, as opposed to the parking stalls. The term *drive aisle* does not include lanes used ~~only~~ or primarily for drive-in customer service.

Driveway means a constructed vehicular access serving one (1) or more properties and connected to a public or private road.

Dwelling means a building used exclusively for residential occupancy, including single-family dwellings, two-family dwellings, town home dwellings and multi-family dwellings.

Dwelling, duplex or two-family means a residential building containing two (2) dwellings each of which has primary ground floor access to the outside and which are attached by party walls without openings.

Dwelling, multi-family means a dwelling containing three (3) or more dwelling units, not including hotels, motels, lodges, fraternity houses and sorority houses, and similar group accommodations, with or without accessory use facilities limited to an office for the building manager, laundry area and recreation facilities.

Dwelling, single-family attached means a residential building containing dwelling units, each of which has primary ground floor access to the outside and which are attached to each other by party walls without openings. The term is intended primarily for such dwelling types as duplexes.

Dwelling, single-family detached means a detached principal building, other than a mobile home, designed for and used as a single dwelling unit by one (1) family.

Dwelling, townhouse means an attached single-family dwelling in a building that contains two (2) or more dwellings, each of which is individually owned.

Dwelling unit means one (1) or more rooms complete with independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation, served by no more than one (1) gas meter and one (1) electric meter. Dwellings may exist in many configurations, including but not limited to single-family detached, duplex,



townhomes, multi-family dwellings, often in a stacked configuration, and group homes. Dwellings do not include hotels, motels, inns, or long-term occupancy lodging.

Easement means a right to land generally established in a real estate deed or on a recorded plat to permit the use of land by the public, a corporation, a utility, or particular persons for specified uses other than the legal fee owner(s) of the property. Unless otherwise specified on the plat, a platted easement shall be permitted for use under, on or above said platted property.

Eating and drinking establishment means a permanent building containing a restaurant, bar or tavern which serves food and/or beverages, prepared, or consumed on the premises, within a building or on an outdoor patio, served to the customer at tables or counters.

ECM means the El Paso County Engineering Criteria Manual.

Election season means forty-five (45) days before and seven (7) days after any regular or special Town election, county election or any state or federal primary or general election.

Elevation, building means the external vertical plane of a building. Elevations are considered different if they have different roof lines, building materials, details, color and overall stylistic expression.

Entertainment facilities and theaters means a building or part of a building devoted to showing motion pictures or dramatic, musical, or live performances, including convention facilities and other such private or public facilities and structures.

Environmentally sensitive areas mean aquifer recharge areas, significant wildlife habitat.

EPCO or EPC means El Paso County

Excavation means any manual or mechanical removal of earth materials from the ground and may or may not be replaced or backfilled.

FAA means the Federal Aviation Administration.

Factory built home means a home that:

- a. Is constructed to HUD, the International Residential Code (IRC), the International Energy Conservation Code and the National Electric Code standards and reviewed under the IRC.
- b. Is partially or entirely manufactured in a factory;
- c. Does not have self-contained motive power;
- d. Is transported to the site and installed on-site; and
- e. Is not licensed as a recreational vehicle.

Family. Family means the following:

1. A single individual or a collective body of persons in a domestic relationship based upon blood, marriage, adoption, or fostering, living as a separate, independent housekeeping unit, including domestic servants; or
2. A group of not more than six unrelated persons, all living together as a single housekeeping unit in a residential dwelling unit. Excludes boarding or rooming houses, lodges, clubs, hotels, motels, or fraternities.
3. Notwithstanding the above, a family shall be deemed to include six or more persons (but



not in excess of 12 persons) not related by blood, marriage, adoption or legal custody occupying a residential dwelling unit and living as a single housekeeping unit if the occupants are handicapped persons as defined in Title VIII, Part 3 of the Civil Rights Act of 1966, as amended by the Fair Housing Amendments Act of 1966, or disabled persons as defined by Section 24-34-301, C.R.S. A household that includes six or more persons identified above shall not be excluded from the definition of “family” by the residence in the dwelling unit of additional necessary persons employed in the care and supervision of such handicapped or disabled persons.

FEMA means Federal Emergency Management Agency.

Fence or wall means a structure made of wood, brick, stone, stucco, concrete, wrought iron, chain-link, plastic, composite, vinyl, or other similar material that provides screening or encloses an area, most often a front, side or back yard. Walls include both freestanding walls and retaining walls.

