



Part II

Section 25

Definitions

PART II, SECTION 25

DEFINITIONS

Abutting: Having a common property line or district line separated only by a street, alley or easement.

Accessory Use or Structure: A use or structure subordinate to the principal structure or use on the same lot and serving a purpose customarily incidental to the principal use.

Acre: An area in any shape containing 43,560 square feet.

Activity Centers: Areas capable of supporting a mix of more intense land uses. Including higher-density housing, retail, office, community uses, and open space.

Adjacent: (Adjoining land) having a common border with, or separated from, such a common border by a right-of-way, alley or easement.

Agriculture: The art or science of cultivating the ground for the production of crops, the breeding and raising of livestock principally for resale either wholesale or retail whether sales are conducted on or off the premises.

Agricultural Developments: Any development with a gross density of thirty –five (35) acres or greater, where the majority of each parcel remains as open agricultural ground and which is described by an approved and recorded plat describing each parcel by legal description as well as the easements, rights-of-way, etc. for roads and utilities which are intended to serve those parcels.

Agriculture, Non-Commercial: The art or science of cultivating the ground for the production of crops and livestock for consumption entirely on the premises.

Agriculture Recreational Uses: Social activities related to livestock held for educational, instructional, or recreational purposes, including, but not limited to horseshows, gymkhanas, training clinics, team roping, rodeos, polo matches, endurance rides, hunts, or other activities involving livestock.

Airport, Commercial: Airport for the use by commercial and private aircraft. The purpose of the facility is to make a monetary profit by catering to the public.

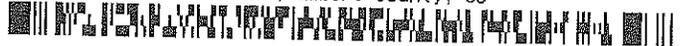
Airport, Cooperative: Private airport owned by two or more property owners and for use only by the property owners.

Airport, Private: Airport owned and operated by private enterprise.

Airstrip: A facility for landing or taking off of aircraft for the private use of the landowners and which is not open to the public.

Alley: a public or private vehicular passageway dedicated, or permanently reserved, as a means of secondary access to abutting property and designated as an alley on final plat. An alley shall not be considered to be a street.

Alter: To change any of the supporting members of a building such as bearing walls, columns, beams or girders.



Animal Hospital: Structure for the care and recuperation of ill or injured animals.

Animal Shelter: A facility, confinement and/or structure for the shelter, care and feeding of lost, abandoned, unwanted or potentially dangerous household pets or similar animals, when the primary purpose is to provide care for or to prolong the life of the animals(s) without regard to the need or desire to conduct the facility for profit or as a business and when the number of animals exceeds four (4) animals. All recommendations of the Colorado Department of Health, Department of Agriculture, Planning Commission or other appropriate agencies shall be complied with regarding feed, water, shelter, confinement, exercise and health care, unless specifically waived by the Planning Commission and Board of County Commissioners of Elbert County.

Animal Unit: Unit of measurement that is used to determine maximum number of animals which can graze on a plot of land without destroying the native food supply.

Antenna: A metallic apparatus used for the sending and/or receiving electromagnetic signals.

Appurtenant Facility: Any building, structures or other property which are clearly incidental to and customarily found in connection with major facilities of public utilities and are operated and maintained for the benefit or convenience of the occupants, employees, customers or visitors of such major facilities.

Arterial/Arterial Intersections: Highly visible quadrants where arterial roads intersect, which are appropriate for higher intensity land uses such as: retail, office, light industrial, and higher density residential projects.

Automobile Graveyard: Any establishment or place of business which is maintained, used or operated for storing, keeping, buying or selling wrecked, scrapped, ruined or dismantled motor vehicles or motor vehicle parts.

Base Density: The number of units allowed per acre (based upon the Net Acreage), as depicted in the "*Base Density Table for Residential Developments*".

Base Flood: The flood having a one percent (1%) chance of being equal or exceeded in any given year.

Basement: That part of a building partially or totally underground.

Berm: Mound of earth used for screening, definition of space, noise attenuation and decoration in landscaping.

Board of County Commissioners: Board of County Commissioners of Elbert County; the governing body of the County.

Boarding House: A building, or portion thereof, which is used to accommodate, for compensation, three (3) or more boarders, not including members of the occupant's immediate family who might be occupying such building. The word "compensation" is money, services or other things of value.

Borrow Site: An area used for the extraction of earthen materials such as sand, gravel or dirt which is outside the area of immediate development.



Buffer Zone: A strip of land established to separate and protect one type of land use from another, to screen from objectionable noise, smoke or visual impact or to provide for future public improvements or additional open space.

Building: Any structure built for the shelter or enclosure of persons, animals, chattels, property or substances of any kind (not including fences), has one or more floors and a roof and is permanently affixed to the ground.

