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**TITLE 9**  
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**Chapter 16**  
**Definitions<sup>1</sup>**

**9-16-1. General Definitions.**

- (a) The definitions contained in chapter 1-2, "Definitions," B.R.C. 1981, apply to this title unless a term is defined differently in this chapter.
- (b) Terms identified with the references shown below after the definition are limited to those specific sections or chapters of this title:
  - (1) Airport influence zone (AIZ).
  - (2) Floodplain regulations (Floodplain).
  - (3) Historic preservation (Historic).
  - (4) Inclusionary zoning (Inclusionary Zoning).
  - (5) Residential growth management system (RGMS).
  - (6) Solar access (Solar).
  - (7) Wetlands Protection (Wetlands).
  - (8) Signs (Signs).
- (c) The following terms as used in this title have the following meanings unless the context clearly indicates otherwise:

*Accessory* means subordinate or incidental to, and on the same lot or on a contiguous lot in the same ownership as, the building or use being identified or advertised. (Signs)

*Accessory building* or *structure* means a detached building or structure located upon the same lot as the principal building or structure to which it is related and that:

- (1) Is subordinate to and customarily found with the principal building, structure or use of the land;
- (2) For residential uses, the building coverage is no greater than the building coverage for the existing or proposed principal building;
- (3) Is operated and maintained for the benefit or convenience of the occupants, employees and customers of or visitors to the premises with the principal use;
- (4) Is used only by the occupant of the principal building or structure;
- (5) Is not used as living or sleeping quarters; and
- (6) For residential uses, the building or structure does not have any bathtub or shower fixtures and no more than one of any of the following combinations of plumbing fixtures:
  - (A) One sink, one clothes washer connection and one hose bib; or
  - (B) One sink and one toilet.

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<sup>1</sup> Adopted by Ordinance No. 7476.

*Accessory dwelling unit* means a separate and complete single housekeeping unit within a detached dwelling unit, permitted under the provisions of subsection 9-6-3(a), B.R.C. 1981.

*Accessory sales* means incidental retail sales in a nonresidential zone where retail sales are not otherwise permitted. Sales not exceeding fifteen percent (twenty-five percent in an IS zone) of the gross floor area are permitted if the products sold are directly related to the principal use. Examples, art work sold at an artist's studio, convenience goods in a hotel or motel, health care products sold by a healing arts practitioner or a factory outlet store selling products manufactured on the site.

*Accessory use* means a use located on the same lot as the principal building, structure or use to which it is related and that:

- (1) Is subordinate to and customarily found with the principal use of the land;
- (2) Is operated and maintained for the benefit (2) or convenience of the occupants, employees and customers of or visitors to the premises with the principal use.

*Addiction recovery facility* means a facility that may permit short-term overnight stays that provides for the treatment of persons having drug or alcohol abuse problems under the supervision of professional health care or social services providers.

*Administrative review* means a review process wherein the city manager is granted the authority to make an evaluation and the final decision.

*Adult education facility* means an academic educational use serving a clientele at least fifty percent of which are individuals who are eighteen years of age or older.

*Affordable housing fund* means a fund to which contributions collected pursuant to chapter 9-3, "Inclusionary Zoning," B.R.C. 1981, shall be deposited and from which monies shall be expended, solely to construct, purchase and maintain permanently affordable units and for the costs of administering programs consistent with the purposes of said chapter. (Inclusionary Zoning)

*Airport* means areas used for landing or take-off of aircraft, airport buildings, tie down areas and appurtenant areas, which the city has represented to the federal government as being held for airport purposes. (AIZ)

*Alley* means a public roadway designed to serve as secondary access to the side or the rear yard of those properties whose principal frontage is on a public street.

*Allocation* means an approval required as a condition precedent to obtaining a building permit for each dwelling unit in a development, unless exempted pursuant to section 9-14-8, "Exemptions," B.R.C. 1981. (RGMS)

*Allocation period* means a review period, generally three months in duration, commencing on the first day on which applications may be accepted for such allocation period and ending on the day preceding the first day on which applications may be accepted for the next allocation period. (RGMS)

*Alteration* means any addition or modification of any portion of the exterior of a building or designated feature that changes the architectural style, arrangement, texture or material of the building or feature or significantly changes the color. Alteration includes, without limitation, the removal or replacement of historic building elements, materials, windows, doors and porches if such change, addition or modification is visible from the public street, sidewalk, alley or park. (Historic)

*Animal hospital and veterinary clinic* means a place where animals or pets are given medical or surgical treatment and where the boarding of animals is limited to those receiving medical care or treatment.

*Animal kennel* means an establishment where domestic animals such as cats and dogs are boarded, trained, bred or provided daycare.

*Antenna for wireless telecommunications services* means an antenna attached to a principal building for the purpose of providing wireless telecommunications services, utilizing frequencies authorized by the Federal Communications Com-

mission for "cellular," "enhanced specialized mobile radio" and "personal communications services" telecommunications services including, without limitation, "paging systems."

*Applicant* means the owner of a particular property, who may be represented by an agent designated in writing, who applies for any process or permit governed by this title.

*Approving authority* means the individual or agency which grants final approval to an applicant under this title.

*Appurtenances* means:

- (1) Architectural features not used for human occupancy, consisting of spires, belfries, cupolas or dormers, silos, parapet walls and cornices without windows; and
- (2) Necessary mechanical equipment usually carried above the roof level, including, without limitation, chimneys, ventilators, skylights, antennas, microwave dishes and solar systems, and excluding wind energy conversion systems.

*Architectural projection* means any projection that is not intended for occupancy and that extends beyond the face of an exterior wall of a building, including, without limitation, a roof overhang, mansard, unenclosed exterior balcony, marquee, canopy, awning, pilaster and fascia, but not including a sign. (Signs)

*Area median income* means the current median family income as determined by the United States Secretary of Housing and Urban Development with adjustments for family size for the Boulder-Longmont primary metropolitan statistical area.

*Area of special flood hazard* means the land in the floodplain subject to a one percent or greater chance of flooding in any given year. Such areas may be designated as Zones A, AO, AH, AE and A1-30 on the FIRM for the City of Boulder. (Floodplain)

*Art or craft studio space* means the workshop of an artist, sculptor, photographer, craftsman, furniture maker or cabinet maker primarily used for on-site production of unique custom goods by hand manufacturing involving the use of hand tools and small-scale equipment, which may include accessory gallery.

*Atrium* means an opening through at least one floor level of a building that is enclosed on all sides and by the roof or upper floors of the building, but excluding a stairway, elevator or other space for mechanical equipment.

*Automatic teller machine (ATM)* means an automated structure providing limited banking services without personal attendants.

*Automobile parking garage* means an enclosed or unenclosed structure for parking motor vehicles, but shall not be used for long-term storage of such vehicles.

*Avigation easement* means Appendix F, "Avigation Easement," of this title. (AIZ)

*Awning* means an architectural projection roofed with flexible material, including, without limitation, fabric, supported entirely from an exterior wall of a building, and that may be retracted, folded or collapsed against the face of the supporting building. (Signs)

*Awning sign* means a sign depicted or placed upon, attached to, constructed in or supported by a marquee, canopy or awning. (Signs)

*Bank-full discharge* means the stream flow generally considered to be that occurring within a recurrence interval of 1.5 to 2 years, on average, that is most effective for moving sediment, forming or removing bars and forming or changing bends and meanders, all of which result in the average morphological characteristics of a channel. (Wetlands)

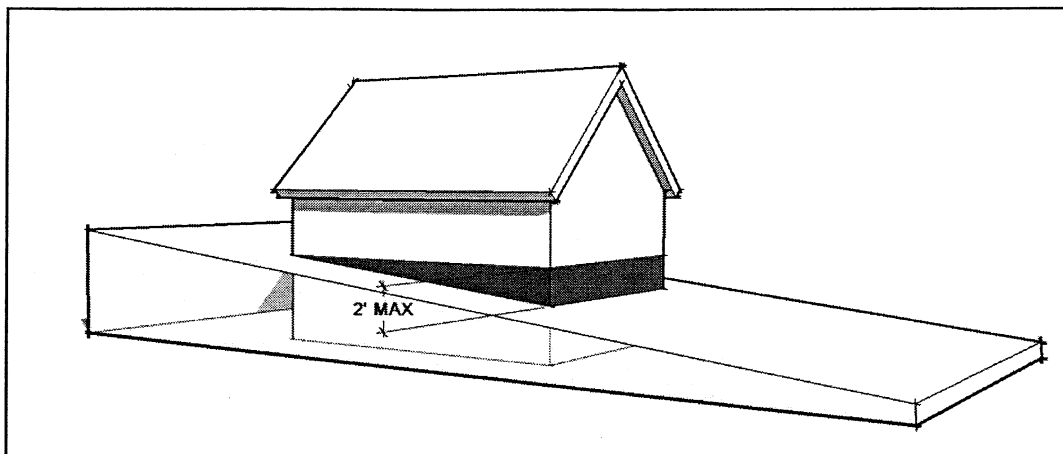
*Bank-full width* means the width of the channel measured at a section perpendicular to a stream flow at bank-full discharge. (Wetlands)

*Banner* means a sign of flexible material, including, without limitation, fabric, that does not include rigid supporting materials. (Signs)

*Base station* means transmission equipment that feeds a telecommunications signal to and from an antenna.

*Basement* means any enclosed area of a building having its lowest floor a minimum of two feet below grade level on all sides. (Floodplain)

*Basement* means that portion of a building that is partially or totally below grade such that no portion of the space extends more than two feet above the natural grade around the perimeter of the building. (See figure 16-1 of this section.)



**Figure 16-1: Basement**

*Bed and breakfast* means a building of a residential character other than a hotel or motel compatible with the neighborhood offering:

- (1) Temporary lodging for less than one month;
- (2) Twelve or fewer rooms for guests;
- (3) At least one meal daily for guests; and
- (4) A manager residing on the premises, but not providing the accessory uses normally associated with a hotel.

*Bedroom* means a room that is not a garage, kitchen, bathroom, dining area or living room, that has over seventy square feet of floor area, and that is used for sleeping or capable of being used for sleeping.

*Beneficiary* means the owner or possessor of any real property protected by a solar fence, the owner or possessor of any real property for which a solar access permit has been issued pursuant to this title, and any person entitled to the beneficial use of any energy produced by a solar energy system for which access is protected, in whole or in part, by the terms of this title. (Solar)

*Berm* means a strip of mounded topsoil which provides a visual screen.

*Best management practices* means economically feasible conservation practices and land and water management measures that avoid or minimize adverse impacts to the chemical, physical or biological characteristics of wetlands. These practices may be further described in rules promulgated by the city manager, which may be amended from time to time, pursuant to chapter 1-4, "Rulemaking," B.R.C. 1981. Such practices include, without limitation, avoiding wetlands whenever practicable; controlling soil loss; reducing water quality degradation; appropriate use of native wetland plant material; and minimizing the impacts on hydrologically connected surface and ground water and on the plants and animals that it supports. The rules presently used are "City of Boulder Wetlands Protection Program: Best Management Practices" adopted July, 1995; and "City of Boulder Wetlands Protection Program: Best Management Practices - Revegetation Rules" adopted July, 1998. (Wetlands).

*Boarding house* means an establishment where, for direct or indirect compensation, lodging, with or without meals, is offered for one month or more. A boarding house does not include a fraternity or sorority.

*Boulder Valley planning area* means the limits of the area defined in the Boulder Valley Comprehensive Plan, as it may be amended. (Wetlands)

*Breezeway* means a roofed at grade open passage connecting a detached single-family dwelling unit to an accessory building. A breezeway is not a space enclosed by walls.