Fill means the adding of soil to the ground surface without later removal.

Final Development Plan (FDP) means the required plan that follows the approval of a Planned Development Plan (PDP) and includes specific design components, structure locations, footprint dimensions, designated open space, number of dwelling units, non-residential square footage, and documentation regarding the utility service, including water and sewer demand.

Financial services mean banks, savings and loans, finance companies, credit unions, and similar establishments.

Finished grade means the final elevation and contour of the ground after cutting or filling and conforming to the proposed grading of a site plan or landscaping plan.

Floodplain, flood-prone, or flood hazard area means areas that have been designated by the Board of Trustees, the Regional Floodplain Administrator, the Colorado Water Conservation Board, or FEMA as susceptible to flooding.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than six (6) 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.

Flow lines, when used with reference to streets, mean the curb lines, or if no curbs have been installed, the natural water-flow lines at the outside edge of the traveled portion of the street.

Footcandle means the illuminance produced on a surface one foot from a uniform light source of one candela. One foot-candle equals one lumen per square foot.

Footprint means the outline of the total square footage area covered by a building or structure with a roof at ground level.

Frontage means the smallest dimension of a lot abutting a public street measure along the street line or right-of-way.

FT. or ft. means feet.

Fully Shielded Fixture means a fixture where no light is emitted above the horizontal plane, typically required for compliance with dark sky ordinances.



Garage means an accessory building or portion of a principle building on the same lot and used for the storage of motor vehicles.

Garage, private means an accessory building or a part of a main residential dwelling that is subordinate in size to the primary structure, located on the same lot, and is used for the storage only of private, passenger motor vehicles owned by the occupants of the principal building.

Garage sale means an accessory use involving the sale or offering for sale of articles of tangible personal property by the owner, lessee or other occupant of a dwelling unit. The term garage sale shall include patio sale, yard sale, or any similar sale.

Geologic hazards mean unstable or potentially unstable slopes, undermining, faulting, landslides, rock falls, flood, wildfire or similar naturally occurring dangerous features or soil conditions or natural features unfavorable to development.

Glare means excessive brightness that causes visual discomfort or reduces visibility.

Grade, finished means the final elevation of the ground surface after development.

Grade, natural means the elevation of the ground surface in its natural state, before manmade alterations.

Grading means any excavating or filling or combination thereof to alter a ground surface and/or its elevation.

Gross square footage (GSF) means the total floor area designed for occupancy and use, including basements, mezzanines, stairways, and upper floors, if any, expressed in square feet and measured from the centerline of joint partitions and from outside wall faces.

Ground or monument sign means a type of freestanding sign in which the entire bottom of the sign or the bottom of the sign support structure is in contact with or is close to the ground and is independent of any other structure.

Group home. Any structure that provides noninstitutional housing for not more than eight (8) service-dependent or developmentally disabled individuals living as a single housekeeping unit with professional staff who function as surrogate parents and are not considered a family. Certain forms of group housing are specifically regulated by the federal or state government, as defined in Section 31-23-303, C.R.S., including:

- a. Group home for handicapped.
- b. Group home for developmentally disabled.
- c. Group home for mentally ill.
- d. Group home for the elderly

Home occupation means a permitted accessory in a dwelling unit that is conducted by the inhabitants of the principal dwelling and does not change the basic residential character of the neighborhood

Human scale or pedestrian scale means the proportional relationship between the dimensions of a building or building element, street, outdoor space or streetscape element and the average dimensions of the human body, taking into account the perceptions and walking speed of a typical pedestrian.

HUD Code means a set of national building standards created by the US Department of Housing and Urban Development (HUD) that governs the construction, design, and safety of manufactured homes built after 1976.



IES means the Illuminating Engineering Society.

IGA means intergovernmental agreement.

Impervious Coverage means the percentage of a lot covered by any surface or structure that prevents water from soaking into the ground.

Impervious Surface means any surface that does not allow water to infiltrate into the ground.

IN. or in. means inch.

Industrial, light means uses engaged in the manufacturing, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales or distribution of such products. Further, *light industrial* means uses such as the manufacture of electronic instruments, preparation of food products, pharmaceutical manufacturing, research and scientific laboratories or the like.