Building Envelope: The portion of a lot where building construction will be permitted, within applicable setback requirements, and where other restrictions may be required, due to hazardous areas (greater than 20% slopes and 100 year flood plains, etc.), protection of natural resources, such as trees, and protection of views, etc.

Building Height: The vertical distance from the average finished grade to the highest point of the structure.

Building Line: Imaginary lines on a lot delineating the closest points from lot lines, public streets, planning area or project area boundaries, or other applicable perimeter lines, where any main building may be constructed.

Building Principal: A building in which is conducted the principal permitted use of the lot on which it is situated.

Business or Commerce: Activities involving the provision of services, purchases, sales, or other transactions relating to the handling or disposition of any articles, substances, commodities or intangibles for profit or livelihood; the ownership or management of real estate; and the maintenance and use of offices by professions and trades rendering services.

Campground, Private: A camping area operated by a private organization or institution for its members and invitees, designed for camping and to accommodate the temporary (not to exceed thirty [30] days in any one [1] calendar year parking or placement of camping and travel trailers, motor homes - not to exceed thirty-two [32] feet), truck campers and tents used for human occupancy.

Campground, Public: A camping area operated for the general public, designed for camping and to accommodate, for remuneration, the temporary (not to exceed thirty [30] days in one [1] calendar year), parking or placement of camping and travel trailers, motor homes, truck campers, and tents used for human occupancy.

Caretaker's Residence: A dwelling unit accessory to a principal use in any one zone district designed and intended for occupancy by a person(s) owning, employed in or dealing with and responsible for the security and maintenance of the principal use.

Cash-In-Lieu of County Dedicated Land: Cash, equivalent to the full market value of the requirement for dedicated land, to be given to Elbert County as an alternative to dedicating land sites.



Central Water: A centralized water distribution facility which may be made up of one (1) or more wells or other sources of water. Distribution facility may be wholly owned by development entity, Private Corporation or special district.

Central Sanitation: A centralized wastewater collection and treatment facility approved by Elbert County Building Department and Colorado State Health Department. Central sanitation facility may include at a minimum, secondary treatment of the wastewater and is subject to any waste discharge permits required by the State of Colorado. Collection and treatment facility may be wholly owned by a development entity, private corporation or special district.

Channel: A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow thus is that water which is flowing within the limits of the defined channel.

Child Care Center: A service commercial facility in which care is provided for children for periods of less than twenty-four (24) hours at a time.

Church: A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

Clinic, Dental Or Medical: A facility licensed and used for the provision of medical, dental, surgical or mental health care of the sick or injured, but excluding therefrom in-patient and over-night accommodations.

Conservation Community - Developments which are characterized by large amounts of common open space and clustered, compact lots. To qualify as a Conservation Community, the development must meet the criteria as specified in the "Qualifying Criteria for a Conservation Community" section of the Master Plan.

Commercial Kennel: The housing of one or more dogs and/or cats, as a commercial enterprise, or more than ten (10) dogs and ten (10) cats, owned by the owner.

Community Use: A use inclusive of but not limited to, open space, active or passive recreational areas for facilities and service needs of the development(s) within which the land area is located, for the benefit of the users of that development.

Concrete, Mortar and Asphalt Batching Operations: A site, together with its accessory facilities, where sand, gravel, cement and various petroleum derivatives are compounded to manufacture concrete, mortar and asphalt.

Condominium: A legal form of ownership whereby an owner gains title to an interior air space dwelling unit, together with interest in the common areas and facilities appurtenant to such units.

Construction: The actual placement and fastening of construction materials in a fixed position. If a basement is being excavated, such excavation shall be deemed to be actual construction. If demolition or removal of any existing building or structure has commenced preparatory to construction, such demolition or removal shall be deemed to be actual construction. The term "construction" shall apply to buildings, roadways, utilities, other structures and landscaping.

Contour Line: An imaginary line shown on a map that connects points of equal elevation on the surface of the land.

Convalescent Home, Nursing Home, Rest Home and Home for the Aged: A service commercial facility which provides bed and ambulatory care for patients with postoperative convalescent, chronic illness or dietary problems, and persons unable to care for themselves, but excluding therefrom care for alcoholics, drug addicts or persons with mental or contagious diseases or afflictions.

Convenience Commercial: A retail or service commercial use which serves the area immediately surrounding the use by providing groceries, sundries and miscellaneous services which do not typically offer comparison shopping opportunities.

Conventional Residential Development: Developments that are not Conservation Communities will be considered Conventional Residential Developments. These communities will typically have larger lots than Conservation Communities.

Corner Lot: A lot surrounded on at least two (2) sides by a public or private road or a vehicle right-of-way or a vehicle easement.

Country Club: A club organized and operated primarily for social and recreational purposes.

County: Elbert County, Colorado.