*Broadcasting and recording facility* means a studio for the purpose of broadcasting radio or television or a studio for recording of live performances.

*Buffer area* means an area around a wetland within which activities are likely to have an adverse impact upon wetland functions. Buffer area boundaries are determined according to the criteria set forth in paragraphs 9-3-9(c)(5) and (c)(6), B.R.C. 1981. (Wetlands)

*Buffer zone* means an area between land uses providing fencing, berms, mounds, plant materials or any combination thereof to act as visual or noise buffers.

*Building* means any structure built for the support, shelter or enclosure of persons, animals or property of any kind. For purposes of this title, portions of buildings connected by fully enclosed attachments that are useable by the buildings' occupants shall be treated as one building.

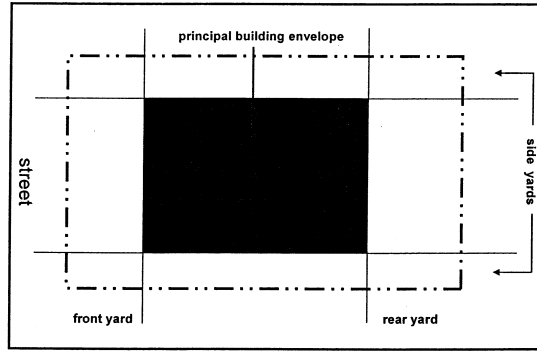
*Building* means any structure built for the support, shelter or enclosure of persons, animals or property of any kind. (Historic)

*Building and landscaping contractors* means the various trades that make up the construction and landscape industry such as plumbing, carpentry, electrical, mechanical, painting, roofing, concrete, landscaping and irrigation.

*Building coverage* means the maximum horizontal area within the outer perimeter of the building walls, dividers or columns at ground level or above, whichever is the greater area, including, without limitation, courts and exterior stairways, but excluding:

- (1) Uncovered decks, stoops, patios, terraces and stairways all less than thirty inches high;
- (2) The outer four feet of completely open, uncovered, cantilevered balconies that have a minimum of eight feet vertical clearance below;
- (3) Up to three hundred square feet of a single family detached residence front porch that is adjacent to a street;
- (4) Up to one hundred fifty square feet of additional porch area not located in the front yard for single family detached residence; and
- (5) One accessory building, no larger than eighty square feet size and no taller than ten feet in height, associated with a single-family detached residence.

*Building envelope* means that area on a lot on which a structure can be erected consistent with existing setback requirements that is defined by the setback lines applicable to that lot consistent with the underlying zoning district, or as modified pursuant to a variance, a site review or prior city approval. (See figure 16-2 of this section.)



**Figure 16-2: Building Envelope (General)**

*Building envelope* means that area on any lot on which a structure can be erected consistent with existing setback requirements, and is defined by the setback lines applicable to that lot. For planned unit developments or other property that may not be subject to setback requirements as prescribed in section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981, the building envelope is defined by a line running around the protected structures on the property eight feet from their exterior walls but running no closer than five feet from any property boundary (to the extent required to avoid running closer than five feet to any property boundary this line may run less than eight feet from the exterior wall of any protected structure). (Solar)

*Building mass* means the three-dimensional bulk of a building (height, width and depth).

*Building material sales* means a business primarily engaged in the retail sale from the premises of supplies used in construction including, without limitation, doors, hardware, windows, cabinets, paint, wall coverings, floor coverings, garden supplies and large appliances and where the storage of materials is primarily within the principal building, but does not include a lumber yard.

*Building modification* means a change to the interior or exterior of a building including, without limitation, interior reconfiguration, remodeling or changes to building facades or a change to a building that results in an increase in size, volume, floor area or building coverage.

*Building permit* has the same meaning as the same term in chapter 10-5, "Building Code," B.R.C. 1981.

*Building, principal* means the building containing the primary use on the lot.

*Building site* means either a lot or a number of parcels that have merged together to form a single building site pursuant to subsection 9-9-2(c), B.R.C. 1981.

*Business support services* means establishments that provide support services primarily to other businesses such as: duplicating, mailing, parcel shipping, security, property management, business equipment repair and office supplies.

*B.V.R.C.* means the Boulder Valley Regional Center, as specified in this title. (Signs)

*Caliper* means the diameter of the tree trunk measured six inches above the ground for trees up to and including four-inch caliper size and twelve inches above the ground for larger trees.

*Campground* means an area on which accommodations for temporary occupancy, such as tents or recreational vehicles, are located or may be placed for less than one month, and which is primarily used for recreational purposes and retains an open air or natural character.

*Canopy* means a roofed architectural projection which is supported by an exterior wall of a building and by additional supports, including, without limitation, columns, upright poles or braces extended from the ground. (Signs)

*Canopy sign* - see definition of "awning sign." (Signs)

*Car pool lot* means a facility used for parking of vehicles where the occupants of such vehicles are transported to and from other destinations via mass transit or car pool.

*Caretaker dwelling unit* means one dwelling unit associated with a nonresidential use in a nonresidential zone which is occupied by one or more employees who reside on site and oversee or manage the operation or provide care, protection or security for the property.

*Carport* means a covered building for the shelter of vehicles that is not enclosed on more than two sides.

*Cemetery* means lands used for the internment of the dead including mausoleums, graves, columbarium, related sales and maintenance facilities, and a mortuary or funeral chapel.

*Center or centerline* means an imaginary line that is equidistant from the boundaries of the street.

*Certificate of completion* means a written document that is required prior to occupancy, issued for a use upon a developer's compliance with the provisions of this code and any applicable development agreement.

*Change in a watercourse* means any change in an existing thalweg, bed or bank of a watercourse. (Floodplain)

*City manager* means the city manager of the City of Boulder, Colorado, or the manager's authorized representative.

*Close* means the time at which a business ceases to accept additional patrons for service.

*College or university* means a post-secondary education provided by a public or private institution which awards associate, baccalaureate or higher degrees, but does not include an adult education facility, vocational or trade school.

*Commercial kitchen and catering* means an establishment in which the principal use is the preparation of food or meals on the premises, and where such food or meals are delivered to an off site location for sale or consumption.

*Commercial sign* means a sign which identifies, advertises or directs attention to a business or is intended to induce a purchase of a good, property or service, including, without limitation, any sign naming a brand of good or service and any sign which is not a noncommercial sign. (Signs)

*Computer design and development facility* means a business primarily engaged in the development of, or engineering of, computer software or computer hardware, but excluding retail sales, computer hardware manufacturers and computer repair services.

*Concept plan* means a generalized plan prepared in compliance with section 9-2-13, "Concept Plan Review and Comment," B.R.C. 1981, for proposed projects that exceed the Site Review thresholds of subsection 9-2-14(b), B.R.C. 1981.

*Conditional use* means a use that is allowed within a zoning district after demonstrating compliance with specific criteria.

*Congregate care facility* means a facility for long-term residence exclusively by persons sixty years of age or older, and which shall include, without limitation, common dining and social and recreational features, special safety and convenience features designed for the needs of the elderly, such as emergency call systems, grab bars and handrails, special door hardware, cabinets, appliances, passageways and doorways designed to accommodate wheelchairs, and the provision of social services for residents which must include at least two of the following: meal services, transportation, housekeeping, linen and organized social activities.

*Construction sign* means a temporary sign announcing development, construction or other improvement of a property by a building contractor or other person furnishing services, materials or labor to the premises, but does not include a "real estate sign." (Signs)

*Contributing building* means a building within a historic district established pursuant to chapter 9-11, "Historic Preservation," B.R.C. 1981, that the city manager finds is consistent with the description of the characteristics of the historic district justifying its designation and is in substantially original condition; has had minimal changes to the defining characteristics of the building; or has been appropriately restored to a substantially original condition. Contributing buildings may have been previously altered with compatible additions.

*Control* means a fully automatic device, which can turn on, off or dim lights at predetermined times. A control includes, without limitation, an astronomical time clock, photocell, motion detector and dimmer.

*Convenience retail sales* means a retail establishment offering for sale a limited line of groceries and household items intended for the convenience of the neighborhood.

*Conveyance zone* means those portions of the floodplain required for the passage or conveyance of the one hundred-year flood based on equal encroachment (measured in volume of water) of the floodplain from the edges of the flood channel to a point where the one hundred-year flood profile will be raised by six inches or more, after considering a reasonable expectation of blockage at bridges and other obstructions by flood borne debris. (Floodplain)

*Cooperative housing unit* means an individual building for cooperative living that meets the criteria for such units set forth in subsection 9-6-3(b), B.R.C. 1981, as amended.

*Courtyard* means any open, unclimatized space, without a roof, bounded by building walls for at least seventy-five percent of its perimeter.

*Crawl space* means the enclosed area contained inside the foundation walls and below the habitable floor of a structure. Crawl spaces having the lowest floor a minimum of two feet below grade level on all sides shall be considered a basement and not a crawl space. (Floodplain)

*Critical species* means plant, animal or other wildlife species listed in the most current Boulder County Comprehensive Plan as a species of concern; or the most current Boulder Valley Comprehensive Plan as a species of local concern. (Wetlands)

*Crop production* means the commercial growing of horticultural materials such as vegetables, fruit trees, flowers ornamental plants and sod for wholesale sales.

*Crown spread* means the typical circumference of a tree at maturity.

*Custodial care facility* means a facility providing custodial care and treatment in a protective living environment for persons residing voluntarily or by court placement including, without limitation, correctional and post-correctional facilities, juvenile detention facilities and temporary detention facilities.

*Data processing facilities* means facilities where electronic data is processed by employees, including, without limitation, data entry, storage, conversion or analysis, subscription and credit card transaction processing, telephone sales and order collection, mail order and catalog sales and mailing list preparation.

*Day shelter* means a facility providing basic services generally during daylight hours, which may include food; personal hygiene support; information and referrals; employment, mail and telephone services; but excluding overnight sleeping accommodations, to people with limited financial resources, including people who are homeless.

*Daycare center* means a facility:

- (1) Licensed by the state, if applicable;
- (2) Providing care for children or adults who do not reside in the facility, are present primarily during daytime hours, and do not regularly stay overnight; and
- (3) Which may include some instruction.
- (4) Which is not located within a dwelling unit.

*Daycare home* means a facility:

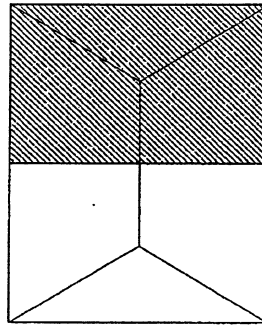
- (1) Licensed by the state, if applicable;
- (2) Which is located within a dwelling unit;

- (3) Providing care for twelve or fewer children or adults who (except for family members) do not reside in the facility, are present primarily during daytime hours, and do not regularly stay overnight. Family members who receive care in the facility are included in the total.

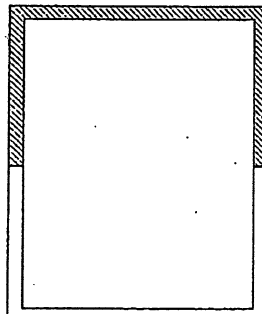
*Declaration of use* means a document signed under oath and recorded against the title of land in order to provide notice that the use of the land or structure is subject to certain limitations and that the use will remain in compliance with this code and other ordinances of the city.

*Demolition or demolish* means an act or process which removes one or more of the following. The shaded area illustrates the maximum amount that may be removed without constituting demolition.