Infrastructure means those manmade structures which serve the common needs of the population, such as potable water systems; wastewater disposal systems; solid waste disposal sites or retention areas; storm drainage systems; electric, gas or other utilities; bridges; roadways; bicycle paths or trails; pedestrian sidewalks, paths or trails; and transit stops.

Inoperable vehicle means any vehicle that: (1) would be required to be licensed if operated on a public highway, but does not display current, valid license plates; (2) does not work, move or run; (3) is not functioning; (4) is not operable for the function for which it was designed; or (5) does not comply with the minimum safety requirements of the Colorado Motor Vehicle Law.

Junk means manmade goods, appliances, fixtures, furniture, machinery, motor vehicles or other such items which have been abandoned, demolished, dismantled or which are so worn or deteriorated or in such a condition as to be unusable; salvage materials, scrap metal, scrap material, waste, bottles, tin cans, paper, boxes, crates, rags, used lumber and building materials; discarded motor vehicles, machinery parts and tires; and other items commonly considered to be junk.

Kennel means any building, structure or open space devoted wholly or partly to the raising, boarding or harboring of six or more dogs, cats or other domestic animals that are over four months old.

Kitchen. Kitchen means a room or portion of a room devoted to the preparation or cooking of food for a person or a single household unit living independently, which contains a sink; a stove, cooktop or built in grill; and a refrigerator.

Landowner means any owner of a legal or equitable interest in real property, and includes the heirs, successors, and assigns of such ownership interests, and also each and every person who has the right to occupy all or a portion of a lot or all or a portion of a structure on a lot, under a lease or a tenancy. The word *landowner* is used in this Chapter synonymously with *owner* and *property owner*.

Landscaping means any combination of living plants such as trees, shrubs, plants, vegetative ground cover or turf grasses, and may include structural features such as walkways, fences, benches, works of art, reflective pools, fountains or the like. *Landscaping* shall also include irrigation systems, mulches, topsoil use, soil preparation, revegetation or the preservation, protection, and replacement of existing trees.

Land use application or Land Use Permit means an application for development, a permit or other required approval under this Code.



Light Pollution means the excessive or misdirected artificial light that brightens the night sky, interfering with astronomical observations and disrupting ecosystems.

Light spill means the Unwanted spillage of light onto adjacent areas and may affect sensitive receptors, particularly residential properties and ecological sites.

Light trespass means light that crosses property boundaries and is visible from locations off the property where it is not wanted.

Live/work means a single unit that combines personal living space and commercial workspace.

Loading area means a completely off-street space or berth on the same lot for the loading or unloading of freight carriers having adequate ingress and egress to a public street or alley.

Lodging means a building containing sleeping rooms designed to be rented for short term occupancy and which may or may not have eating or drinking facilities as an accessory use.

Lot means a designated parcel, tract or area of land established by plat or subdivision. Lot is the smallest unit which land is divided on a subdivision plat

Lot, adjoining means a lot separated from the lot under consideration by a rear lot line, side lot line or street.

Lot, corner means a lot located at the intersection of two (2) or more intersecting streets with frontage on both streets.

Lot, double frontage or through lot means a lot having frontage on two (2) generally parallel streets.

Lot, flag means a lot where the front lot line abuts one or more rear or side lot lines of adjacent lots. Primary access is by a private or privately shared drive leading to a public or private street.

Lot, Interior means a lot having frontage along only one street.

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

Lot area means the total area within the lot lines of a lot.

Lot coverage means the total square footage of all buildings and structures on the lot. Lot coverage includes the primary building and all accessory structures on the lot. Flat surfaces, such as sidewalks, driveways and uncovered patios are not included when calculating lot coverage. (See *impervious surface*.)

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

Lot frontage: means the length of a property line of a lot which abuts a public or private right of way.

Lot line means the property lines dividing one (1) lot from another lot, parcel, tract, or from a street or any public place, as further defined below.

Lot line, front means any property line separating a lot from any public street or private street but not including alleys. In the case of corner lots, the primary front lot line is that property line most parallel to the street from which access is gained; the secondary front lot line is the other lot line with street frontage. In the case of a double frontage lot, there is one front lot line



that is the property line most parallel to the street from which access is gained. For a flag lot, the front lot line is that property line not including the flag stem most parallel to the street from which access is gained.