Cul-de-Sac: A round turning area located at the end of a local road providing limited access to a minor number of residences and/or land uses.

Dairy: A room, building or establishment where milk is kept and butter or cheese is made; the department of farming or of a farm that is concerned with the production of milk, butter and cheese; an establishment for the sale or distribution chiefly of milk and milk products.

Dedicated Land: Sites and land areas deeded to Elbert County which are necessary for public use to serve a proposed subdivision and its users.

Density: The number of specified units per units of area. The number of dwelling units per acre is a common example.

Density, Gross Residential: The number of dwelling units within the boundaries of a project divided by the number of acres.



Density, Net Residential: The number of dwelling units within the boundaries of a residential project or residential portion of a project divided by the number of acres of the project, excluding area dedicated for roads, open space and other public facilities.

Detached Structure: Any structure having no party wall or common wall with another structure. Bridges, tunnels, and other similar means of connecting one structure to another shall not be considered to constitute a party wall or a common wall.

Development: Any man-made change to improved or unimproved real estate, including, but not limited to, buildings, structures, mining, dredging, filling, grading, paving excavation or drilling operations. For the purpose of this Regulation, development shall be defined as any alteration to land, buildings or structures which falls into the purview of this regulation.

Developable Acres: Gross acres of the site less the acres required for open space.

Development Guide: A manual proposing variations from the lot size, bulk, type of use or activity, density, lot coverage, open space or other County Zoning Regulation standards within a Planned Unit Development zone. Once a PUD Development Guide is reviewed, approved and recorded by the County, the current and future owners and their assigns are required to develop their property in accordance with this guide.

Development Plan: A map depicting land uses within a Planned Unit Development zone. Once a PUD plan is reviewed, approved and recorded by the County the current and future owners and their assigns are required to develop their property in accordance with this plan.

Developmentally Disabled: Persons having cerebral palsy, multiple sclerosis, mental retardation, autism and/or epilepsy.

Drive-in Restaurant or Refreshment Stand: An establishment in which food or beverages are sold to the customers, some or all of whom customarily consume their purchases outdoors in or near their cars.

Dwelling: Any building or portion thereof which is used as the private residence or sleeping place of one or more human beings, but not including hotels, motels, mobile homes, tourist courts, resort cabins, clubs, hospitals or similar uses.

Dwelling Unit, Single Family: One (1) or more rooms in a dwelling designed for occupancy by one (1) family for living purposes and having not more than one (1) kitchen. All dwelling units shall contain a total of at least seven hundred (700) square feet of floor area as measured on the outside walls. Floor space which overlaps other floor space in a vertical plane shall be excluded in determining the seven hundred (700) square foot minimum. This includes main floor and any other floor used for living purposes, but does not include a mobile home as elsewhere defined.

Dwelling Unit, Two Family: Kitchen, dining, living, sleeping and bath accommodations for two (2) families located in one structure divided into two (2) separate areas and having separate outside entrances.



Dwelling Unit, Multi-Family: A structure housing more than two (2) dwelling units with each dwelling unit containing the necessary kitchen, dining, living, sleeping and bath accommodations necessary for one (1) family unit; each unit having separate entrance.

Easement: An acquired right of use, interest or privilege land owned by another.

Encroachment: An unauthorized placement of a building, part of a building, sign or fence upon the land or easement of another, or into required yards.

Engineered Foundation: A foundation designed by a professional engineer licensed by the State of Colorado. The design must be based on a current soils investigation report and must meet all applicable State and County building codes.

Exotic Animals: All species and sub-species of wild or tamed vertebrates and invertebrates, whether mammals, reptiles, birds or fish which are considered or defined as wild in their place of origin, except those normally and typically sold in retail pet stores in North America, except those which can be kept and cared for entirely within the main living area of a residence.

Explosives and Highly Flammable or Hazardous Materials: Materials or liquids which, when ignited, exhibit large scale rapid and spectacular expansion, outbreak or other upheaval.

Facility: Confined area for the keeping and feeding of animals. A facility may include, but not be limited to: a fenced area, corral, barn and/or loafing shed where animals can be fed and housed.

Factory-Built Housing Unit: Any structure of component thereof, designed primarily for residential occupancy, either permanent or temporary, which is wholly or in substantial part, made fabricated, formed or assembled in a manufacturing facility for installation or assembly and installation on a permanent foundation at a building site and built to the "Factory-Built Housing Construction Code of the State of Colorado" as it applies to all Factory Built Housing (except mobile homes), as defined in CRS 1973, Title 24, Article 32, Part 7, as amended.

Family: An individual or two (2) or more persons related by blood or marriage, or a group not exceeding five (5) persons (excluding servants) living together as a single housekeeping unit in one (1) structure on one (1) lot.