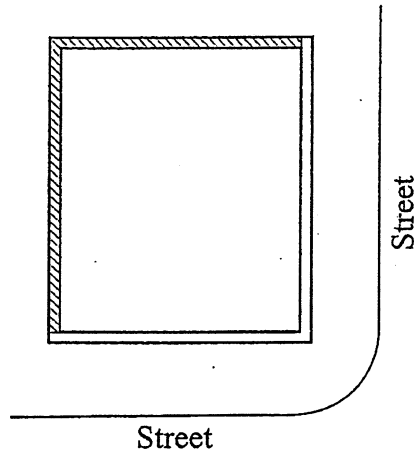
- (1) Fifty percent or more of the roof area as measured in plan view (see diagram);



- (2) Fifty percent or more of the exterior walls of a building as measured contiguously around the "building coverage" as defined in this section (see diagram); or



- (3) Any exterior wall facing a public street, but not an act or process which removes an exterior wall facing an alley (see diagram).



A wall shall meet the following minimum standards to be considered a retained exterior wall:

- (A) The wall shall retain studs or other structural elements, the exterior wall finish and the fully framed and sheathed roof above that portion of the remaining building to which such wall is attached;
- (B) The wall shall not be covered or otherwise concealed by a wall that is proposed to be placed in front of the retained wall; and
- (C) Each part of the retained exterior walls shall be connected contiguously and without interruption to every other part of the retained exterior walls. (Historic)

*Designated feature* means any structure or object other than a building located on a landmark site or within a historic district that is identified in the ordinance designating the landmark site or historic district. This includes, but is not limited to: bridges, environmental features, landscaping features, memorials, sculptures, signs, towers, engineered products or items of natural substance. (Historic)

*Developer* means any person who seeks a city permit or approval for the construction of a development.

*Development* means any change to improved or unimproved real estate, including, without limitation, constructing, relocating, rehabilitating, reconstructing or expanding or enlarging (but not maintaining) a building or other structure or portion thereof, or establishing or changing a use, or mining, dredging, filling, grading, paving or excavation. (Flood-plain)

*Development* means the entire plan to construct or place one or more dwelling units on a particular parcel or contiguous parcels of land within the city including, without limitation, a planned unit development, site review or subdivision approval. (Inclusionary Zoning)

*Development* in reference to the residential growth management system in chapter 9-14, "Residential Growth Management System," B.R.C. 1981, means the entire plan to construct or place one or more dwelling units on a particular parcel or contiguous parcels of land within the city including, without limitation, a planned unit development, site review or subdivision approval, but not including a subdivision platted into single-family lots on or before November 10, 1976. (RGMS)

*Development permit* means any permit or authorization issued by the city as a prerequisite for undertaking any improvement to real property including, without limitation, building permits, site reviews, variances, use reviews, nonconforming use permits, discretionary review, subdivision, annexation, initial zoning or rezoning.

*Developmentally disabled person* means a person with a temporary or permanent, emotional or mental disability such as mental retardation, cerebral palsy, epilepsy, autism, Alzheimer's disease, emotional disturbances, but does not include mentally ill persons who are dangerous to others.

*Dormitory* means a building intended or used principally for long-term sleeping accommodations only by students of a college, university, or other public, quasi public or private institution. A common kitchen and common rooms for social, media, entertainment and recreation purposes may also be provided.

*Drip line* means a vertical line extending downward from the tips of the outermost branches of a tree or shrub to the ground.

*Drive-thru* means any use that is not a gasoline service station, which by design, physical facilities, services or operating procedures permits persons to receive services or obtain goods while remaining in their motor vehicles.

*Duplex* means a structure containing two dwelling units.

*Duplicating service* means a commercial use providing reproduction and duplicating services, including, offset printing, photocopying and blueprint printing.

*Dwelling unit* means one room or rooms with internal connections for residential occupancy and including bathroom and kitchen facilities. Multiple dwelling units exist if there is more than one meter for any utility, address to the property or kitchen; or if there are separate entrances to rooms which could be used as separate dwelling units; or if there is a lockable, physical separation between rooms in the dwelling unit such that a room or rooms on each side of the separation could be used as a dwelling unit or rooms with no internal connections.

*Dwelling unit, attached* means three or more dwelling units within a structure.

*Dwelling unit, detached* means no more than one dwelling unit within a structure.

*Efficiency living unit* means a dwelling unit that contains a bathroom and kitchen and does not exceed a maximum floor area of four hundred seventy-five square feet.

*Electric sign* means any sign containing electric wiring, but not including signs illuminated by exterior light sources, such as floodlights. (Signs)

*Emergency shelter* means a facility providing intermediate-term housing to people with limited financial resources, including people who are homeless, where occupancy is permitted on a twenty-four-hour basis. Accessory services that also may be provided at the facility include food, counseling, transportation services and services to support the personal care of the residents of the facility including medical care, dental care and hygiene.

*Ephemeral stream* means a stream, or any portion thereof, that has flowing water only during, and for a short duration after, precipitation events in a typical year. Ephemeral stream beds are located above the water table year-round and do not convey groundwater. Runoff from rainfall is the primary source of water for stream flow. (Wetlands)

*Equipment repair and rental with outdoor storage* means a business that rents and/or repairs items such as tools, construction, lawn, garden, building maintenance, party equipment and the rental of moving trucks and trailers, but does not include an automobile repair or rental facility, and may include outdoor storage of equipment.

*Essential municipal and public utility services* means distribution, collection, communication, supply or disposal systems, including, without limitation, poles, wires, transformers, disconnects, regulators, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories that are reasonably necessary for public utilities or the city to furnish adequate service or for the public health, safety or welfare.

*Exceptional hardship* means a substantially disproportionate burden in relationship to the benefit to be derived from conformance with the requirements of this title. (Floodplain)

*Excess allocation* means an allocation that is not awarded by the planning board or the city manager pursuant to subsection 9-14-6(b), B.R.C. 1981. (RGMS)

*Exemption* means a dwelling unit approved under section 9-14-8, "Exemptions," B.R.C. 1981, that does not require an allocation to receive a building permit. (RGMS)

*Existing manufactured home park or subdivision* means a manufactured home park for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) was completed prior to July 12, 1978. (Floodplain)

*Expansion of nonconforming use* means any change or modification to a nonconforming use that constitutes:

- (1) An increase in the occupancy, floor area, required parking, traffic generation, outdoor storage or visual, noise or air pollution;
- (2) Any change in the operational characteristics which may increase the impacts or create adverse impacts to the surrounding area including, without limitation, the hours of operation, noise or the number of employees;
- (3) The addition of bedrooms to a dwelling unit, except a single-family detached dwelling unit; or
- (4) The addition of one or more dwelling units.

*Expansion or enlargement of a structure* means any addition of an exterior wall to the structure or any addition to the floor area of the structure, whether under, at or above grade, and whether or not the external dimensions of the structure are changed, or the reconstruction of a flood-damaged portion of a structure, so long as such expansion, enlargement or reconstruction does not constitute a "substantial modification" or a "substantial improvement." (Floodplain)

*Expansion to existing manufactured home park or subdivision* means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, without limitation, the installation of utilities, the construction of streets, final site grading or the pouring of concrete pads). (Floodplain)

*Family* means the heads of household plus the following persons who are related to the heads of the household: parents and children, grandparents and grandchildren, brothers and sisters, aunts and uncles, nephews and nieces, first cousins, the children of first cousins, great-grandchildren, great-grandparents, great-great-grandchildren, great-great-grandparents, grandnieces, grandnephews, great-aunts and great-uncles. These relationships may be of the whole or half blood, by adoption, guardianship, including foster children, or through a marriage or a domestic partnership meeting the requirements of chapter 12-4, "Domestic Partners," B.R.C. 1981, to a person with such a relationship with the heads of household.

*FEMA* means the Federal Emergency Management Agency. (Floodplain)

*Financial institution* means a use that provides financial and banking services to consumers and clients. Typical uses include banks, savings and loans associations, savings banks, credit unions, and automatic banking and teller machines.

*Flood or flooding* means a general or temporary condition of partial or complete inundation of normally dry land areas from a watercourse that temporarily overflows the boundaries within which it is ordinarily confined or from the rapid accumulation of runoff of surface water caused by rain, snow melt, flow blockage or any other source. (Floodplain)

*Flood channel* means a natural or artificial watercourse with a definite bed and banks which periodically or continuously conducts flowing water and is shown on the Flood Channel Inventory Map prepared by the city's Utility Division of the Public Works Department. (Floodplain)

*Flood fringe* means those portions of the floodplain that are not in the conveyance zone or in the high hazard zone. (Floodplain)

*Flood Insurance Rate Map (FIRM)* means the official map on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community. (Floodplain)

*Flood insurance study (FIS)* means the official report provided by the Federal Emergency Management Agency that included flood profiles, the Flood Boundary-Floodway Map and the water surface elevations of the base flood. (Floodplain)

*Flood profile* means a graph showing the elevations of the floodwater surface and the elevations of the underlying land as a function of distance along a path of flow. (Floodplain)

*Flood protection elevation* means an elevation of: 1) two feet above the elevation of the water surface of a one hundred-year flood as determined pursuant to sections 9-3-2 through 9-3-8, B.R.C. 1981, or, if no such elevation is determined, two feet above the highest grade adjacent to a structure, or 2) two feet above the base flood elevation in AE zones or two feet above the flood depth number indicated for AO zones on the FIRM for the City of Boulder, whichever is higher. (Floodplain)

*Floodplain* means the area that is inundated by a flood. (Floodplain)

*Floodplain development permit* means any permit granted under the terms and conditions of sections 9-3-2 through 9-3-8, B.R.C. 1981, for development on land in a floodplain. (Floodplain)

*Floodplain, five-hundred-year* means the area inundated by a flood having a 0.2 percent or greater chance of occurring in any given year. (Floodplain)

*Floodplain, one-hundred-year* means the area inundated by a flood having a one percent or greater chance of occurring in any given year. (Floodplain)

*Floodproofing* means any combination of structural and nonstructural changes, modifications or adjustments to structures or real property which reduce or eliminate flood damage to improved or unimproved real property, water and sanitary facilities, structures and their contents. (Floodplain)

*Floodway, FEMA regulatory* means the channels of watercourses 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 one foot. (Floodplain)

*Floor area* means the total square footage of all levels measured to the outside surface of the exterior framing, or to the outside surface of the exterior walls if there is no exterior framing, of a building or portion thereof, which includes stairways, elevators, the portions of all exterior elevated above grade corridors, balconies and walkways that are required for primary or secondary egress by chapter 10-5, "Building Code," B.R.C. 1981, storage and mechanical rooms, whether internal or external to the structure, but excluding an atrium on the interior of a building where no floor exists, a courtyard, the stairway opening at the uppermost floor of a building, and floor area that meets the definition of uninhabitable space.

*Floor area* means the total square footage of all levels measured to the outside surface of all buildings or portions thereof, which includes stairways, elevators, storage and mechanical rooms, whether internal or external to the structure, but excluding up to two hundred fifty square feet of unfinished floor area in basements and up to five hundred square feet of floor area in accessory buildings or attached or detached garages that are primarily used for personal storage or for the parking of automobiles for the occupants of the dwelling unit. (Inclusionary Zoning)

*Floor area ratio (FAR)* means the ratio of the floor area of a building to the area of the lot on which the building is situated.

*Footcandle (fc)* means a unit of illuminance equivalent to one lumen per square foot.