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

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

Lot size means the total square footage area within the lot lines of a lot.

Lot width means the distance parallel to the front lot line, measured at the front building setback line.

Lot width on a curving front lot line means the distance parallel to the tangent of the front lot line at the building setback line. The lot width and the lot frontage may have different lengths on an irregularly shaped lot as they are measured at different points on the lot.

Manufactured home means a dwelling built entirely in a factory after June 15, 1976, to comply with the standards of the National Manufactured Housing Construction and Safety Standards Act and is to be used as a place for human habitation. Manufactured Homes are regulated federally by HUD standards.

Medical and dental offices and clinics means an establishment operated by one (1) or more duly licensed members of the human health care professions, including but not limited to physicians, dentists, chiropractors, psychiatrists, and osteopaths, where patients are not lodged overnight but are admitted for examination, diagnosis, therapy, surgery, or consultation, including referral, rendered by a licensed provider that is physically present during all hours of operation of the offices and clinic to furnish medical services.

Mixed use means the development of a lot, tract, or parcel of land, building, or structure with two (2) or more different uses, including but not limited to residential, office, retail, public uses, personal service or entertainment uses, designed, planned, and constructed as a unit.

Mixed-use building means a building designed, planned, and constructed as a unit, used partially for residential use and partly for commercial uses, including but not limited to office, retail, public uses, personal service or entertainment uses.

Mobile home means a dwelling which is designed to be transported on its own permanent chassis after fabrication, and is designed to be used as a dwelling, with or without permanent foundation, when the required plumbing, heating and electrical facilities are connected. Mobile homes shall comply with the HUD Code. New or used mobile homes installed after July 7, 2002, shall comply with the standards of the National Manufactured Housing Construction and Safety Standards Act of 1974 (hereinafter referred to as the *HUD Code*).

Model home means a dwelling temporarily used as a sales office or demonstration home for a residential development under construction, said dwelling being used as an example of a product offered for sale to purchasers (by a realtor, building developer or contractor). The dwelling may be furnished but not occupied as a residence while being used as a *model home*.

Municipality means an incorporated city or town.

Nadir – means a point on the celestial sphere directly below the observer, diametrically opposite the zenith.



Natural areas mean floodplains and floodways, natural drainage and waterways, significant native trees and vegetation, wildlife travel corridors, special habitat features such as key nesting, breeding, or feeding areas for birds, fox and coyote dens, and any wetland.

New development means land-disturbing activities; structural development, including construction or installation of a building or structure; creation of impervious surfaces; and land subdivision for a site that does not meet the definition of redevelopment.

Net Square Feet means the usable, or rentable, area within a space, such as a building or suite. It's the area that can be occupied and used for its intended purpose, excluding non-usable spaces like walls, columns, common areas, and mechanical rooms.

Nonconforming building or nonconforming structure means a building or structure, or portion thereof, that does not conform to the regulations of this Code, but that was lawfully constructed under the regulations in force at the time of construction.

Nonconforming lot is a lot of record that does not conform to the regulations of this Code, but that was lawfully created under the regulations in force at the of its creation.

Nonconforming use means a use that does not conform to the use regulations of this Code, but that was lawfully established under the regulations in force at the time the use was established and has been in regular use since that time.

Official Zoning Map or zoning map means the official zoning map adopted by the Town by ordinance, as amended.

Off-street parking area means all off-street areas and spaces designed, used, required or intended to be used for the parking, storage, maintenance, service, repair, display or operation of motor vehicles, including driveways or access ways in and to such areas, but not including any outdoor storage area used principally as a *recreational vehicle, boat or truck storage* use, storage areas for landscaping and other bulk items or public streets and rights-of-way.

Open space means any parcel or area of land or water area with its surface open to the sky that is essentially unimproved and set aside, dedicated, designated or reserved for the public or private use or enjoyment, which serves specific uses of providing park and recreation opportunities, conserving natural areas, wildlife habitat, and protecting areas of agricultural, archeological or historical significance or for the use and enjoyment of owners and occupants of land of the subdivision. The types of lands and reasons for preservation include, but are not limited to, the following:

- (1) Lands that may be needed for the health and safety of the community, including areas required for the recharge of groundwater, reservoirs and surrounding lands, lands with vegetation ensuring better air quality, high wildfire danger zones, steep slopes, floodplains, buffers around airports and similar facilities.
- (2) Lands that might be a resource for the community, including farmland, rangeland, lakes, streams, rivers, wetlands, and forests.
- (3) Lands that might be ecologically valuable areas, such as habitat for animals and plants, unique ecosystems, or fire protection.