Farm and Garden Buildings: Those buildings or structures used to shelter or enclose livestock, poultry, feed, flowers, field equipment or similar uses.

Firing Range: A public or private facility designed and designated to provide training in the use of firearms, including organized trap ranges, skeet ranges, sporting clay ranges and similar activities using firearms or any combination thereof.

Flood, Intermediate Regional: Means a type of flood, including the water surface elevation and territorial occupation thereof, which can be expected to occur at any time in a given area based upon recorded historical precipitation and other valid data, but with an average statistical one percent (1%) chance of being equal or exceeded during any one (1) year. The term is used interchangeably with a one (1%) percent flood or one-hundred (100) year flood.



Floodplain: An area in and adjacent to a stream, which is subject to flooding as the result of the occurrence of an intermediate regional flood and which is so adverse to past, current or foreseeable construction or land use to constitute a significant hazard to public health and safety or to property.

Floodplain, Designated: The area designated as a floodplain by official action of the Board of Elbert County Commissioners with the prior concurrence of the Colorado Water Conservation Board.

Flood Proofing: A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of flood damages to lands, properties, structures, and contents of buildings in a flood hazard area.

Floor Area, Total: The total floor area shall include all area located within the outside walls of the building, exclusive of basement area, garage and porches.

Frontage: The distance between side lot lines measured along the front lot line.

Garage, Private: An accessory building or a part of a main building used for storage of the private vehicles or boats of the family(ies) occupying the dwelling unit(s) to which the garage is accessory. Shall not include airplanes.

Garage, Public: Any garage other than a private garage available to the public for the storage of vehicles and boats where such vehicles are parked or stored for remuneration, hire or sale.

Geologic Hazard: A geological phenomenon 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. This term includes, but is not limited to, landslide, rockfall, seismic effect, mud flow, radioactivity, ground subsidence and unstable or potentially unstable slopes.

Grade: Grade (ground level) is the average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five (5) feet of a sidewalk said ground level shall be measured at the sidewalk.

Group Home: State-licensed group homes for the exclusive use of developmentally disabled person; owner occupied or nonprofit group homes for the exclusive use of not more than eight (8) persons sixty (60) years of age or older, shall not be located within seven hundred fifty (750) feet of another such group home, unless otherwise provided for by the County, as described in CRS 1973, 30-28-115, as amended.

Gross Acres or Acreage: Total acreage of the parcel.

Guest Ranch: Any building or buildings for dwelling purposes where the primary purpose is to rent such unit for limited periods of time in connection with recreation or vacation facilities available on the premises. Such units shall not be rented or leased for permanent occupancy.

Hazardous Material: A chemical or substance which are physical hazards as defined in the current Uniform Fire Code and current Federal/State Regulations including flammable liquids and/or gases. Does not include fuel tanks for domestic or agricultural use with a capacity under one-thousand (1,000) gallons.

Health Establishment, Including Nursing Home: Facilities which make medical services and nursing care available for a continuous period of twenty-four (24) hours or more to three (3) or more persons not related to the operator.

High-Quality Wildlife Areas: Those areas shown on the "Wildlife Resources Map", from the Elbert County Open Lands, Parks and Trails Plan.

Home Occupation: Any occupation or activity which is clearly incidental to and conducted wholly within a dwelling unit and not in any accessory building or space on the premises by residents of the dwelling unit and activity, if observed from outside said dwelling unit, is undistinguishable from day-to-day residential use. Home occupation shall not be interpreted to include the following: nursing home, animal hospital, restaurant, automobile garage and paint shop.

Homeowner's Association: An association of homeowners within a residential area created to govern the area with powers including but not limited to: the setting and collection of expense assessments from the members of the association, the control and maintenance of common areas and the enforcement of protective covenants.

Hospital: Any building or portion thereof used for the accommodation and medical care of the sick, injured or infirmed persons and including sanitariums.

Hotel or Motel: A building designed for occupancy as the more or less temporary abiding place of individuals who are with or without meals, in which there are six (6) or more guest rooms.

Household Pets: Small animals customarily permitted to be kept in dwellings for company or pleasure including, but not limited to: dogs, cats, Vietnamese pot belly pigs and common house birds, provided that such animals for any commercial purpose other than the offering for sale of one (1) litter, brood or offspring of a household pet domiciled on the premises, at any one time, that is less than four (4) months old.

Industrial Park: An area zoned and planned for industrial uses, developed and managed as an integrated unit under single ownership or control, dealing with common services, open space and theme.

Junk: Means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled, or wrecked automobiles, appliances, or parts thereof, iron, steel, and other old or scrap ferrous or non-ferrous material.

Junkyard: Any establishment or place of business which is maintained, operated, or used for storing, keeping, buying or selling junk or for the maintenance or operation of an automobile graveyard.

