

TOWN OF KERSEY LAND USE CODE

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ARTICLE 1 – GENERAL PROVISIONS

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1.1 Title

This ordinance establishes the regulations and standards governing the use and development of land within the Town. Included are provisions for the annexation, subdivision and zoning of land, as well as the administrative procedures governing the submission of applications, administrative and public reviews, and appeals. Also included are Town standards for site design, landscaping, parking and public infrastructure.

1.2 Short Title

This ordinance shall be known and may be cited as the *Town of Kersey Land Use Code*. With this ordinance the *Town of Kersey Land Use Code* shall simply be referred to as "this Code."

1.3 Authority

- A. This Code is adopted pursuant to the authority contained in the Colorado Revised Statutes (C.R.S.), and the Colorado Constitution, Article XX, Section 6. Local governments are provided broad authority to plan for and regulate the use of land within their jurisdictions, as authorized in Title 29, Article 20, *et seq.* and Title 31, Article 23, *et seq.* of the C.R.S., as amended. Additional statutory authority may also exist for specific types of land use regulation.
- B. Whenever a section of the Colorado Revised Statutes that is referred to in this Code is later amended or superseded, this Code is deemed amended to refer to the amended section or section that most nearly corresponds to the superseded section.

1.4 Jurisdiction

- A. This Code shall be effective throughout the Town's corporate boundaries. The Town's planning jurisdiction includes all land within the Town, and where applicable, the land within three miles of the Town's boundaries with reference to a major street plan. For purposes of zoning and subdivision, this Code only applies to lands within the Town's corporate boundaries.
- B. A copy of a map showing the boundaries of the Town and the area within the three-mile planning jurisdiction shall be available for public inspection in the Town offices.

1.5 Purpose

- A. The purpose of this Code is to create a vital, cohesive, well-designed community in order to enhance the Town's character and further the citizens' goals as identified in the *Town of Kersey Comprehensive Plan*. This Code is designed to:
 1. Encourage the most appropriate use of land through the Town;
 2. Encourage innovative, quality site design, architecture and landscaping;
 3. Encourage new developments to relate to Town's historic development pattern;
 4. Promote compact, well-defined, sustainable neighborhoods that enhance Kersey's character;

5. Create livable neighborhoods that foster a sense of community and reduce dependency on private vehicles;
6. Encourage the proper arrangement of streets in relation to existing and planned streets and ensure that streets facilitate safe, efficient and pleasant walking, biking and driving;
7. Provide a variety of lot sizes and housing types in every neighborhood;
8. Protect sensitive natural and historic areas and Kersey's environmental quality;
9. Integrate a high quality natural environment into the developed portions of the community;
10. Facilitate the adequate and efficient provision of transportation, water, sewage, schools, parks and other public requirements;
11. Provide protection from geologic, flood and fire hazards and other dangers; and
12. Promote the health, safety, morals and general welfare of Town residents.

1.6 Interpretation

In their interpretation and application, the provisions of this Code shall be held to be minimum requirements for the promotion of the public health, safety and welfare. Whenever the requirements of this Code are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the more restrictive or that imposing the higher standards shall govern.

1.7 Applicability of Article

- A. The provisions of the *Kersey Land Use Code* shall apply to any and all development of land within the municipal boundaries of the Town, unless expressly and specifically exempted or provided otherwise in this Code. No development shall be undertaken without prior and proper approval or authorization pursuant to the terms of this Code. All development shall comply with the applicable terms, conditions, requirements, standards and procedures established in this Code.
- B. Except as herein provided, no building, structure or land shall be used and no building or structure or part thereof shall be erected, constructed, reconstructed, altered, repaired, moved or structurally altered except in conformance with the regulations herein specified for the zone district in which it is located, nor shall a yard, lot or open space be reduced in dimensions or area to an amount less than the minimum requirements set forth herein.
- C. Whenever both the provisions of this Code and provisions of any other law cover the same subject matter, whichever rule is more restrictive shall govern.
- D. This Code establishes procedural and substantive rules for obtaining the necessary approval to develop land and construct buildings and structures. Development applications will be reviewed for compliance with the *Kersey Comprehensive Plan* and with adopted regulations, policies and other guidelines.

1.8 Relationship to Existing Ordinances

All ordinances or resolutions or motions of the Board of Trustees of the Town or parts thereof in conflict with this Code are to the extent of such conflict hereby superceded and repealed, provided that no such repealer shall repeal the repealer clauses of such ordinance, resolution or motion, nor revive any ordinance, resolution or motion thereby. The adoption of this Code shall not adversely affect the Town's right to seek remedies for any violation of previous ordinances that occurred while those ordinances were in effect.