(4) Lands that could provide a diversity of activities for the public, such as areas with outstanding historical, educational, cultural, or archaeological value, areas providing access to lake shores or rivers and streams.

(5) Lands that may provide view sheds or aesthetically pleasing experiences; or Lands that may provide or act as community separators providing a buffer between communities.

(6) Privately-owned landscaped areas, undeveloped, unused or vacant portions of a lot, areas used for off-street parking, off-street loading, service driveways, and setbacks from oil and gas wells and their appurtenances, or other hazards to the public, and rights-of-way are not considered open space.

Open space, common means an area permanently set aside for the common use and enjoyment of residents of a PD or subdivision.

Photometric Plan means a technical drawing that shows how light is distributed across a property, used to verify compliance with light level requirements.

Outdoor storage means the keeping, in an unroofed area, of any equipment, goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours.

Owner means the person or entity that owns the property under consideration.

Parcel means a lot, or a contiguous group of lots, in single ownership or under single contract and usually considered a unit for purposes of development.

Park means an area ~~open to the general public and~~ reserved for recreational, educational, or scenic purposes.

Parking means the standing or placement of a vehicle on private or public right of way during the conduct of everyday affairs or business or normal daily activities, provided that such standing or placement occurs within a parking space that conforms to all requirements of the Town Code and is not for purposes of assembly, display, sale, repair, or other servicing commonly associated with a motor vehicle.

Parking area means an open space, or an enclosed structure used exclusively for the temporary storage of automobiles, such space having a graded and surfaced area of not less than 200 square feet and having adequate ingress or egress to a public street or alley and measured exclusively of drives and other entrance or exit ways.

Parking garage means an off-street parking area within a building or portion of a building.

Parking lot means an off-street parking area or vehicular use area.

Parking, shared means off-street parking that is shared by one or more adjacent uses that do not have the same peak service times.

Parking space, off-street means an area on a lot and/or within a structure intended for the temporary parking of an automobile.

Parking, Tandem means a parking arrangement where one vehicle is parked directly behind another in a single elongated space, so that the vehicle in back must be moved to allow the front vehicle to exit.



Parties in interest means any referral agency, any person to whom or organization to which the town mailed notice of the hearing to, any person or organization which sent written comments to the town regarding a pending application, or any person who appeared before the board or commission at any hearing.

Pedestrian scale (human scale) means the proportional relationship between the dimensions of a building or building element, street, outdoor space, or streetscape element and the average dimensions of the human body, taking into account the perceptions and walking speed of a typical pedestrian.

Permanent monument means any structure of masonry and/or metal permanently placed on or in the ground, including those expressly placed for surveying reference.

Pikes Peak Regional Building Department (PPRBD) means the agency created by an intergovernmental agreement to oversee plan review, permit issuance, and inspections pursuant to the Regional Building Code adopted by the Town of Palmer Lake.

Place of worship means a building that is used for various services which can be used by one (1) or more of multiple religious or non-religious denominations.

Planned development (PD) means a project of a single owner or a group of owners acting jointly, involving a related group of residences, businesses, or industries and associated uses. Planned as a single entity, the project is subject to development and regulations as one (1) land-use unit rather than as an aggregation of individual buildings located on separate lots. The planned development includes usable, functional open space for the mutual benefit of the entire tract; and is designed to provide variety and diversity through the variation of normal zoning and subdivision standards so that maximum long-range benefits can be gained, and the unique features of the development or site preserved and enhanced while still being in harmony with the surrounding neighborhood. Approval of a planned unit development does not eliminate the requirements of subdividing and recording a plat.

3-Mile Plan means the area surrounding the Town of Palmer Lake that the Town of Palmer Lake will consider annexing and developing, as provided for in Section 31-12-105(1)(e), C.R.S.

Plat means a map of certain described land prepared in accordance with the requirements of this Code and Section 36-51-106, C.R.S., as an instrument for recording of real estate interests with the County Clerk and Recorder.