Kennel: Any premises where any combination of dogs or cats or other household pets totaling four (4) or more animals, four (4) months of age or older are kept.

Kennel, Boarding: Lot or premises where any combination of dogs or cats or other household pets totaling four (4) or more animals, not raised on the lot or premises are boarded.



Kennel, Commercial: The housing of one (1) or more dogs and/or cats as a commercial enterprise, or more than ten (10) dogs and ten (10) cats, owned by the owner.

Kennel, Large Private: The housing of more than four (4) dogs and four (4) cats, and less than ten (10) dogs and ten (10) cats, which are owned by the owner or operator of an agricultural parcel.

Land Held-In-Common: The total area and structures within a project which are designed, designated and maintained for common use and enjoyment by the owners of the project and their invitees, such as recreation areas and facilities, landscaped areas, open space area, natural areas, sidewalks and trails.

Land Use Area (Master Plan): Portion or portions of the County within which the use of lands, as well as the density or densities of housing units are designated to have specific densities, uses to depict specific goals and objectives for said use.

Landscape: Improvement to an area of land by the planting of a combination of trees, shrubs and ground covers, or the installation of other materials such as rock, bark, retaining walls and irrigation systems.

Livestock: Farm animals kept for use and profit.

Local Solid Waste Disposal Site and Facility: Any site or facility which has received a Certificate of Designation pursuant to CRS. 30-20-102 and 103 which provides for the deposit and/or final treatment of solid wastes solely for the residents of both unincorporated and/or incorporated portions of Elbert County.

Lot: A designed piece or parcel of land occupied by a building or a group of such buildings and accessory buildings together with such open spaces as are required by this Regulation and having frontage on any approved and accepted road which meets the standards of width and improvements as specified in the standard Subdivision Regulations for Elbert County, or upon an approved private street; provided, however, that if the intended use of said lot is for agricultural purposes or for single family or two (2) family dwelling, then piece or parcel of land need only have frontage on a public road or upon improved private road.

Lot, Corner: A site bounded by two (2) or more adjacent street lines which have an angle of intersection of not more than one hundred seventy (170) degrees.

Lot Coverage: That portion of the lot area covered by a building(s) including all overhanging roofs and parking areas.

Lot, Double Frontage: A lot having frontage on two (2) nonintersecting streets as distinguished from a corner lot.

Lot, Interior: A lot other than a corner lot.

Lot Line, Front: The lot line opposite and most distant from the front lot line except for corner lots, the rear lot line may be any lot line not fronting on a street. Triangular lots shall maintain a rear yard of not less than twenty-five feet (25') from the point of intersection of the side lot lines.

Lot Line, Side: Any lot line which is neither front nor rear.



Lot Width: The distance between side lot lines measured at the rear of the front yard.

Major Facility of a Public Utility: Any transmission lines, power plants and substations of electrical utility; and pipelines and storage areas of utilities providing natural gas or petroleum derivatives.

Manufactured Home: A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site bearing a label that it is built in compliance with the "National Manufactured Housing Construction and Safety Standards Act of 1974" (42 USC 5401 et. seq. as amended). All manufactured homes shall be installed on a "property engineered" foundation.

Metes and Bounds: A method of describing or locating real property; metes are measures of length and bounds are boundaries; this description starts with a well marked point of beginning and follows the boundaries of the land until it returns once more to the point of beginning.

Microwave Dish: A receiver for ultra-high frequency electromagnetic waves.

Mineral: An inanimate constituent of the earth, in either solid, liquid or gaseous state which, when extracted from the earth, is useable in its natural form or is capable of conversion into useable form as a metal, a metallic compound, a chemical, an energy source, a raw material for manufacturing, or construction material. This definition does not include surface or ground water subject to appropriation for domestic, agricultural or industrial purposes, nor does it include geothermal resources.

Mineral Resource Area: An area in which minerals are located in sufficient concentration in veins, deposits, bodies, beds, seams, fields, pools or otherwise, as to be capable of economic recovery. The term includes, but is not limited to any area in which there has been significant mining activity in the past, there is significant mining activity in the present, mining development is planned or in progress, or mineral rights are held by mineral patent or valid mining claim with the intention of mining.

Miniature Horses: Miniature horse classified as under 38", which is the vertical distance from the base of the last hairs on the mane to the ground.

Mobile Home: A factory-assembled structure or structures equipped with the necessary service connections and made so as to be readily moveable as a unit or units on its (their) own running gear and designed to be used as a dwelling unit(s) without permanent foundation and built to that portion of the "Factory-Built Housing Construction Code of the State of Colorado" which applies to mobile homes. The phrase "without a permanent foundation" indicates that the support system is constructed with the intent that the mobile home placed thereon will be moved from time to time at the convenience of the owner. As defined in CRS 1973, Title 24, Article 32, Part 7, as amended.

