

ARTICLE II Basic Definitions, and Interpretations.

As used in this Ordinance, the following terms shall have the meanings indicated below:

Abutting Land. A parcel of land, which has a common property line with another parcel of land.

Alley. A strip of land dedicated to public use, located at the side or rear of lots and providing a secondary means of vehicular access to the property.

Accessory Building. A subordinate building or a portion of a main building with a use that is secondary to or incidental to the principal use or structure, and not incompatible with the intent of the zoning district in which it is located.

Alternative Tower Structure. Man-made trees, clock towers, bell steeples, buildings, light poles, water towers and similar alternative design mounting structures that have the capacity to camouflage or conceal the presence of wireless communication facilities.

Ancillary Wireless Communication Facilities. All wireless communication facilities as defined in Article XIII except for towers, antennas, or alternative tower structures.

Antenna. Any exterior transmitting or receiving device mounted on a tower or alternative tower structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless communications signals or other communication signals.

Antiques and Collectibles. Any item valued principally because of its early date of manufacture, rarity, design, historical interest, and/or a collector's item.

Appeal. A request by a party for the Board of Adjustment, Planning Commission or Town Board to review a lower officer's or body's finding, orders, or rulings, as more fully described and mandated within this Ordinance.

Applicant. Any individual, person, partnership, corporation, limited liability company, association, company, or public body, including the federal government, or any political subdivision, a agency, corporation or instrumentality of the state applying for a permit pursuant to this Ordinance.

Appurtenance. An incidental right, such as a right-of-way, attached to a principal property right and passing in possession with it.

Awning. A fixed or movable shelter supported entirely from the exterior wall or a building that can be retracted, folded or collapsed against the face of the supporting building.

Basement. That portion of a building between floor and ceiling which is partially below and partly above grade, but so located that the vertical distance from average grade to the floor is more than the vertical distance from average grade to ceiling.

Bed and Breakfast. A residential building in which rooms are rented on a daily basis to short-term guests. The building typically is similar in character to the surrounding neighborhood and meets all the requirements of the zoning district in which the facility is to be located.

Block. A group of lots existing within well defined and fixed boundaries within a subdivision and usually being an area surrounded by streets or other features such as parks, right-of-ways, or municipal boundary lines.

Board of Adjustment. A special review board operating under the authority of this Ordinance and state law for purposes of hearing and deciding appeals or variances to this Ordinance.

Board of Trustees. The Town of Empire Board of Trustees, the governing body of the Town of Empire.

Boarding House. A dwelling where rooms are rented to more than two persons unrelated to the primary occupant.

Building. A structure designed, built or occupied as a shelter or roofed enclosure for persons, animals or property, and where separated by a fire wall, each such separated portion of such structure shall be deemed a separate building.

Building Height. The vertical distance from the average building grade to the uppermost point of the roof structure.

Building Inspector. That official designated by the Board of Trustees as the official responsible for accepting, reviewing and approving or rejecting plans for building construction or occupancy and applications for building and occupancy permits and for the interpretation and enforcement of Ordinances related thereto.

Certificate of Occupancy. A certificate issued by the Building Inspector after final inspection when it is found that the building, structure and/or development complies with all requirements and provisions of the Uniform Building Code, any other applicable codes or regulations, and approved plans.

Child Care Center. A facility, by whatever name known, which is maintained for the whole or part of a day for the care of five (5) or more children under the age of 17 years and not related to the owner, operator, or manager thereof whether such facility is operated with or without compensation for such care, and with or without stated educational purposes. The term includes facilities commonly known as daycare centers and child care homes, and excludes foster care. All Child Care Centers must have the required license(s) from the State of Colorado, shall be operated in conformance with the minimum rules and regulations issued by the Colorado Department of Social Services, division of Public Welfare, and shall maintain a sign not exceeding two (2) square feet identifying the premises as a child care facility.

Clinic, Medical or Dental A group of medical or dental offices organized as a unified facility to provide medical or dental treatment as contrasted with an unrelated group of such offices, but not including bed-patient care.