*Freestanding sign* means a sign that is supported by one or more columns, upright poles or braces extended from the ground or from an object on the ground, or that is erected on the ground, if no part of the sign is attached to any part of a building, structure other than its own support, or other sign. (Signs)

*Frontage, building* means the horizontal, linear dimension of that side of a building that abuts a street, a parking area, a mall or other circulation area open to the general public and that has either the primary window display of the enterprise or the primary public entrance to the building; in industrial districts, the building side with the primary entrance open to employees is the building frontage; where more than one use occupies a building, each such use having a primary window display or a primary public entrance for its exclusive use is considered to have its own building frontage, which is the front width of the portion of the building frontage occupied by that use. (Signs)

*Fuel sales* means a facility for the dispensing and retail sales of petroleum, natural gas, propane and bio fuels intended for motor vehicles, and does not include any motor vehicle repair or maintenance services.

*Full cutoff light fixture* means a light fixture with a light distribution pattern that results in no light being projected at or above a horizontal plane located at the bottom of the fixture.

*Fully shielded from view* means that the light emitted by a light fixture is not visible from adjacent streets and properties.

*Fully shielded light fixture* means a light fixture that provides internal or external shields or louvers that prevents light being emitted by the fixture from causing glare or light trespass impacts.

*Functional values* means the ratings assigned to a stream, wetland or water body functions for the purpose of defining the relative value. (Wetlands)

*Functions* means the beneficial roles served by streams, wetlands and water bodies, including, without limitation, storage of floodwaters, groundwater recharge and discharge, protection of water quality by sediment trapping and shoreline anchoring, habitat for plants, wildlife and other animals, food chain support for a broad range of wildlife and fisheries, long- and short-term nutrient retention, and recreation which does not harm or disturb the stream, wetland or water body. (Wetlands)

*Gasoline service station* means a use providing fuel sales, vehicle repair, service and maintenance and where no more than fifteen percent of the floor area is used for the sale of convenience and variety goods.

*Glare* means the sensation produced by light within the visual field that is sufficiently greater than the light to which the eyes are adapted to cause annoyance, discomfort or loss in visual performance or visibility.

*Good cause* means any reason found to be sufficient to justify the request made. Whenever the term is used in chapter 9-14, "Residential Growth Management System," B.R.C. 1981, it requires the applicant to request a hearing and to assume the burden of proof, but the approving agency may consider such a finding on its own motion, the hearing shall be quasi-legislative in character, and the hearing shall not be subject to chapter 1-3, "Quasi-Judicial Hearings," B.R.C. 1981. (RGMS)

*Governmental facility* means a municipal, county, state or federal structure, building or use.

*Greenhouse and plant nursery* means an establishment where flowers, shrubbery, vegetables, trees and other horticultural and floricultural products are grown, propagated and may be sold.

*Ground cover* means plant materials that generally do not exceed twelve inches in height and will provide one hundred percent surface coverage within two growing seasons of planting.

*Ground floor facade facing a street* means the area of a wall measured across the facade of a building that is nine feet above the finished grade.

*Group home facility* means a facility providing custodial care and treatment in a protective living environment for the handicapped or the aged person. This category of facility includes, without limitation, group homes for persons who are sixty years of age or older, group homes for the developmentally disabled or mentally ill, drug or alcohol abuse or rehabilitation centers, and facilities for persons with acquired immune deficiency syndrome (AIDS) or human immunodeficiency virus (HIV) infection.

*Handicap* means, with respect to a person:

- (1) A physical or mental impairment which substantially limits one or more of such person's major life activities,
- (2) A record of having such an impairment, or
- (3) Being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance (as defined in section 102 of the Federal Controlled Substances Act (21 U.S.C. § 802)).

*Hazard* means any structure or use of land which endangers or obstructs the airspace required for aircraft in landing, take-off and maneuvering at the airport, as determined by the city manager. (AIZ)

*Hazardous substance* means any substance, as determined from time to time by the city manager pursuant to the rule making authority granted by subsection 9-3-2(c), B.R.C. 1981, that is flammable, radioactive, toxic or explosive, and that in times of flooding could be released in sufficient quantities to be harmful to humans, animals or plant life. (Floodplain)

*Heads of the household* means one person or up to two persons who are married or are domestic partners meeting the requirements of chapter 12-4, "Domestic Partners," B.R.C. 1981.

*Height* means the vertical distance from the lowest point within twenty-five feet of the tallest side of the structure to the uppermost point of the roof. The lowest point shall be calculated using the natural grade. The tallest side shall be that side whose lowest exposed exterior point is lower in elevation than the lowest exposed exterior point of any other side of the building.

*Height of a sign, high or in height* means the vertical distance measured from the elevation of the nearest sidewalk, or, if there is no sidewalk within twenty-five feet, from the lowest point of the finished grade on the lot upon which the sign is located and within twenty-five feet of the sign, to the uppermost point on the sign or the sign structure, whichever is higher. (Signs)

*High hazard zone* means those portions of the floodplain where an unacceptably high hazard to human safety exists defined as those areas where the product number of flow velocity (measured in ft./sec.) times flow depth (measured in feet) equals or exceeds four, or where flow depths equal or exceed four feet. (Floodplain)

*High water use zone* means a portion of a landscaped area having plants that require approximately eighteen to twenty gallons per square foot of water per growing season or one-half inch of water three times per week.

*Historic preservation organization* means an organization with demonstrated experience and expertise in historic preservation that has been recognized by the Landmarks Board.

*Historic resource* means a district, site, building or object that is significant to local, state or national history, architecture, engineering, archaeology or culture. (Historic)

*Home occupation* means an occupation or profession conducted as an accessory use within a dwelling unit.

*Hospital* means any building or portion thereof licensed as a hospital by the Colorado Department of Health and used for diagnosis, treatment, surgery and care of human ailments, including the usual and customary accessory uses and ancillary offices of a hospital.

*Hostel* means a facility for residence of under one month that provides simple dormitory or sleeping rooms and common rooms for cooking, meeting, recreational and educational use; that is chartered or approved by the International Hostel Federation or its national or regional affiliates, or similar organizations; and that is supervised by resident house-parents or managers who direct the guests' participation in the domestic duties and activities of the hostel.

*Hotel/motel* means an establishment that offers temporary lodging in rooms, for less than one month, and may include a restaurant, meeting rooms, and accessory uses and services, including, without limitation, newsstands, gift shops and similar incidental uses conducted entirely within the principal building but excludes a "bed and breakfast," as defined in this section.

*Housing type* means the particular form which an attached or detached dwelling unit takes, including, without limitation, the following: single-family detached houses and mobile homes; single-family attached dwellings such as townhouses and row houses; duplexes, triplexes and apartments.

*HUD* means the United States Department of Housing and Urban Development. (Inclusionary Zoning)

*HUD low income limit* means the maximum gross household income which allows a household to be considered "low income" for the purposes of HUD financial assistance. These limits are reported annually by HUD and reflect the low income limit for a particular area. (Inclusionary Zoning)

*IESNA* means the Illuminating Engineering Society of North America.

*Illegal nonconforming sign* means a sign that was in violation of the law governing the erection or construction of such sign at the time of its erection and that has never been erected or displayed in conformity with the law (including section 9-9-21, "Signs," B.R.C. 1981), including, without limitation, signs that are pasted, nailed or painted, or otherwise unlawfully displayed upon structures, utility poles, trees and fences. (Signs)

*Illuminance* means the amount of light that falls on a surface measured in footcandles.

*Illumination, direct* means lighting by an unshielded light source, including, without limitation, neon tubing, from which light travels directly to the viewer's eye. (Signs)

*Illumination, indirect* means lighting by a light source that is directed at the reflecting surface in such a way as to illuminate the sign from the front or by a light source that is designed to illuminate the building facade upon which a sign is displayed, but does not include lighting that is primarily used for purposes other than sign illumination, including, without limitation, parking lot lights or lights inside a building that may silhouette a window sign but that are not primarily intended to serve as inside illumination. (Signs)

*Illumination, internal* means lighting by a light source that is within a sign having a translucent background and silhouettes, opaque letters or designs, or that is within letters or designs that are themselves made of translucent material. (Signs)

*Impervious surface* means a structure or material that does not allow water to directly infiltrate the ground. (Wetlands)

*Income eligible household* means an individual or family whose household meets the asset limitations established pursuant to this title and whose household income does not exceed ten percentage points more than the HUD low income limit for the Boulder Primary Metropolitan Statistical Area (PMSA), with adjustments for family size, for home buyers, or whose household income does not exceed the HUD low income limit for renters. Income eligible households will be approved by the city manager and placed on a list of approved households eligible to purchase affordable housing. The city manager will provide the list of eligible households to developers upon request. Households will be required to meet the household income requirements of this title. (Inclusionary Zoning)

*Indoor amusement establishment* means a commercial operation open to the public without membership requirements, including, without limitation, bowling alleys, indoor arcades, theaters, pool halls, skating rinks, dance halls and reception/banquet facilities.

*Indoor recreational or athletic facility* means an indoor facility where persons participate in recreational or athletic activities, including, without limitation, a martial arts school, dance studio and an exercise and health club.

*In-kind* means the restoration or creation of a wetland, stream or water body with functions and plant community types approximating those of a destroyed wetland. (Wetlands)

*Inorganic mulch* means nonliving, nonbiodegradable materials used in landscaped areas to retard erosion and weed growth, add nutrients to the soils, and retain moisture in the soils.

*Insubstantial breach* means a shadowing that is caused by narrow slender items that cast narrow slender shadows; and at all protected points and during the protected time and during the time period for which protection has been provided, they together reduce the total amount of solar energy available by ten percent or less. Insubstantial breaches may include, without limitation, those caused by utility poles, chimneys, wires, flagpoles, slender antennas or tree trunks and branches. (Solar)

*Intended for human occupancy* means, as applied to structures, capable of and likely to be used for residential habitation, or for commercial, industrial or governmental occupation by persons on a regular basis. Examples of structures normally not intended for human occupancy include, without limitation, garages useable solely for the parking of vehicles or storage, open air carwashes, unheated pavilions, porches or patio covers, crawl spaces, flood resistant enclosures useable solely for building access, barns and other agricultural buildings, garden storage sheds, ATMs and mausoleums. (Floodplain)

*Intermittent stream* means a stream that has flowing water during certain times of the year when groundwater levels are high enough to provide for stream flow. During dry periods, intermittent streams may not have flowing water. Runoff from rainfall and snowfall is a supplemental source of water for stream flow. (Wetlands)

*Junk* means any manufactured good, appliance, fixture, furniture, machinery, motor vehicle or trailer that is abandoned, demolished, discarded, dismantled or so worn, deteriorated or in such a condition as to be generally unusable in its existing state, including, without limitation, scrap metal, scrap material, waste, bottles, tin cans, paper, rubble, boxes, crates, rags, used lumber, building materials, motor vehicles and machinery parts, and used tires.

*Junk yard* means a building, structure or parcel of land or portion thereof, used for the collection, storage, dismantling, salvaging, demolition or sale of junk on the premises for more than one week, but excludes such uses within enclosed buildings.

*Landscaped area* means any land set apart for planting grass, shrubs, trees or similar living materials, including, without limitation, land in an arcade, plaza or pedestrian area, and of which fences and walls may be a part.

*Landscaping* means materials, including, without limitation, grass, ground cover, shrubs, vines, hedges or trees and nonliving natural materials commonly used in landscaped development.

*Legal description* means a description of real property by lots, blocks, subdivision or metes and bounds, but excludes an assessor's tract number.