Mobile Home, Dependent: A mobile home which does not contain a flush or chemical toilet or a tub or shower.

Mobile Home District: A type of subdivision which shall be utilized exclusively by mobile homes, similar to a conventional single family medium density residential development where land is subdivided and individual lots for individual use.

Mobile Home, Independent: A mobile home which contains a flush toilet, a tub or shower, and kitchen

facilities with plumbing connections provided for attachment to outside systems.

Mobile Home Lot or Space: A plot of ground within a mobile home subdivision designed for the accommodation of one (1) mobile home and its permitted accessory buildings and uses.

Mobile Home Park: See Mobile Home Subdivision.

Mobile Home Subdivision: An area of land subdivided for occupancy by mobile homes exclusively, and containing lots in divided or separate ownership.

Net Acres or Acreage: Developable Acres less 10% (for roads).

Net Density: Net Acres divided by the Base Density as depicted in the "Base Density Table for Residential Developments" shown above.

Non-Conforming Structure (Including Permanent Signs): A structure legally existing and/or used at the time of adoption of this Regulation or any amendment thereto and which does not conform to the regulations of the District in which it is located.

Non-Conforming Use: A use legally existing and/or used at the time of adoption of this Regulation or any amendment thereto and which does not conform to the use regulations of the District in which it is located.

Nursery School: An establishment providing specialized curriculum and/or group care on a planned regular basis for more than four (4) children, unrelated by blood or adoption, away from their homes any part of the day.

Nursing Home: An establishment, other than a hospital, licensed by the State, which operates and maintains continuous day and night facilities providing room and board, personal service, and skilled nursing.

Occupied: The word "occupied" includes arranged, designed, built, altered, converted, rented, or leased, or intended to be occupied.

Off-Street Parking: A site or portion of a site devoted to the off-street parking of motor vehicles including parking spaces, aisles, access drives and landscaped areas.



Open Space: A classification of land in Elbert County obtained by approval of application or designation by right that; (1) has been preserved and protected by severance of development rights to a third party through purchase, conservation easement, dedication and/or donation to a public agency or land trust; (2) upon application meets one or more of the purposes of open space set forth in the Elbert County land use regulations and will be preserved by future protects as approved in the application. Land that does not qualify as open space land; (1) whose development is otherwise restricted by zoning regulation (such as setbacks, septic fields) or committed to alternative use (such as access easements, covenanted uses); (2) open space, including green space easements not owned by a third party, such as a land trust or governmental entity, including a metro district, will be allowed by exception only; (3) wetlands which meet the requirements under either the Colorado Wetlands Program, the Colorado Water Quality Control Act (CRS 25-8-101; et seq), or the Federal Clean Water Action (33 USC 1342), are also expressly identified here as qualifying open space even though such wetlands are subject to other restrictions (Elbert County Resolution Number 07-84, *Definition of Open Space Land and Land That Does Not Qualify as Open Space Land*).

Overnight Campground: An area specifically designed to accommodate the parking or placement of truck campers, camping trailers and tents used for human occupancy on a transient basis. No truck camper, camping trailer or tent shall be maintained continuously on an overnight campground for more than thirty (30) days during a calendar year.

Parcel: A tract or plot of land.

Parks: Areas of recreation, industrial, commercial, or business uses developed in accordance with a single approved final site development plan.

Person: The word "person" shall also include association.

Pets: Small animals and fowl which are customarily kept in the home or on the premises and for the sole pleasure and enjoyment of the occupants.

Pharmacy: A place where medicines are compounded or dispensed and sold as well as other types of merchandise.

Pipelines: Any pipeline and appurtenant facilities designed for or capable of transporting natural gas or other petroleum derivatives of ten inches (10) diameter or larger which operates at a hoop stress of twenty percent (20%) or more at their specified minimum yield strength (approximately four hundred (400) PSIG or greater).

Planned Unit Development (PUD): Custom zoning for a particular property which encourages innovative approaches to land uses, creative design of land uses, energy conservation, efficient use of open space, preservation of environmental conditions and compatibility with overall County objectives.

Plans (PUD): The Preliminary Development Plan and/or the Final Development Plan controlling the Planned Unit Development.

Plant Nursery: A business involving the wholesale/retail sale of plants, bulbs, bushes, trees, other planting materials and related products grown or maintained on the premises.



Plat: A map and supporting materials of certain described land prepared in accordance with the Elbert County Subdivision Regulations as an instrument for recording of real estate interests with the County Clerk and Recorder.

Power Plant: Any electrical energy generating facility with generating capacity of three hundred (300) megawatts or more, any facilities appurtenant thereto, or any additional thereto, increasing the existing design capacity of the facility by three hundred (300) megawatts or more.