Commercial. Synonym for business.

Cul-de-Sac A local street with only one outlet and being terminated at the other end by a vehicular turnaround. The length of the cul-de-sac shall be measured from the center of the turnaround to the point where the cul-de-sac intersects with the intersecting street.

Curb Cuts. A cut in the curb line for passage of vehicles,

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Deck. Unroofed open structure that exceeds 6" above average ground.

District. An area within the limits of the town for which the regulations and requirements governing use, lot and bulk of building and premises are uniform.

Driveway. Private access for a vehicle to a single building site or lot

Domestic Livestock. By way of example and including but not limited to: horses, goat, mules, llama chickens, rabbits, pigs, and cows.

Dwelling. Any building or part thereof occupied in whole or in part as the home, residence, or sleeping place of one or more persons, either continuously, permanently temporarily, or transiently. All dwellings must meet the UBC, UEC, UFC, UMC as adopted and /or amended by this Ordinance.

Dwelling, Multiple Family. A structure or portion thereof designed to house two or more families, with each dwelling Unit having a separate entrance.

Dwelling, Single Family, Attached. A dwelling designed to house a single family from the lowest level to the roof; with private outside entrance, but not necessarily occupying a private lot, and sharing a common wall between adjoining dwelling units.

Dwelling, Single Family, Detached. A dwelling unit designed to house a single family unit, with private outside entrance, and without common walls between other dwelling units.

Dwelling Unit. One or more rooms connected together, but structurally divided from all other rooms in the same structure and constituting a separate, independent housekeeping unit for permanent residential occupancy, with facilities for sleeping, cooking and eating, and with sanitary facilities.

Easement A right in the public of any person, firm or corporation to use the land of another for a special purpose not inconsistent with the general property rights retained by the owner.

FAA. The Federal Aviation Administration.

FCC . The Federal Communications Commission.

Family. An individual or two or more persons related by blood, marriage, or adoption, living together as a single household unit; or a group of not more than five (5) persons not necessarily related by blood, marriage, or adoption, living together as a single household unit; or a family foster home, licensed by the State of Colorado, or certified by the Clear Creek County Department of Social Services, or a state licensed child placement agency, shall also be considered a family.

Flood Plain That ground covered by water in the case of the flood of 100 year frequency as delineated by HUD flood insurance maps and the Flood Plain Ordinance of the Town of Empire.

Frontage. All sides of a lot adjacent to a street.

Gasoline Service Station. A place where gasoline, diesel, kerosene, or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles.

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Gross Lease Area (GM). The total floor area of commercial buildings, which floor area is designed for tenant occupancy and exclusive use, including basements, mezzanines and upper floors, if any, expressed in square feet and measured from the center line of joint partitions and from outside wall faces.

Height. When referring to a tower or other structure, the distance measured from the average ground level to the highest point on the tower or other structure, even if said highest point is an antenna, determined by an average within a 10-foot radius.

Home Occupation. Any use conducted entirely within a dwelling and carried on by the occupants thereof; which the use is clearly incidental and secondary to the use of the dwelling for residential purposes as defined in Article VIII, Section 4. For the purposes of this Ordinance, Child Care Centers are not considered Home Occupations.

Hotel. A building in which lodging, with or without meals, is offered for compensation, but not including kitchen facilities in individual rooms.

Land Dedication Fund A fund established by the Town of Empire based upon the funds obtained from fulfillment of the cash in lieu provision of the land dedication requirements. The use of the proceeds of this fund shall be limited to the purchase of land for park, open space, and needed public facilities and the funding of improvements on such lands. The funds shall not be used to pay Town operating and maintenance expenses.

Lot. A platted piece of land in single ownership and not divided by a street

Lot Area. The area of contiguous land bounded by lot lines, exclusive of land provided for public thoroughfares.

Lot Lines. The line bounding a lot as defined herein.

Lot of Record. A lot which is part of a subdivision, a plat of which has been legally recorded or a lot described by metes and bounds, the description of which has been so recorded.