*Legal nonconforming sign* means any sign that was lawfully erected and maintained under the law governing such sign before its annexation but which does not conform to the provisions of section 9-9-21, "Signs," B.R.C. 1981, or which was lawfully erected and maintained under the law of the city, but which does not comply with the provisions of section 9-9-21, "Signs," B.R.C. 1981, because of subsequent changes in such law. (Signs)

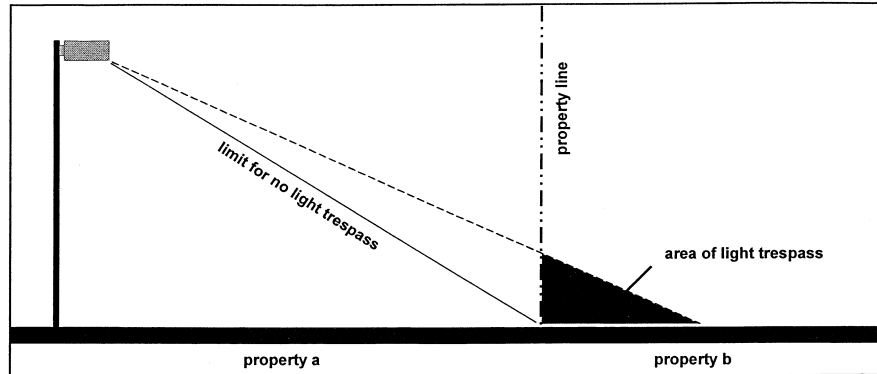
*Light bulb* means the component of the light fixture that produces the actual light. A bulb includes, without limitation, a lamp or tube.

*Light fixture* or *luminaire* means the complete lighting unit consisting of one or more of the following: the lamp, ballast, housing and the parts designed to distribute the light, to position and protect the lamps, and to connect the lamp to the power supply. Light fixtures also include any "electric sign" as defined in this title.

*Light pollution* means any light that is emitted into the atmosphere, either directly or indirectly by reflection against any exterior surface, including, without limitation, the ground, buildings, cars, glass or windshields, that alters the appearance of the night sky, interferes with astronomical observation, or interferes with the natural functioning of vegetation or wildlife.

*Light source* means neon, fluorescent or similar tube lighting, an incandescent bulb, including, without limitation, the light-producing elements therein, and any reflecting surface that, by reason of its construction or placement, becomes the light source. (Signs)

*Light trespass* means light projected onto a property from a light source located on a different property. (See figure 16-3 of this section.)



**Figure 16-3: Light Trespass**

*Live-work unit* means a structure with a combination of uses where work activities occur as allowed in the industrial zoning districts and includes a dwelling unit for the business occupant, but not including a caretaker dwelling unit. Such unit shall have only one kitchen and shall be occupied by either the owner, the tenant or the owner's or tenant's employee plus any other persons that may be allowed to occupy a dwelling unit pursuant to section 9-8-5, "Occupancy of Dwelling Units," B.R.C. 1981. The live-work unit must be the residence of a person responsible for the work performed on the premises.

*Lot, building* means a parcel of land, including, without limitation, a portion of a platted subdivision, that is occupied or intended to be occupied by a building or use and its accessory buildings and uses, together with the yards required under the provisions of this code; that has not less than the minimum area, useable open space, building coverage and off-street parking spaces required by this code for a lot in the district in which such land is situated; that is an integral unit of land held under unified ownership in fee or co-tenancy or under legal control tantamount to such ownership; and that is precisely identified by a legal description.

*Lot frontage* means the length of the front lot line measured at the street right-of-way line.

*Lot, platted* means a lot that has been subdivided pursuant to a legal subdivision approval process and is precisely identified by reference to a block and lot.

*Low-volume irrigation* means a method of irrigation that applies water directly to the root zone of plants at a slower rate (generally less than six gallons per hour) and with less runoff than above ground systems. Low volume irrigation systems can include point source drip emitters, in-line emitter tubing and microsprays.

*Low water use zone* means a portion of a landscaped area having plants that require approximately zero to three gallons of water per square feet over the growing season or one-half inch of water every other week.

*Lowest floor* means the lowest floor of the lowest enclosed area (including basement or crawl space). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable design requirements of sections 9-3-2 through 9-3-8, B.R.C. 1981. (Floodplain)

*Lumber yard* means a business primarily engaged in the processing and sale of lumber and construction materials, where the majority of construction materials are stored outdoors or in nonclimatized structures.

*Lumen* is a measure of light energy generated by a light source. The lumen rating of a light bulb or lamp is provided by the bulb manufacturer.

*Maintenance* means any activity undertaken to repair or prevent the deterioration, impairment or failure of any previously constructed improvement or structure including, without limitation, the replacement of structural components. Maintenance also includes the addition of material to reinforce or protect the integrity of an existing public facility. Maintenance

does not include reconstruction that materially enlarges or expands a facility or total replacement of an existing structure. (Wetlands)

*Maintenance* means the replacing, repairing or repainting of a portion of a sign structure or renewing of copy that has been made unusable by ordinary wear and tear, weather or accident. (Signs)

*Manufactured home* means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle." (Floodplain)

*Manufactured home park* or *manufactured home subdivision* means any lot or tract of land designed, used or intended to provide a location or accommodation for one or more manufactured homes and upon which any manufactured home or homes are parked or located, whether or not the lot or tract or any part thereof is held or operated for profit, on which construction was completed on or after July 12, 1978. (Floodplain)

*Manufacturing use with potential off-site impacts* means all research and development facilities, testing laboratories and facilities for the manufacturing, fabrication, processing or assembly of products which may produce effects on the environment that are measurable at or beyond the property line, provided that any noise, smoke, vapor, dust, odor, glare, vibration, fumes or other environmental contamination is controlled in accordance with applicable city, state or federal regulations, but not including computer design and development facilities nor telecommunications and electronic communications uses.

*Manufacturing uses* means research and development facilities, testing laboratories and facilities for the manufacturing, fabrication, processing or assembly of products, provided that such facilities are completely enclosed and provided that any noise, smoke, vapor, dust, odor, glare, vibration, fumes or other environmental contamination produced by such facility is confined to the lot upon which such facilities are located and is controlled in accordance with applicable city, state or federal regulations, but not including computer design and development facilities nor telecommunications and electronic communications uses.

*Marquee* means a permanently roofed architectural projection whose sides are vertical and are intended for the display of signs, and which is supported entirely from an exterior wall of a building. (Signs)

*Marquee sign* - see definition of "awning sign." (Signs)

*Maximum allowable light level* is the maximum initial horizontal illuminance for exterior areas measured at one hundred hours of operation, in footcandles at grade level, anywhere within the property including areas under canopies, balconies or other nonenclosed or partially enclosed areas.

*Maximum lumen rating* means the maximum initial light output measured in lumens as established by the lamp manufacturer. If a light fixture has multiple lamps, this rating refers to the combined total lumens of all lamps within the fixture.

*Medical and dental laboratory* means a facility that provides services to the medical community such as pathological testing, dental services including the manufacturing of orthodontic appliances, crowns and dentures and the manufacturing of prosthetics and orthopedic appliances.

*Medical or dental clinic or office* means the office of physicians, medical doctors, chiropractors or dentists licensed to practice medicine or dentistry in the State of Colorado, where the primary use is the delivery of health care services, where sale of merchandise is incidental to the delivery of services, and where no overnight accommodations are provided.

*Mining industries* means a facility or business engaged in the removal of any earth materials, including those extracted from open mining and oil and natural gas drilling or production, from places of natural occurrence to surface locations.

*Mitigation plan* means a plan for the creation, enhancement or restoration of a wetland, stream or water body that is destroyed or otherwise negatively affected by an activity. (Wetlands)

*Mixed use development* means a building that contains dwelling units that are located in any BMS, BC, I, MU, BR, BT or DT zoning district. (RGMS)

*Mobile home park* means a site containing spaces with required improvements and utilities that are leased or owned for long-term placement of mobile homes or manufactured housing, subject to the requirements of chapters 9-7, "Form and Bulk Standards," 9-8, "Intensity Standards," 9-9, "Development Standards," and 10-12, "Mobile Homes," B.R.C. 1981.

*Moderate water use zone* means a portion of a landscaped area having plants that require approximately ten gallons of water per square foot over the growing season or three-quarters inch of water once per week.

*Mortuary and funeral chapel* means a facility in which the deceased are prepared for burial or cremation, where funeral arrangements can be managed, and where funeral services can be conducted. *Moveable object* means an item or material not anchored to the ground that is subject to being transported by water, including, without limitation, a manufactured home not anchored to a permanent foundation, a tank, a trash dumpster, lumber and other materials, but not a motor vehicle. (Floodplain)

*Museum* means an establishment that exhibits artistic, historical, scientific and natural objects of interest, and may include accessory uses such as a restaurant, meeting space, gift shops, theaters and planetariums.

*Neighborhood business center* means nonresidential uses in a residential district that are constructed and operated in accordance with the standards of subsection 9-6-9(f), B.R.C. 1981.

*New construction* means structures for which the "start of construction" commenced on or after July 12, 1978, and includes any subsequent improvements to such structures. (Floodplain)

*New manufactured home park or subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, final site grading or pouring of concrete pads) is completed on or after July 12, 1978. (Floodplain)

*Noncommercial sign* means a sign which in no way identifies, advertises or directs attention to a business or is intended to induce a purchase of a good, property or service or portrays or symbolizes a good, property or service, especially, but, without limitation, a brand or trade name, an identifiable container shape or a trademark, within one thousand feet from a point of commercial solicitation, sale or distribution of such good, property or service. (Signs)

*Nonconforming use* means any use of a building or use of a lot that is not permitted by section 9-6-1, "Schedule of Permitted Land Uses," B.R.C. 1981, but excludes a conforming use in a nonstandard building or on a nonstandard lot; a legal existing use that has not been approved as a conditional use or a use review use, or a use approved pursuant to a valid special review or use review approval. A nonconforming use also includes an otherwise conforming use, except a single dwelling unit on a lot, that does not meet the parking and residential density requirements, including, without limitation, the requirements for minimum lot area per dwelling unit; useable open space per dwelling unit, or required off-street parking requirements of section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981.

*Nonprofit membership club* means a nonprofit organization with established formal membership requirements, bylaws, and with the objective of providing for the interests of its members.

*Nonresidential structure* means any structure or any portion of a structure used exclusively for, or designed as and capable of being used for, office, commercial, industrial or governmental occupation. (Floodplain)

*Nonstandard building or structure* means any building or structure that does not conform to the setback, height, side yard bulk plane, side yard wall length articulation or building coverage requirements of section 9-7-1, "Schedule of Form and Bulk Standards," or the floor area ratio requirements of section 9-8-1, "Schedule of Intensity Standards," and section 9-8-2, "Floor Area Requirements," B.R.C. 1981, unless the nonstandard features of the building or structure were approved as part of a planned unit development or a site review, or as a variance.

*Nonstandard lot* means any lot that does not conform to the minimum lot area requirement of section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981, or frontage upon a public street required by section 9-12-12, "Standards for Lots and Public Improvements," B.R.C. 1981, unless the nonstandard nature of the lot was approved as part of a planned unit development or a site review.

*Nonvehicular repair and rental services* means a business that primarily provides services rather than goods such as: appliance repair, electronics repair, furniture repair, small power equipment repair and tool and equipment rental without outdoor storage.

*Noxious weed* means an alien plant or part of an alien plant that has been designated by Colorado state regulations as being a state Noxious Weed.

*Objectionable or harmful substance, condition or operation* means any use or operation that causes or contributes to:

- (1) A physical hazard by fire, explosion, radiation or other cause, to persons or property at or beyond the property line of the premises in question;
- (2) Contamination of surface or underground water or any wastewater or sanitary sewer system;
- (3) An infestation;
- (4) Fly ash, smoke, gas or dust that constitutes a hazard to the health, safety or welfare of any person, animal, plant life or other property, at or beyond the property line of the premises in question;
- (5) Offensive odors or noise at or beyond the property line of the premises in question;
- (6) Distracting, unreasonable or illegal noise, vibration or electrical disturbance at or beyond the property line of the premises in question; or
- (7) Any public nuisance.