Private Kennels: Non-commercial premises where any combination of dogs or cats or other household pets totaling four (4) or more animals, not to exceed ten, four (4) months of age or older are kept.

Professional Office: A place of business for any of the following: accountants, architects, attorneys, bookkeeping services, brokers (of stocks, bonds, real estate), building designers, persons licensed by the State to practice any of the healing arts; corporate offices, drafting services, financial institutions, including banks, savings and loan associations, insurance companies, credit unions and credit reporting agencies, development companies, engineers, surveyors and planners, insurance agencies and brokers, interior decorators and designers (no retail sales allowed on premises), laboratories, medical and dental, landscape architects, pharmacies, notaries public, public stenographers, typing and secretarial services and other similar businesses and professions.

Public Facilities: Facilities to provide for public uses, including, but not limited to, governmental offices, public utilities, fire stations, police stations, schools, libraries and public parks.

Public Sewer and Public Water Facilities: Every firm, partnership, association, cooperative, company, corporation and governmental agency, and the directors, trustees or receivers thereof, whether elected or appointed, which is engaged in providing railroad, airline, bus, electric, rural electric, telephone, telegraph, communications, gas, gas pipeline carrier, water, sewage, pipeline, street transportation, sleeping car, express or private car line facilities and services.

Range: A six (6) mile wide strip of land which runs in a north-south direction. Ranges are determined by government survey and are demarcated in numerical order east or west of a principal meridian.

Recording: The act of writing or entering an instrument in a book of public record, usually in the Office of the County Clerk and Recorder; such recording constitutes notice to all persons of the rights or claims contained in the instrument.

Recreation, Commercial: A commercial use characterized by the provision of recreational facilities and services for remuneration, such as theaters, bowling alleys, tennis courts, recreation centers and similar uses.

Recreation Vehicles: A motor home, travel or camping trailer, boat, van or truck camper, with or without self-motive power, designed for temporary human habitation.

Recreation Vehicle Storage: An area of land and associated structures arranged, designed and intended to accommodate the temporary parking or storage of unoccupied recreation vehicles.



Regional Solid Waste Disposal Site and Facility: Any site or facility which has received a certificate of Designation pursuant to CRS 30-20-102 and 103 which provides for the deposit and/or final treatment of solid wastes for solid waste generated primarily outside Elbert County.

Religious Retreat: A site, together with its accessory buildings and uses, designed and designated for religious reflection and activities, where church members and their guests may visit for extended periods of time. It is maintained and controlled by a religious body organized to sustain religious worship.

Residential Child Care Facility: A facility licensed by the State Department of Social Services to provide twenty-four (24) hour group care and treatment for five (5) or more children, five (5) through fifteen (15) years of age and/or approved to care for children sixteen (16) through twenty-one (21) years of age, operated under private or nonprofit sponsorship.

Resort Cabins and Lodges: Buildings designed and used primarily for recreational purposes in open or mountainous terrain for housing individuals and families on a term occupancy basis.

Rezoning: For the purpose of these Regulations, a revision to the Elbert County Zoning Map.

Riding Stable and/or Academy: Any establishment which rents, boards or leases riding animals and gives lessons to develop horsemanship.

Right-of-Way: An area or strip of land over which a right of passage has been recorded for use by vehicles, pedestrians, and/or facilities or a public utility.

Road, Private: A privately owned access way generally not constructed to County specifications and not maintained by the County.

Road, Public: A dedicated right-of-way constructed to County specifications for a stated design classification. It includes engineered drainage, based on the hundred (100) year storm frequency, and all traffic control devices necessary for the safe movement of traffic. It is maintained by the County Road and Bridge Department.

Rooming House: A building or portion thereof which is used to accommodate, for compensation, three (3) or more roomers, not including members of the occupant's immediate family who might be occupying such building. The word "compensation" shall include money, services or other things of value.

Runway (Landing Strip): The area of the airport constructed and used for landing and taking off of aircraft.

Sanitary Landfill: An area where waste material is dumped, compacted each day into layers or cells and then covered with a layer of soil in depressions, such as canyons, ravines, old strip mines, sand and gravel pits, abandoned quarries, or carried out on a flat area, as required by state and local regulations.

Setback: The length of any required yard measured perpendicular to the lot line.

Shopping Center: Three (3) or more attached or detached buildings for rent, lease, or sale used for business or commercial activities having common parking and open space.

Signs, Name Plates and Signboards: Any lettered, figured or pictorial matter displayed for advertising purposes whether placed on any natural object, upon any structure or upon any surface which would be visible from any public street, public highway or public road or right-of-way. This definition shall not be held to include any board, sign or surface used to display any official notices issued by any court or public office, or posted by any officer in the performance of a public duty, nor shall it be held to include a real estate sign advertising for sale or rent the property upon which it stands.