Manufactured Housing. Housing which meets criteria established in C.R.S. §31-23-301(5) and C.R.S. §31-23-303(3).

Master Plan. The Master Plan and amendments thereto for the Town of Empire which has been officially adopted to provide development policies for current and long range development with the Town.

Mobile Home Any detached single family dwelling without motive power, designed for long term occupancy and containing sleeping accommodations, sanitary facilities, with plumbing and electrical connections provided for attachment to outside systems, and designed to be transported on its own wheels.

Mobile Home Park. Any parcel of ground upon which one or more Mobile Homes are located and occupied as dwelling units on spaces for rent.

Motel. A building or series of buildings in which lodging is offered for compensation and which is distinguished from a Hotel primarily by reason of providing direct independent access to and adjoining parking for each rental unit.

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Nonconforming Lot. Any lot in existence that lawfully existed at the time of adoption of this Ordinance or any amendments thereto, which does not conform after the passage of this Ordinance or an amendment thereto.

Nonconforming Structure. A building structure or portion thereof which lawfully existed at the time of the adoption of this Ordinance or any amendments thereto, but which does not conform to this Ordinance or any amendment thereto.

Nonconforming Use. Any structure or land lawfully occupied by a use at the effective date of this Ordinance or an amendment thereto which does not conform after the passage of this Ordinance or an amendment thereto with the use.

Offset. The horizontal distance between any structure and a lot line, other than a street right-of-way line.

Off-Street Parking Space The area on a lot designed to accommodate a parked motor vehicle as an accessory service to the use of said lot and with adequate access thereto from the public street.

Open Space. Open space on a building site, exclusive of space devoted to streets, structures, drives and parking areas and including pedestrian walkways, setbacks and offset, and space for active and passive recreation and landscaping.

Ordinance. Shall mean the Empire Land Development Code as may be amended.

Outdoor Recreation Facilities. Land and structures, along with accessory equipment, designed and utilized for leisure time activities of a predominantly outdoor nature and of more specific purpose than passive park-like area, and further classified as follows:

- A. Public - Facilities owned and operated by a governmental agency for limited or general public use.
- B. Private Commercial - Facilities owned and operated by an individual or group for profit as a business, whether or not open to general public use.
- C. Private Group - Facilities owned and operated by a group for the exclusive use of the members of such group and their guests and not for profit as a business.
- D. Private Residential Facilities owned by an individual, and intended solely for the use of his family and guests.

Planning Commission. For the purposes of this Ordinance, the Zoning Commission is the Planning Commission, duly appointed by the Town Board of Trustees. The Planning Commission shall have the powers and duty to provide for development as prescribed by state law, and town Ordinances.

Planned Unit Development. A process of development by which tracts of land may be developed through an overall approach in conformance with the provisions of this Ordinance.

Principal Use. The primary purpose or function that a parcel serves or is intended to serve.

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Private Lodge, Club or Church. A structure or grounds used for regular or periodical meetings or gatherings of a group of persons organized for, but not groups organized to render a service customarily carried on as a business.

Professional Office. The office of a person or persons engaged in any occupation, or vocation, not purely commercial, mechanical, or agricultural in which a professed knowledge or skill in some department of science or learning is used by its practical application to the affairs of others, either advising or guiding them in serving their interest or welfare through the practice of an act founded thereon.

Porch. A roofed structure projecting from the front, side or rear wall of a building. For purposes of this Ordinance, a porch is considered a part of the principal building and is not permitted to extend into any open space requirements.

Public Building. Any building held, used or controlled exclusively for public purposes by any department or branch of government, federal, state, or local, without reference to the ownership of the building or of the realty upon which it is situated.

Reserve Strip A portion of property within a plat dedicated to the municipality usually for the purpose of controlling access.

Restaurant. A commercial establishment designed to cater to or accommodate the consumption of food which does not provide curb-side or automobile food service.

Retail Store. A commercial establishment for the sale of material goods or commodities directly to the consumer.