*Obstruction* means any item or material not constituting a moveable object in, along, across or projecting into the floodplain that might impede, retard or change the direction of a flow of water, either by itself or by catching or collecting debris carried by such water, in a way that the city manager determines would increase the flood hazard to adjacent properties. (Floodplain)

*Obstruction of solar access protected by permit* means that any object, structure, building or vegetation casts a shadow on the collector portion of any existing or planned solar energy system that is protected by a solar access permit during the hours of the day and season of the year for which access is protected by the permit. (Solar)

*Office* means the principal use of a room or rooms for the conduct of business by persons, including, without limitation, administrative offices, professional offices and technical offices where there is no display of merchandise and the storage and sale of merchandise is clearly incidental to the service provided, but excluding medical or dental clinics or offices.

*Office, accessory* means an office subordinate to, a necessary part of, and in the same building with the principal business, commercial or industrial use, including, without limitation, administrative, record-keeping, drafting and research and development offices.

*Office, administrative* means an office providing management or administrative services to its affiliated industrial uses that are an equal or greater size, measured in floor area, of the administrative office use located within the city's industrial zoning districts.

*Office, other* means office uses not included in the administrative, professional or technical office categories.

*Office, professional* means offices of firms or organizations providing professional service to individuals and businesses, including, without limitation, accountants, architects, attorneys, insurance brokers, realtors, investment counselors and therapists, where a majority of client contact occurs at the office, but not including technical, medical, dental or administrative offices.

*Office, technical* means offices of businesses providing professional services in a technical field, including, without limitation, publishers, engineering, graphic design, industrial design and surveying offices, where a majority of client contact occurs at the client's place of business or residence, but not including professional, medical, dental or administrative offices.

*Off-premises sign* means any off-premises sign, including, without limitation, a billboard or general outdoor advertising device, that advertises or directs attention to a business, profession, commodity, entertainment, service or activity conducted, sold or offered elsewhere than on the same property or within the same building upon which such sign is located. (Signs)

*One hundred-year flood* means a flood having a one percent chance of occurring in any year. (Floodplain)

*On-site* means within the boundaries of the subject property. (Wetlands)

*Organic mulch* means nonliving, biodegradable materials used in landscaped areas to retard erosion and weed growth, add nutrients to the soils, and retain moisture in the soils.

*Outdoor display of merchandise* means the display of merchandise on the same premises on which it is sold.

*Outdoor entertainment* means a use of land which provides entertainment services partially or entirely outside of an enclosed building, including, without limitation, driving ranges, miniature golf facilities, amusement parks or go-cart tracks.

*Outdoor storage* means an area of land where goods may be stored as a principal use in an unclimatized environment, including, without limitation, automobiles, boats, recreational vehicles and contractors' supplies but does not include junk yards.

*Overnight shelter* means a facility providing short-term overnight accommodation without charge or at a nominal charge to people with limited financial resources, including people who are homeless, the primary purpose of which is to provide housing to individuals on a day-by-day basis. Accessory services that also may be provided at the facility include food, counseling, transportation services and services to support the personal care of the residents of the facility including medical care, dental care and hygiene.

*Owner* means a person, as defined by this code, who, alone, jointly or severally with others, or in a representative capacity (including, without limitation, an authorized agent, executor or trustee) has legal or equitable title to any property in question. (Signs)

*Owner-occupied* means a dwelling unit that is actually and physically occupied as a principal residence by at least one owner of record of the lot or parcel upon which the dwelling unit is located, who possesses at least an estate for life or a fifty percent fee simple ownership interest or is the trustor of a revocable living trust.

*Owner's accessory unit* means a separate and complete single housekeeping unit which is accessory to the owner's occupancy of the lot or parcel upon which the unit is located that is permitted under the provisions of paragraph 9-6-3(a)(4), B.R.C. 1981.

*Parapet wall* means any portion of the vertical extension of a perimeter wall, constructed of materials similar in appearance to those used on the exterior wall below, and extending above but not enclosed by a roof. (Signs)

*Parking lot* means an off-street, ground level open area, used for the temporary storage of motor vehicles, including necessary access drives, drive lanes, parking stalls and excluding sidewalks, carports, garages and driveways that serve detached dwelling units and parking garages and structures.

*Parking lot landscaping, interior* means landscaping that is internal to or extends into the parking lot and excludes landscaping that is required in any setback area, a landscaped area between a parking lot and a building that does not extend into the parking area, sidewalks and areas designed to meet the requirements of subsection 9-9-14(b) or (c), B.R.C. 1981.

*Parks and recreation uses* means uses which include playfields, playgrounds, athletic facilities and golf courses, which are owned by a public agency, a neighborhood or homeowners association and is operated for the benefit of the residents of the community, neighborhood or homeowners association.

*Perennial stream* means a stream that has flowing water year-round during a typical year. (Wetlands)

*Permanently affordable unit* means a dwelling unit that is pledged to remain affordable forever to households earning no more than the HUD low income limit for the Boulder Primary Metropolitan Statistical Area, or, for a development with two or more permanently affordable units, the average cost of such units to be at such low income limit, with no single unit exceeding ten percentage points more than the HUD low income limit, and:

- (1) The unit is owner occupied;
- (2) Is owned or managed by the Housing Authority of the City of Boulder or its agents; or
- (3) Is a rental unit in which the city has an interest through the Housing Authority of the City of Boulder or a similar agency that is consistent with § 38-12-301, C.R.S.

*Permanently affordable unit* shall be attained and secured through contractual arrangements, restrictive covenants, resale and rental restrictions, subject to reasonable exceptions, including, without limitation, subordination of such arrangements, covenants and restrictions to a mortgagee, for both owner occupied and rental units. No unit shall be considered a permanently affordable unit until the location, construction methods, floor plan, fixtures, finish and the cabinetry of the dwelling unit have been approved by the city manager. (Inclusionary Zoning)

*Permanently affordable unit* means a dwelling unit that is pledged to remain affordable forever to households earning up to eighty percent of the area median income through contractual arrangements, restrictive covenants and resale restrictions, subject to reasonable exceptions, including, without limitation, subordination of such arrangements, covenants and restrictions to a mortgagee. No unit shall be considered a permanently affordable unit until the location, construction methods and techniques used to ensure that the dwelling unit will remain affordable to a household earning up to eighty percent of the area median income has been approved by the city manager. (RGMS)

*Personal service use* means an establishment that provides personal services for the convenience of the neighborhood, including, without limitation, barber and beauty shops, shoe repair shops, bicycle repair shops, dry cleaners, laundries, self-service laundries, bakeries, travel agencies, newsstands, pharmacies, photographic studios, duplicating services, automatic teller machines and the healing arts (health treatments or therapy generally not performed by a medical doctor or physician such as physical therapy, massage, acupuncture, aromatherapy, yoga, audiology and homeopathy).

*Plan view* means the view of a building from directly above which reveals the outer perimeter of the building roof areas to be measured across a horizontal plane. (Historic)

*Planting season* means that season of the year when plants may be planted successfully, generally from April 15 to October 15.

*PMSA* means the "Primary Metropolitan Statistical Area," as determined by the United States Department of Commerce. (Inclusionary Zoning)

*Pole* means a structure other than a building (including, without limitation, for this purpose transmission and distribution facilities of public utilities) which supports a light at a government-owned recreation facility, a light in the public right-of-way or a traffic signal in the public right-of-way, or an electrical transmission line or an electrical service line.

*Political sign* means a noncommercial sign concerning candidates for public office or ballot issues in a primary, general, municipal or special election. (Signs)

*Porch* means a covered, unenclosed (except for railings) structure that projects from the exterior wall of a principal building, has no floor space above, and is intended to provide shelter to the entry of the building and supplemental outdoor living area.

*Possessor of real property* means a person not the owner of the property but who is responsible as lessee, caretaker or otherwise for its care and upkeep and is in control of the property. (Solar)

*Primary building entrance location* means the principal public entrance to a building facing a public street.

*Printer and binder* means an industrial use that provides commercial printing services involving typesetting, printing and the binding of printed media such as books, magazines and periodicals but does not include a duplicating service.

*Projecting sign* means a sign attached to a building and extending in whole or in part fifteen inches or more horizontally beyond the surface of the building to which the sign is attached, but does not include an "awning sign." (Signs)

*Property* means a portion or parcel of land, including, without limitation, a portion of a platted subdivision, occupied or intended to be occupied by a building or use and its accessories, together with yards required under the provisions of this code, that is an integral unit of land held under unified ownership in fee or co-tenancy, or under legal control tantamount to such ownership. When a property is used together with contiguous properties for a single use or unified development, all of the properties so used shall be considered a single property for the purposes of section 9-9-21, "Signs," B.R.C. 1981. For the purposes of section 9-9-21, "Signs," B.R.C. 1981, an access easement shall be deemed a part of the property to which it provides access, so long as the easement is the sole connection of that property to the public street network and placement of the sign on the access easement is consistent with the easement. This access easement provision does not apply if there is a development agreement regarding placement of signs on the frontage of the development. (Signs)

*Prorated* means a system of allocating building permits in which developments or portions of developments applying in an allocation period receive the same proportion of dwelling units, according to the ratio of the total number of allocations available to the total number requests in that period, as modified and elaborated in chapter 9-14, "Residential Growth Management System," B.R.C. 1981. (RGMS)

*Public entrance* means an entrance to a building or premises that is customarily used or intended for use by the general public and excludes a fire exit, an employee entrance or exit, and a loading dock entrance, in each case if not used by the public. (Signs)

*Public or private office uses providing social services* means an organization whose activities are conducted for the benefit of the community and not for the gain of any private person or organization, and may include, without limitation, patriotic, philanthropic, social service, welfare, benevolent, educational, cultural, charitable, scientific, historical, athletic or medical activities.

*Public right-of-way* means the entire area between property boundaries: which is owned by a government, dedicated to public use or impressed with an easement for public use; which is primarily used for pedestrian or vehicular travel; and which is publicly maintained, in whole or in part, for such use; and includes, without limitation, the street, gutter, curb, shoulder, sidewalk, sidewalk area, parking or parking strip and any public way. (Signs)

*Publisher* means a business that is responsible for the creation of printed or electronic media including the commission of content and overseeing the writing, editing, design, printing and marketing.

*Real estate sign* means a sign indicating the availability for sale, rent or lease of the specific property, building or portion of a building upon which the sign is erected or displayed. (Signs)

*Reconstruction* means exact replacement of an existing structure or portion thereof or exact structural repair of a damaged structure. (Floodplain)

*Recreational vehicle* means a vehicle which is: 1) built on a single chassis; 2) four hundred square feet or less when measured at the largest horizontal projections; 3) designed to be self-propelled or permanently towable by a light duty truck; and 4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use. (Floodplain)

*Recyclable material* means newspaper, magazines, cardboard, telephone books, loose paper, glass containers, plastic containers, steel cans, aluminum cans and scraps, leaves and organic materials, and reusable clothing and household items.

*Recycling center* means an enclosed building used for storing recyclable material and unenclosed premises on which recyclable material is stored for one week or less.

*Recycling collection facility* means a bin or other weather tight container enclosed with a door or lid for the acceptance by donation, redemption or purchase of recyclable material for transshipment to a recycling center or an industrial processing facility.