1.9 Relationship to Comprehensive Plan

- A. It is the intention of the Town that this Code implement the planning policies adopted in the *Kersey Comprehensive Plan* ("Comprehensive Plan") for the Town and its extraterritorial planning area. While this relationship is reaffirmed, it is the intent of the Town that neither this Code nor any amendment to it may be challenged on the basis of any alleged nonconformity with the Comprehensive Plan.
1. Requirement for Comprehensive Plan Amendment. Where a development proposal would be in substantial conflict with the Comprehensive Plan, an amendment to the Comprehensive Plan will be required prior to any zoning or subdivision approvals. A substantial conflict will exist when a development proposal would result in changes from the designations of the *Land Use Plan Map*, *Transportation Plan Map* or *Parks and Open Space Map* in the *Kersey Comprehensive Plan*.
 2. Criteria for Evaluating Amendment Proposals. Amendments to the Comprehensive Plan resulting from development proposals under this Code shall be evaluated according to the criteria and procedure outlined in the Comprehensive Plan.

1.10 Effective Date

The provisions of this Code became effective May 13, 2006 and were originally adopted on March 28, 2006. Development plans approved under previous regulations that received vested property rights through a site specific development plan shall be valid for the duration of that vested property right provided that all terms and conditions of the site specific development plan are followed. Existing legal uses that may become nonconforming by adoption of this Code shall become legal nonconforming uses subject to the provisions of Section 3.8.

1.11 Fees

Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters will be charged to applicants for permits, plat approvals, zoning amendments, variances and other administrative relief. The fee schedule will be adopted periodically by the Board of Trustees and is available from the Town Office.

1.12 Severability

If any part, section, subsection, sentence, clause or phrase of this Code is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the Code. The Board of Trustees hereby declares that it would have passed the Code including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases be declared invalid.

1.13 Computation of Time

- A. In computing a period of days, the first day is excluded and the last day is included.
- B. If the last day of any period is a Saturday, Sunday, or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday or legal holiday.
- C. If a number of months is to be computed by counting the months from a particular day, the period ends on the same numerical day in the concluding month as the day of the month from which the computation is begun, unless there are not that many days in the concluding month, in which case the period ends on the last day of that month.

1.14 Miscellaneous

- A. As used in this Code, words used in the singular include the plural and words used in the plural include the singular.
- B. The words "must," "shall" and "will" are mandatory; "may," "can," "should" and "might" are permissive.

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|-------------------------|
| 1.15 Definitions |
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A. Terms used in this Code are defined as follows:

1. Accessory building means a subordinate building or structure, the use of which is customarily incidental to that of the main building or to the main use of the land, which is located on the same lot (or on a contiguous lot in the same ownership) with the main building or use. Accessory buildings are only permitted when they are incidental or accessory to an existing and permitted principal or conditional use.
2. Accessory dwelling means an apartment integrated within a single-family dwelling, or located in a detached accessory building, such as carriage houses or agricultural-type outbuildings, located on the same lot as single-family dwellings. Accessory dwellings shall be limited to eight hundred fifty (850) square feet in floor area. For purposes of calculating residential density, each accessory dwelling shall count as one-half (½) dwelling unit. There shall not be more than one (1) accessory dwelling located on a lot in addition to the single-family dwelling.
3. Accessory use means a subordinate use, clearly incidental and related to the main structure, building, or use of land, and located on the same lot (or on a contiguous lot in the same ownership) as that of the main structure, building, or use.
4. Adjacent means meeting or touching at some point, or separated from a lot or parcel by one of the following: a street, alley, or other right-of-way, lake, stream or open space.
5. Adjacent property owner is an owner of record of any estate, right or interest in real property abutting and within three hundred (300) feet of the subject property.
6. Adult-oriented use means a use of property where the principal use, or a significant or substantial addition to another use of the property, is the sale, rental, display or other offering of live entertainment, dancing or material which is distinguished or characterized by its emphasis on depicting, exhibiting, describing or relating to "specified sexual activities" or "specified anatomical areas" as the primary attraction to the premises, including, but not limited to:
 - a. *Adult arcade* means an establishment where, for any form of consideration, one or more still or motion picture projectors or similar machines, or other image producing machines, for viewing by five (5) or fewer persons each, are used to show films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".
 - b. *Adult bookstore, adult novelty store or adult video store* means a commercial establishment which:

- i. Devotes a significant or substantial portion of its stock-in-trade or interior floor space to;
- ii. Receives a significant or substantial portion of its revenues from; or
- iii. Advertising expenditures to the promotion of: the sale, rental or viewing (for any form of consideration) of films, motion pictures, video cassettes, slides or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

An establishment may have other principal business purposes that do not involve the offering for sale, rental or viewing of materials depicting or describing "specified sexual activities" or "specified anatomical areas", and still be categorized as an adult bookstore, adult novelty store or adult video store. Such other business purposes will not serve to exempt such establishment from being categorized as an adult bookstore, adult novelty store or adult video store so long as the provisions hereof are otherwise met.