Sign, Area of: The total exterior surface of all faces of any sign.

Site Area, Gross: Total ground area purchased by the present owner, including any portions dedicated or improved for public use, including roads.

Site Area, Net: The remaining ground area of the gross site after deleting all portions for public use and public improvement.

Site Plan: The plans and supplemental materials, including a grading and drainage plan, a landscape plan and other detailed information, drawn and submitted in accordance with the requirements of the adopted County Regulations, to evaluate a project prior to issuance of a building permit for multifamily, business, commercial, industrial and planned development projects.

Solid Waste: Any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded materials, including solid, liquid semi-solid, or contained gaseous material from community, commercial, and industrial sources that does not contain hazardous wastes as defined by CRS 25-15-101 (9) except in household quantities. Solid Waste shall not include any solid or dissolved materials in domestic sewage, agricultural wastes, solid or dissolved materials in irrigation return flows, or industrial discharges which are point sources subject to permits under the provisions of the "Colorado Water Quality Control Act," Title 25, Article 8, CRS 1973 as amended; or materials handled at facilities licensed pursuant to the provisions of the "Radiation Control Act", Title 25, Article 11, CRS 1973, as amended.

Special Wastes: Any solid waste which requires special handling or disposal procedures, including, but not limited to: asbestos, bulk tires, sludge and infectious wastes.

Stable, Commercial: A building or shelter to house riding animals on a rent, lease or fee basis or on which horses are trained, boarded, and/or lessons to improve horsemanship are given.

Stable, Community: A structure or shelter owned and maintained jointly by several property owners to shelter riding animals; provided, however, that no space shall be occupied by animals owned by other than the joint owners of such structure or shelter.

Stable, Private: A structure to house riding animals.

Street: A public right-of-way which provides the principal means of access to abutting property.

Structure: Anything which is constructed or erected the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.

Structure, Principal: A building in which is conducted the principal permitted use of the lot on which it is situated.

Structure, Temporary: A structure which is not a permanent structure or one which is constructed for a special purpose in contemplation of removal upon accomplishment of such. For the purposes of this Regulation, the term "temporary" shall mean a period of up to six (6) months.

Subdivision: The division of a lot, tract or parcel of land into two (2) or more plats, sites or other divisions of land for the purposes, whether immediate or future, of sale of a building or development. It includes resubdivision and when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.

Subdivision Regulations: The Subdivision Regulations duly adopted by the Board of County Commissioners of Elbert County.

Substation: Any facility designed to provide switching, voltage transformation, or voltage control required for the transmission of electricity which is intended as a component of transmission and distribution lines.

Swine: A pig, sow, hog or any omnivorous mammal with a bristly coat and an elongated, flexible snout.

Townhouse: An individual selling unit situated on one (1) lot, but attached to one (1) or more similar dwelling units by a common wall or party wall. Where such a unit is attached to another, the property line shall be the center of the common wall or party wall. The owner of a town home unit may have an undivided interest in common areas and elements appurtenant to such units.

Tract: A defined parcel of land (identifiable by reference to either a metes and bounds legal description or identifiable by a quarter/quarter method of description).

Transmission Line: Any line beginning at a power plant or substation and terminating at a substation within or beyond the County and which has a voltage of 69KV or greater.

Unobstructed Open Space: An area or space covered by trees, shrubbery, vegetation, water and permitted walls and fences and not including parking areas.

Use: The purpose of which land or premises or a building thereon is designed, arranged or intended, or for which it is or may be occupied.

Use, Special Exception: Uses which must have approval of the Elbert County Board of County Commissioners before being allowed in the specific districts.

Utility Service Facilities: Any electric distribution lines, natural gas distribution lines, telegraph and telephone lines, neighborhood substations, gas regulator stations, gas meter stations, and communication stations.

Veterinary Clinics And Hospitals: A structure where animals are brought for medical and/or surgical treatment and may be held during the time of treatment and recuperation.



Warehouse: A building, or portion thereof, for storing goods, wares and merchandise for the owner or for others.

Width of Lot: The distance between side lot lines measured along the front setback line.

Working Days: Monday through Friday of each week of the calendar year, except for those days when the Elbert County Offices are closed for holidays.

Yard: An open space other than a court, on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this Regulation.

Yard, Front: Required unobstructed open space extending from the front lot line into a lot over the full lot width, excepting driveways and walks.

Yard, Rear: Required unobstructed open space extending from the rear lot line into a lot over the full lot width, excepting driveways and walks.

Yard, Side: Required unobstructed open space extending from the side lot line into a lot over the full lot depth; provided, however, that exterior chimneys, soffits and overhangs may extend into the side yard a distance of up to thirty (30) inches. Said side yard shall be measured from the property line to the foundation or to the nearest point of projection of the structure.