- (1) A "small" recycling collection facility is an accessory to a principal building and use on its lot which complies with the provisions of section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981, concerning accessory buildings and uses, does not occupy a permanent building, and does not have containers occupying more than two hundred fifty square feet.
- (2) A "large" recycling collection facility may be a principal or an accessory use or building of any size, may occupy a permanent structure, may also accept used motor oil in accordance with applicable health and safety regulations, and may include such power-driven light processing as is approved by use review.

*Recycling processing facility* means a building or enclosed space used for the collection of recyclable material, used motor oil and batteries in accordance with applicable health and safety regulations, and scrap metal but not including motor vehicles, and its processing for efficient shipment or to an end-user's specifications by baling, briquetting, compacting, composting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning or remanufacturing.

*Regulated activity* means those activities requiring a stream, wetland or water body permit pursuant to subsection 9-3-9(d), B.R.C. 1981. (Wetlands)

*Regulated area* means those areas described in subsection 9-3-9(b), B.R.C. 1981. (Wetlands)

*Rehabilitation* means any improvement, maintenance or remodeling made to the interior or exterior of any existing structure or the reconstruction of a deteriorated or non-flood-damaged portion of an existing structure so long as such improvement or reconstruction does not constitute an "expansion or enlargement of a structure," "substantial modification," or a "substantial improvement." (Floodplain)

*Religious assembly* means a building or group of buildings are used or proposed to be used for conducting organized religious services and accessory uses associated with the use.

*Resident owner* means a person in whom is vested at least a five percent equity interest in the ownership in a cooperative housing unit through fee ownership, as a joint tenant or a tenant in common, holder of a lease with a term of thirty years or more, or through an ownership interest in a corporation or association recognized under Colorado state law that owns or holds a lease of thirty years or more on the cooperative housing unit including, without limitation, a corporation, cooperative, partnership or a limited liability company, provided that such person uses the cooperative housing unit as a principal residence.

*Residential care facility* means a facility providing social services in a protective living environment for adults or children, including, without limitation, group foster care homes; shelters for abused children or adults; nursing homes, intermediate care facilities or residential care facilities.

*Residential structure* means any structure or any portion of a structure that is used for, or designed as and capable of being used for, the temporary or permanent domicile of persons, including, without limitation, a dwelling, a boarding house, a hotel, a motel and similarly used structures. (Floodplain)

*Restaurant* means an establishment provided with a food preparation area, dining room equipment and persons to prepare and serve, in consideration of payment, food or drinks to guests.

*Retail sales* means the selling of goods or merchandise directly to the ultimate consumer.

*Riparian area* means a type of habitat occurring along a stream, wetland or water body typically consisting of water tolerant trees and shrubs such as alter, cottonwood and willows. (Wetlands)

*Roof* means the cover of any building, including, without limitation, the eaves and similar projections. (Signs)

*Roof line* means the highest point on any portion of a building where an exterior wall and a roof enclose usable floor space, or the highest point on any parapet wall if the parapet wall extends around the entire perimeter of the roof, whichever is higher. (Signs)

*Roof sign* means a sign painted on any roof of a building, supported by poles, uprights or braces extending from any roof of a building, or projecting above any roof of a building, but does not include a "wall sign." (Signs)

*Sales or rental of vehicles* means the sale or rental of a self propelled or towed vehicle such as motorcycles, motorbikes, automobiles, trucks, snowmobiles, mobile homes, trailers, campers, recreational vehicles, boats and the incidental sales of parts and accessories for such vehicles.

*School, elementary, junior and senior high* means any public or private school for any grades between first and twelfth which satisfies state compulsory education requirements.

*Self-service storage facility* means a building consisting of individual, small, self-contained units within a building or group of buildings, which are leased or owned for the storage of business and household goods, but shall not include "outdoor storage" facilities as defined in this section.

*Service of vehicles with limited outdoor storage* means the repair, servicing, maintenance or installation of accessories for vehicles including motorcycles, motorbikes, automobiles, trucks, snowmobiles, trailers, campers, recreational vehicles, sailboats and powerboats where outdoor storage of a vehicle does not exceed five consecutive days.

*Service of vehicles with no outdoor storage* means the repair, servicing, maintenance or installation of accessories for vehicles including motorcycles, motorbikes, automobiles, trucks, snowmobiles, trailers, campers, recreational vehicles, sailboats, powerboats and where there is no outdoor storage of vehicles between the hours of 9:00 p.m. and 7:00 a.m. of the following day.

*Setback* means the minimum distance in linear feet measured on a horizontal plane between the outer perimeter of a structure, above grade, and each of its lot lines. Where a lot abuts a major roadway, the building and use setback is measured as prescribed in section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981.

*Setback, landscaped* means a required setback that is intended to be used exclusively for landscaping purposes.

*Shrub* means a self-supporting deciduous or evergreen plant normally branched near the base, bushy and normally less than fifteen feet in height at maturity as grown in Boulder County.

*Sign* means any object or device or part thereof situated outdoors or in an exterior window which is used to advertise, identify, display, direct or attract attention to an object, person, institution organization, business, product, service, event or location by any means, including, without limitation, words, letters, figures, design symbols, colors, sculpture, motion, illumination or projected images. (Signs)

*Sign face* means the surface of a sign upon, against or through which the message is displayed or illustrated. (Signs)

*Sign structure* means any supports, uprights, braces or framework of a sign. (Signs)

*Small theater or rehearsal space* means an establishment for live dramatic, operatic or dance performances open to the public, without membership requirements, whose seating capacity does not exceed three hundred seats and seating area does not exceed three thousand square feet, or any area for the rehearsal of such live performances.

*Soil moisture sensing device* means a device that measures the amount of moisture in the soil and turns off a sprinkler controller when moisture has reached a pre-set quantity.

*Solar access area* means one of three areas for the purposes of establishing varying levels of solar access protection. (Solar)

*Solar collector* means any device used to collect solar energy and convert it to any other form of energy, including, without limitation, photovoltaics, flatplate concentrating devices, vacuum tubes and greenhouses. (Solar)

*Solar energy system* means any human-made system that relies upon sunshine as an energy source and is capable, through physical, chemical or biological means, of collecting, distributing, storing (if appropriate to the technology), and applying solar energy to beneficial use so as to reduce the amount of nonsolar energy that would otherwise be used by at least ten percent. (Solar)

*Solar exception* means a variance of the solar access requirements of section 9-9-17, "Solar Access," B.R.C. 1981. (Solar)

*Solar fence* means a hypothetical obstruction designed as provided in subsection 9-9-17(d), B.R.C. 1981. (Solar)

*Solar noon* means the time at which the sun is due south and in its highest position above the horizon. (Solar)

*Special population* means persons over the age of sixty, disabled persons, single parents or the homeless. (RGMS)

*Start of construction* means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within one hundred eighty days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. (Floodplain)

*Story* means that portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then between the floor and the ceiling next above it. A basement is a story if any portion of the space included between the surface of the floor and the surface of the ceiling above it extends more than two feet above the natural grade around the perimeter.

*Stream* means an open, relatively natural channel that collects and drains flows within a watershed. A stream can be perennial, intermittent or ephemeral and is defined generally by the bank-full width of the channel. Within the city limits, streams that are regulated are mapped as regulated areas. (Wetlands)

*Streams* do not include man-made channels, swales, irrigation ditches or laterals constructed solely for the purpose of delivering adjudicated water rights or trans-basin diversions; and do not include channels or swales identified as part of the municipal stormwater collection system that collect and convey stormwater runoff from properties to the watershed stream. (Wetlands)

*Stream enhancement* means to improve the function or value of a stream to a condition greater than the existing condition. (Wetlands)

*Streetscape* means the pedestrian and landscape improvements generally within public right-of-way, or provided on private property if the right-of-way is not wide enough to provide the area needed to provide trees and sidewalks.

*String of lights* means a series of lights attached to a wire, race or inserted in transparent tubing in such a way that it can be moved about or hung in various ways, and whose bulbs are not light fixtures permanently attached to a building or other structure.

*Structure* means anything constructed or erected with a fixed location on the ground above grade, but the term does not include poles, lines, cables or other transmission or distribution facilities of public utilities.

*Structure* means any constructed or manufactured object other than an automotive vehicle, and a travel trailer, a camper, a camper bus or a motor home. (AIZ)

*Structure* means a building or other roofed construction, a basement, a wall, a fence, a manufactured home or a storage tank. (Floodplain)

*Sub-basin* means an area of land within the Boulder Creek watershed that drains a single stream. (Wetlands)

*Subdivision* means the division of a lot, tract or parcel of land into two or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future, of sale or building development, but the term excludes any transaction that is exempt from the subdivision regulation under chapter 9-12, "Subdivision," B.R.C. 1981.

*Substantial damage* means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent of the market value of the structure before the damage occurred. (Floodplain)

*Substantial improvement* means any repair, reconstruction, rehabilitation, addition or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair

work performed. For the purposes of this definition, *substantial improvement* is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either: 1) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions or 2) any alteration of a structure listed on the National Register of Historic Places or the Colorado Inventory of Historic Places or designated as an individual landmark under section 9-11-2, "City Council May Designate or Amend Landmarks and Historic Districts," B.R.C. 1981. (Floodplain)

*Substantial modification* means any expansion or enlargement of a structure which equals or exceeds fifty percent of the floor area of the structure intended for human occupancy, considered cumulatively, commencing July 12, 1978. (Floodplain)

*Suspended sign* means a sign suspended from an architectural projection. (Signs)

*Tavern* means an establishment serving malt, vinous and spirituous liquors in which the principal business is the sale of such beverages at retail for consumption on the premises and where snacks are available for consumption on the premises.

*Telecommunications use* means businesses primarily engaged in the design, development, engineering or provision of telecommunication access services but excluding retail sales, manufacturing and repair or installation services to customers.

*Temporary impact* means a permitted, short-term activity that impairs or destroys a stream, wetland or water body under the condition that it will be restored or recreated in place after the activity has ceased. (Wetlands)

*Temporary outdoor entertainment* means an outdoor use open to the public such as a carnival, amusement rides, fair, outdoor theater, promotional event, musical performance or dance for a limited duration of time.

*Temporary sales* means a use of land that results in sales from a tent, canopy, trailer, temporary structure or a parked vehicle, or sales on a vacant parcel of land or any parking lot regardless of location. Not included are sales from push carts or mobile food vendors which are subject to different regulations and licensing.

*Townhouse* means an attached single-family dwelling unit located or capable of being located on its own lot, and is separated from adjoining dwelling units by a wall extending from the foundation through the roof which is structurally independent of the corresponding wall of the adjoining unit.

*Transitional housing* means a facility providing long-term housing in multi-family dwelling units with or without common central cooking facilities, where participation in a program of supportive services is required as a condition of residency to assist tenants in working towards independence from financial, emotional or medical conditions that limit their ability to obtain housing for themselves.

*Transparent materials* means glass or other similar materials that possess a minimum sixty percent transmittance factor and a reflectance factor of not greater than 0.25.

*Tree* means a self-supporting deciduous or evergreen plant normally fifteen feet or more in height at maturity as grown in Boulder County.

*Turf grass* means continuous plant coverage consisting of grass species that, when regularly mowed, form a dense growth of leaf blades and roots.

*Understory planting* means the plant materials such as turf, ground cover or low-growing shrubs that cover the ground area under a tree in a landscaped area.

*Uniformity ratio* means the ratio between the maximum and the minimum light level within a specific use area such as a parking lot.

*Uninhabitable space* means a room or portion thereof that is six feet or less in floor to ceiling height, or a room solely used to house mechanical or electrical equipment that serves the building, including, without limitation, heating, cooling,

electrical, ventilation and filtration systems, or any parking facility located completely below grade on all sides of the structure regardless of the topography of the site (see definition of "floor area").