Plaza means an open area, typically an area designed to serve as a gathering place.

Planning Commission means the Planning Commission of the Town of Palmer Lake.

Preapplication conference means a conference between the applicant for a land use approval or permit and the Town Administrator or designee and often with the Development Review Team.

Principal use means the main or primary purpose for which a tract of land or a structure is designed, arranged, or intended, or for which it may be occupied or maintained under this Code. All other structures or uses on the same lot that are allowed, incidental, or supplementary to the primary purpose shall be considered accessory use.

Private property rights mean the rights of the property owner within the Town of Palmer Lake to use his or her property within the legal parameters set forth in this Code, and subject to applicable state, federal, and constitutional law. Nothing herein guarantees any private property rights to develop in a particular manner except pursuant to a valid vested right.



Professional Services mean shops primarily engaged in providing services generally involving the care of the person or such person's apparel or rendering services to business establishments such as laundry or dry-cleaning retail outlets, portrait/photographic studios, beauty or barber shops, employment services, financial advisors, professional consultants, and e-mailing and copy shops.

Proof of ownership means ownership as specified in a current title insurance commitment or policy, or certification of title, issued by a title insurance company licensed by the State of Colorado.

Property means all real property subject to land use regulation by the Town of Palmer Lake.

Property line means the boundary of any lot, parcel or tract as the same is described in the conveyance of such property to the owner; and does not include the streets or alleys upon which said lot, parcel or tract abuts.

Public means (when used as modifying a structure, activity or purpose) a structure, activity or purpose owned or operated by a government agency or by a 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 the members of the public without regard to membership status.

Public areas mean streets, parks, open spaces, and other property designated or described as for public use on a map or plat of the Town of Palmer Lake and fee title is vested in the Town of Palmer Lake, other public body, or a special district as defined in Section 32-1-103, C.R.S.

Public facilities mean those constructed facilities, including but not limited to transportation systems or facilities, water systems or facilities, wastewater systems or facilities, storm drainage systems or facilities, fire, police, and emergency systems or facilities, electric, gas, telecommunication utilities or facilities, and publicly owned buildings or facilities.

Public hearing means a meeting called by a public body for which public notice has been given and which is held in a place at which the general public may attend to hear issues and to express their opinions.

Public improvement means any drainage, roadway, parkway, sidewalk, pedestrian way, tree lawn, landscaped open space, off-street parking area, lot improvement, public utility infrastructure or other facility that benefits the public.

Public notice means the advertisement of an action to be taken by the Town, which indicates the time, place, and nature of the hearing or action. This may include publication in a newspaper, mailings, meetings, and/or posting of a sign on the subject site or posting on the Town's official website.

Public open space means an open space area conveyed or otherwise dedicated to the municipality, state or county or other public body for recreational or conservation uses.

Public utility means a common carrier supplying electricity, wire telephone, communication or internet service, natural gas, water, wastewater or storm water service or similar public services, but shall not include railroads or other forms of rail mass transit or depots or terminals supporting the same, or wireless telecommunication facilities.

Recreational facilities: The following classes of recreational facilities have these meanings:

- a. *Private recreational facilities* include golf courses, tennis courts, swimming pools, country clubs or recreational facilities for fraternal organizations, all of which are owned and operated by either nonprofit organizations with a limited membership or by private persons who own the facilities and are the only users of them.



- b. *Public recreational facilities* mean public parks, ~~zoos,~~ swimming pools, golf courses and other such facilities owned or operated by or under the direction of a government agency or a nonprofit corporation which falls within the definition of the word *public*.

Recreational vehicle means a vehicular-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own power or is mounted or drawn by another vehicle. The following shall be considered a recreational vehicle (RV):

- a. *Camping trailer*. A canvas (or other type of material), folding vehicle of rigid construction, mounted on wheels and designed for travel and recreation.
- b. *Motorized home, motor home and/or recreational bus or van*. A recreational vehicle consisting of a portable, temporary dwelling to be used for travel, recreation and vacation uses, and constructed as an integral part of a self-propelled vehicle.
- c. *Pickup coach*. A vehicle designed to be mounted on or loaded into a truck chassis for use as a temporary dwelling for travel and recreation.
- d. *Tent*. Protective fabric erected to provide protection from the elements.
- e. *Travel trailer*. A towable vehicle designed as a temporary dwelling for travel and recreation.
- f. *Travel trailer, self-contained*. A trailer which can operate independently of connections to sewer, water and electric systems. It contains a water-flushed toilet, lavatory, shower or bath and kitchen sink, all of which are connected to water storage and sewage holding tanks located within the trailer.