Right-of-Way. Including but not limited to: streets, roadways, highways, avenues, lanes, alleys, bridges, sidewalks, pedestrian walkways, bicycle paths, and rights-of-way and similar public property and areas that have been dedicated to the public or are hereafter dedicated to the public and maintained under public authority or by others and located within the town.

Setback. The horizontal distance between any structure and the established street right-of-way line.

Signs. Any form of publicity, directing attention to an individual activity, business, service, commodity or product and conveyed by means of words, figures, numerals, lettering, emblems, devices, designs, trade marks, or trade names, or other pictorial matter, designed to convey such information and displayed by means of panels, posters, paints or other devices erected on an open framework or attached or otherwise applied to posts, stakes, poles, trees, buildings or other structures or supports for the purpose of directing, advertising, informing, warning or otherwise conveying information visually to the viewer.

1) **Business Sign.** A sign which directs attention to a business, profession, commodity, service or entertainment sold or offered upon the premises where such a sign is located, or to which it is attached.

2) **Advertising Signs.** A sign which directs attention to a business commodity, activity, service or product not necessarily conducted on the premise.

3) **Identification Signs.** Signs identifying the name of a structure or use of land such as a subdivision, housing development, school, college, park, church or other public or quasi-public facility pertaining only to the premises on which such a sign is located.

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4) **Directional Sign.** A sign intended solely for the purpose of directing patrons or customers to an establishment off the main traveled road and not including promotional advertising unnecessary to such directional purpose.

5) **Non-Accessory Sign.** A sign related to commercial or similar activities other than those actually engaged on the site on which such Non-Accessory Sign is located.

6) **Street Sign** A public thoroughfare, avenue, road, boulevard, parkway, way, drive, land, circle or private easement providing generally the primary roadway to and egress from the property abutting along its length.

Structure. A combination of materials, other than natural terrain or plant growth, erected or constructed for a shelter, enclosure, retainer, container, support, base, pavement or decoration. The word "structure" includes buildings.

Subdivider Any person, firm, partnership, joint venture, association, limited liability company or corporation who shall participate as owners, promoter, developer or sales agent in the planning, platting, development, promotion, sale or lease of a subdivision, and who either owned the land or has written authorization from the owner of the land to proceed with the subdividing.

Subdivision Any land or air space, vacant or improved, which is divided or proposed to be divided into 2 or more lots, parcels, sites, units, plots, or interests for the purpose of offer, sale, lease or development either on the installment plan or upon any and all other plans, terms, and conditions, including resubdivision. Subdivision includes the division or development of residential and nonresidential land, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat or other recorded instrument.

Subdivision Improvements Agreement One or more security arrangements which may be accepted by the Town to secure the construction of such public improvements as are required by the Subdivision regulations within the subdivision and shall include collateral, such as, but not limited to, performance or property bonds, private or public escrow agreements, loan commitments, assignments or receivables, liens on property, deposit of certified funds, or other similar surety agreements.

Tower. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

Town. For purposes of this Ordinance, shall mean the Town of Empire, State of Colorado.

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Use. Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained or occupied; or any activity, occupation, business or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

Use, Accessory. A use subordinate to and customarily incidental to the permitted principal use of the property or structures and located upon the same lot as the principal use.

Use, Permitted. That utilization of land by occupancy, activity, building or other structure which is specifically enumerated as permissible by the regulations of the zoning district in which said land is located.

Use, Principal. The main or primary use of property or structures as permitted for such lot by the regulations of the district in which it is located.

Variance. A variance is a deviation of the terms of zoning where such deviation will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant.

Wireless Communication Facility. A facility for the provision of personal wireless services, as defined in U.S.C. §332(c)(7)(C)(i). It includes antennas, microwave dishes, horns, and other types of equipment for the transmission or receipt of such signals, wireless communication towers, or similar structures supporting said equipment, equipment buildings, parking area, and other accessory development.

Zoning Officer. An appointed administrative official of the town who implements and interprets this Ordinance.

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