*Use review use* means a use permitted in a given district only after review and approval as provided in section 9-2-15, "Use Review," B.R.C. 1981.

*Variance* means a permitted deviation or waiver of the land use regulations if all of the applicable criteria for a variance have been found to be met by the appropriate approving authority.

*Vegetation removal – major* means: 1) clearing of woody and nonwoody vegetation canopy cover or herbaceous ground cover that does not meet the definition of *minor vegetation removal*; or 2) removal of any native (indigenous) annual or perennial woody or nonwoody species within the riparian area; or 3) pruning, trimming, cutting off or removal of greater than twenty-five percent of the crown of any tree within a three-year period; or 4) clearing of twenty percent or more horticultural landscaping within a zone. (Wetlands)

*Vegetation removal – minor* means: 1) routine trimming of plant material; or 2) pruning of tree branches totaling less than twenty-five percent of the crown within a three-year period; or 3) removal of non-native invasive species of brush, annual or perennial vegetation and herbaceous grass species that out-compete or suppress existing native vegetation, provided that sufficient vegetation remains to prevent erosion (bare soil shall not be left exposed); or 4) clearing of less than twenty percent of herbaceous or woody groundcover within a zone if combined with the replanting of new vegetation following the "City of Boulder Wetlands Protection Program: Best Management Practices – Revegetation Rules," adopted July 1998. (Wetlands)

*Very low water use zone* means a portion of a landscaped area having plants that require no irrigation once established.

*Vested rights* means the right to undertake and complete a development pursuant to section 9-2-19, "Creation of Vested Rights," B.R.C. 1981.

*Visible beyond the boundaries of the property upon which it is located* means any sign which can be read by a person with 20/20 vision from or beyond any property line. For the purposes of applying section 9-9-21, "Signs," B.R.C. 1981, any letters, figures or symbols which are not larger than two inches in height are deemed not to be visible even though they are due to their close proximity to a property line, up to an aggregate of ten square feet in total area of such visible but small lettering on the property. (Signs)

*Vocational or trade school* means a secondary or higher education facility primarily teaching useable skills that prepare students for jobs in a trade to be pursued as a career or occupation but does not include a college or university.

*Wall sign* means a sign displayed upon or against the wall of an enclosed building, if the exposed face of the sign extends not more than fifteen inches horizontally from the face of the wall, including, without limitation, a sign erected upon or against the side of a roof having an angle of more than forty-five degrees from the horizontal. (Signs)

*Water body* means an area that, during a year with normal patterns of precipitation, has standing water for sufficient duration to establish an ordinary high water mark and a depth of more than two meters. Within the city limits, water bodies that are regulated are mapped as regulated areas. (Wetlands)

*Water use zone* means a portion of a landscaped area having plants with similar water needs that are either not irrigated or irrigated by a circuit with the same schedule.

*Wetland* means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation as specified under the procedures in the 1987 Corps of Engineers Wetlands Delineation Manual. Within the city limits, wetlands that are regulated are mapped as regulated areas. (Wetlands)

*Wetland restoration* means an activity that returns a stream, wetland or water body from a disturbed or altered condition with lesser acreage or function to a condition with greater acreage or function. (Wetlands)

*Wetland creation* means the establishment of a wetland or other aquatic resource, where one did not formerly exist. (Wetlands)

*Wetland enhancement* means activities conducted in existing wetland or aquatic resources which increase one or more ecological functions. (Wetlands)

*White light source* means a spectrum of light produced by, but not limited to, incandescent, halogen, metal halide, induction and fluorescent lamps having a color temperature between two thousand six hundred fifty and four thousand degrees Kelvin and a minimum Color Rendering Index (CRI) of 65.

*Wholesale business* means a business primarily engaged in the selling of merchandise to retailers; to industrial, commercial, institutional or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for or selling merchandise to such individuals or companies.

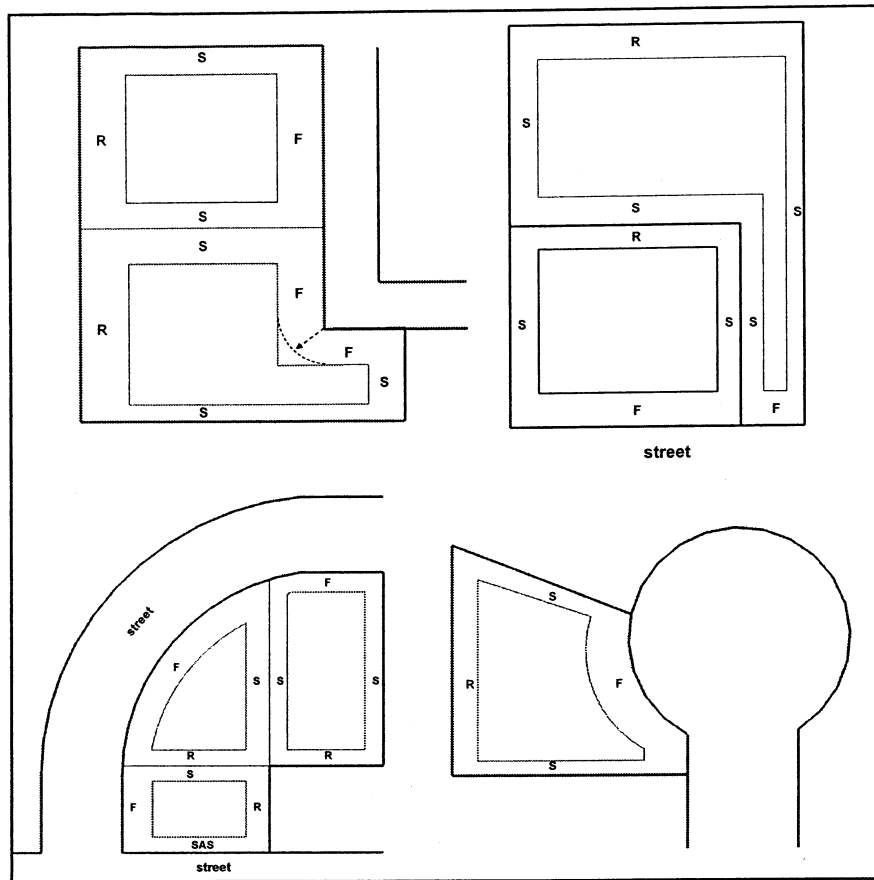
*Wind energy conversion system* means any machine that converts wind to another form of energy.

*Wind sign* means a sign consisting of one or more banners, flags, pennants, wind socks, ribbons, spinners, streamers, captive balloons or other objects or material fastened in such a manner as to move upon being subjected to pressure by wind. (Signs)

*Window sign* means a sign that is located inside a building on or within three feet of a window or door through which it can be seen from the exterior of the building, but excludes merchandise included in a display. (Signs)

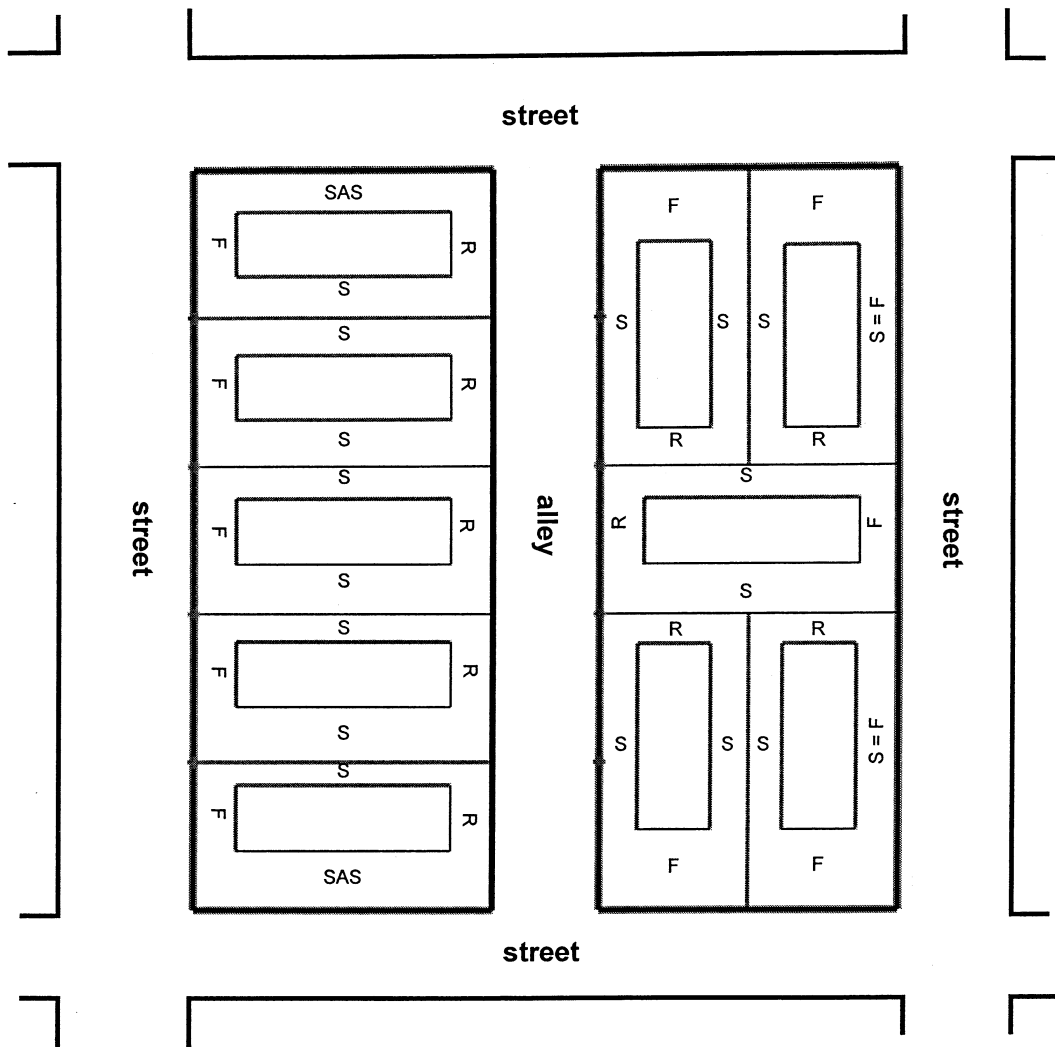
*Xeriscape*<sup>™</sup> means the application of a set of landscaping principles that in concert promote water conservation. *Xeriscape*<sup>™</sup> was trademarked by the Denver Water Board in 1981.

*Yard, front, rear and side* means the open space between the buildings and the property lines at the front, rear and sides of the property, respectively. On a corner lot, the open space adjacent to the shorter street right-of-way shall be considered the front yard. The rear yard is opposite the front yard, and the side yard is between the rear yard and the front yard. (See figures 16-4 and 16-5 of this section.)



**Figure 16-4: Yards for Irregularly Shaped Lots**

To the extent possible, setbacks of irregular lots will match the setbacks of adjacent lots.



**Figure 16-5: Front, Rear and Side Yards**

- F: FRONT YARD
- R: REAR YARD
- S: INTERIOR SIDE YARD
- SAS: SIDE ADJACENT STREET
- S=F: SIDE EQUALS FRONT

*Zoning map* means the Zoning District Map of the City of Boulder, Colorado, adopted as a part of section 9-5-3, "Zoning Map," B.R.C. 1981, as amended from time to time as provided therein.

Ordinance Nos. 7475 (2006); 7484 (2006); 7522 (2007); 7535 (2007); 7613 (2008); 7614 (2008); 7658 (2009); 7684 (2009); 7699 (2009)