Recreational vehicle park means a parcel of land specifically developed for locating only recreational vehicles on lots on a short-term basis.

Recreational vehicle site means a plot of ground within a recreational vehicle park intended for the accommodation of a recreational vehicle, tent or other individual camping unit on a temporary basis.

Redevelopment means the development of a site within an older/established contextual subarea of the Town, where the site was formerly developed and cleared, or that requires the clearance of some or all the existing structures and improvements prior to new construction.

Right-of-way means a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main or for another special use. The usage of the term *right-of-way* for land platting purposes shall mean that every right-of-way established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains or any other use involving maintenance by a public agency shall be dedicated to public use on the plat on which such right-of-way is established.

Setback, building means the required unoccupied open space between the nearest wall of a structure and the property line of the lot on which the structure is located, measured on a horizontal plan.

Setback, landscaping means a required strip of land typically along a property line that must be left unbuilt and planted with vegetation, trees or screening materials.



Setback, front means the distance between the front lot line and the front wall of the main structure.

Setback, rear means the distance between the rear lot line and the back wall of the main structure.

Setback, side means the distance between any wall and the lot line other than the front and rear setbacks.

Shielding means an opaque material that blocks the transmission of light.

Skyglow means diffuse, scattered sky light attributable to scattered light from sources on the ground.

Sight distance triangle means the area at the four (4) corners of an intersection that is to be kept free of shrubs, ground covers, berms, fences, structures or other materials or items greater than thirty (30) inches in height. Trees shall not be planted in the triangular area. The size of the sight distance triangles is determined as follows:

- a. At the intersection of any two (2) streets or where a street intersects with an alley, a triangle measuring thirty (30) feet along each curb or edge of roadway from their point of intersection, the third side being a diagonal line connecting the first two (2) sides.
- b. At the intersection of a driveway or private access and a street, a triangle measuring fifteen (15) feet in length along the edge of the driveway and along the curb or edge of roadway from their point of intersection, the third side being a diagonal line connecting the first two (2) sides.
- c. In accordance with the El Paso County Engineering Criteria Manual.

Significant vegetation means vegetation that is indigenous (i.e., pine trees, mountain mahogany, scrub oak, and native grasses).

Significant wildlife habitat and migration corridors are areas designated by the Colorado Division of Parks and Wildlife and/or the Colorado Natural Diversity Information Source (www.ndis.nrel.colostate.edu) as areas of landscape that provide food, cover, and water sufficient to meet the needs of a given species to survive and reproduce.

Site development plan means a scale drawing of a lot, showing the actual measurements, lot lines, the size and location of any existing or proposed buildings, the location of the lot in relation to abutting streets, and other details including ~~such as~~ parking areas, access points, landscaped areas, building areas, setbacks from lot lines, building heights, floor areas, densities, utility locations, reserved open space, and easements.

Site specific development plan means the land use application document(s) associated with the vesting of a property right pursuant to Section 17-1-100 of this Title and Article 68 of Title 24, C.R.S, as may be amended.

Solar energy system means a device or facility that converts the sun's radiant energy into thermal, chemical, mechanical, or electric energy to heat and/or cool indoor space or domestic water and/or provide electric power and light.

Solar energy system, accessory, and small means a solar energy system allowed onsite which is less than or equal to 200% of the utility's net usage cap as established under CRS 40-2-124.



Storage means the placement of goods, materials, and/or personal property in a particular place or space for more than a twenty-four (24) hour period.

Street means a public thoroughfare, which affords the principal means of access to abutting property.

Structure means anything constructed or erected, which requires location on the ground or attached to something having a location on the ground, but not including fences or walls.

Structurally altered means any addition or elimination of load-bearing parts of a building, including columns, beams, walls, or girders.

Subdivision means the process of dividing a parcel of raw land into smaller buildable sites, blocks, lots, streets, open space and public areas and the designation of the location of utilities and other improvements.

Subsidence means a local mass movement that involves the downward settling or sinking of the solid Earth's surface.

Swing-in garage means a garage that is oriented so that the garage doors are perpendicular to the street.

Tandem garage means a garage that allows for the parking of one (1) car in front of another.

Tandem parking means parking two (2) cars in a driveway or parking space so that one (1) car is right in front of the other and the front car cannot move until the back car is moved.

Temporary use means a use or an activity that is temporary in nature with a specific function, location, specific dates and hours of operation, and termination date, and does not involve the construction or alteration of any permanent structure.

Title commitment means formal documentation from a title company listing the name of the owner of the property under consideration, the legal description of the property, and any legal holdings on the property, such as easements, rights-of-way, or liens.

Townhouse (or Townhome) means a single-family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached in a linear arrangement, and having a totally exposed front and rear wall to be used for access, light, and ventilation. The units are separated from one another by a common party wall having no doors, windows, or other provisions for human passage or visibility and such units are located on their own fee simple lots meeting the various lot requirements specified in each zone district allowing townhome development.

Town means the Town of Palmer Lake, Colorado.

Town Administrator means the Town Administrator or their designee.

Traffic control device means a traffic control device authorized or required by law on private or public property, which must be erected and maintained to comply with the Manual on Uniform Traffic Control Devices adopted in this state and, if not adopted by this state, with the Manual on Uniform Traffic Control Devices adopted by the Federal Highway Administration.

Trails. The trail system shall link neighborhoods, parks, schools, open spaces, employment centers, community facilities and neighboring communities and thus provide important transportation connections, as well as recreational opportunities and access.



Trip means a single or one-way vehicle movement to or from a property or study area. *Trips* can be added together to calculate the total number of vehicles expected to enter and leave a specific land use or site over a designated period of time.

Use means the type of activity for which land, or a building, is designated, arranged, or intended, and means the activity which in fact regularly takes place upon the land.

USGS datum means United States Geological Survey basis of elevations.

Utilities mean the equipment, facilities, and distribution, collection, and treatment systems for water, sewer, storm drainage, gas, electric, television, cable, fiber optic, and wireless communications.

Utility facilities, major mean facilities such as water and wastewater treatment plants, water tank or tower, electrical generation plant, wireless telecommunications or transmission facility or any similar use including holding ponds and other structures for flood control, water storage and/or retention for potable or non-potable use, and watershed protection.

Utility facilities, minor means facilities such pump stations, pressure reducing stations, telephone exchanges, lift stations, electric substation, or any similar use.

Vacant land means land that does not have development on it.

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

Vegetation means plants growing in a place, including but not limited to trees, shrubs, vines, grasses, and groundcover.

Vested property right means the right to undertake and complete the development and use of property under the terms and conditions of a site-specific development plan, pursuant to Article I "General Land Use Provisions" of this Title and Article 68 of Title 24, C.R.S, as may be amended. \

Veterinary facilities, small animal clinic means any facility maintained by or for the use of a licensed veterinarian in the diagnosis, treatment or prevention of animal diseases wherein the animals are limited to dogs, cats or other comparable household pets and wherein the overnight care of said animals is prohibited except, when necessary, in the medical treatment of the animal.

Warehouse means a use engaged in storage, wholesale, and distribution of manufactured products, supplies, or equipment, including accessory offices or showrooms, including incidental retail sales, but excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions.

Yard means that portion of the open area on a lot extending open and unobstructed from the ground upward from a lot line for a depth or width specified by the regulations for the zone district in which the lot is located.

Yard, front means a yard extending across the full width of the lot between the front lot line and the nearest line or point of the building.

Yard, front setback means the distance a building or structure must be placed from the back of the front property line.



Yard, rear means a yard extending across the full width of the lot between the rear lot line and the nearest line or point of the building.

Yard, rear setback means the distance a building or structure must be placed from the back of the rear property line.

Yard, side means a yard extending from the front yard to the rear yard between the side lot line and the nearest line or point of the building.

Yard, side setback means the distance a building or structure must be placed from the back of the side property line.

Zone district or zoning district means a zone district of the Town of Palmer Lake as established in Article 2 “Zoning District and Uses” of this Title, unless the term is used in a context that indicates that the term is meant to include both the zone districts of the Town of Palmer Lake and the zone districts of an adjoining governmental jurisdiction. Also referred to as *zoning district*.