- c. *Adult business* means an adult arcade, adult bookstore, adult novelty shop, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, sexual encounter establishment or nude model studio. The definition of "adult businesses" shall not include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the State engages in medically approved and recognized sexual therapy.
- d. *Adult cabaret* means a club, restaurant, "pop shop", or similar commercial establishment which features:
 - i. Persons who appear nude or in a state of nudity or semi-nude;
 - ii. Live performances, which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities", or
 - iii. Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities or "specified anatomical areas"
- e. *Adult motel* means a motel, hotel or similar commercial establishment which:
 - i. Offers public accommodations for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion picture, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" and which advertises the availability of this adult type of material by means of a sign visible from the public right of

- way, or by means of any off-premises advertising, including but not limited to newspapers, magazines, pamphlets or leaflets, radio or television;
- ii. Offers a sleeping room for rent for a period of time less than ten (10) hours; or c) allows a tenant or occupant to subrent a sleeping room for a time period of less than ten (10) hours.
- f. *Adult motion picture theater* means a commercial establishment where films, motion picture, video cassettes, slides or similar photographic reproductions depicting or describing "specified sexual activities" or "specified anatomical areas" are regularly shown for any form of consideration.
 - g. *Adult theater* means a theater, concert hall, auditorium or similar commercial establishment which, for any form or consideration, regularly features persons who appear in a state of nudity or live performances which are characterized by exposure of "specified anatomical areas" or by "specified sexual activities".
 - h. *Employee* means a person who works or performs in and/or for an adult business, regardless of whether or not said person is paid a salary, wage or other compensation by the operator of said business.
 - i. *Establishment*: In regard to an adult business, means and includes any of the following:
 - i. The opening or commencement of any such business as a new business;
 - ii. The conversion of an existing business into an adult business;
 - iii. The addition of an adult business to any other existing adult business;
 - iv. The relocation of an adult business.
 - j. *Licensing Officer*: The Town Clerk.
 - k. *Manager* means an operator, other than a licensee, who is employed by an adult business to act as a manager or supervisor of employees or is otherwise responsible for the operation of the business.
 - l. *Nude Model Studio* means any place where a person, who appears in a state of nudity or displays "specified anatomical areas", is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculpted, photographed or similarly depicted by other persons.
 - m. *Nudity or State of Nudity*:
 - i. The appearance of human bare buttocks, anus, male genitals, female genitals or the areola or nipple of the female breast;

- ii. A state of dress which fails to opaquely and fully cover a human buttocks, anus, male or female genitals, public region or areola or nipple of the female breast.
- n. *Operator* includes the owner, permit holder, custodian, manager, operator or person in charge of any permitted or licensed premises.
- o. *Peep Booth* mean a viewing room of less than one hundred fifty (15) square of floor space.
- p. *Permittee and/or Licensee* means a person in whose name a permit and/or license to operate an adult business has been issued, as well as the individual listed as an applicant on the application of or a permit and/or license.
- q. *Person* means an individual, proprietorship, partnership, corporation, limited liability company, association or other legal entity.
- r. *Premises or Permitted or Licensed Premises* means any premises that requires a license and/or permit and that is classified as an adult business.
- s. *Principal Owner* means any person owning, directly or beneficially, a) ten percent (10%) or more of a corporation's equity securities; b) ten percent (10%) or more of the membership interest in a limited liability company; or c) in the case of any other legal entity, ten percent (10% or more of the ownership interest in the entity.
- t. *Private Room* means a room in an adult motel that is not a peep booth, has a bed and a bath in the room or adjacent room, and is used primarily for lodging.
- u. *Seminude* means a state of dress in which clothing covers no more than the genital, public region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.
- v. *Sexual Encounter Establishment* means a business or commercial establishment, that as one of its primary business purposes, offers, for any form of consideration, a place where two (2) ore more persons may congregate, associate, or consort for the propose of "specified sexual activities" or the exposure of "specified anatomical areas" or activities when one or more of the persons is in a state of nudity or seminude. An adult motel will not be classified as a sexual encounter establishment by virtue of the fact that it offers private rooms for rent.
- w. *Specified Anatomical Areas:*
 - i. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola; or

- ii. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
 - x. *Specified Criminal Acts* means sexual crimes against children, sexual abuse, rape or crimes connected with another adult business, including distribution of obscenity, prostitution, or pandering.
 - y. *Specified Sexual Activities*:
 - i. The fondling or other intentional touching of human genitals, pubic region, buttocks, anus or female breasts;
 - ii. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
 - iii. Masturbation, actual or simulated; or
 - iv. Human genitals in a state of sexual stimulation, arousal or tumescence;
 - v. Excretory functions as part of or in connection with any of the activities set forth in subsections (1) through (4) of this definition.
 - z. *Transfer of Ownership or Control of an Adult Business*: Means and includes any of the following:
 - i. The sale, lease or sublease of the business;
 - ii. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means.
 - iii. The establishment of a trust, management arrangement, gift or other similar legal devise which transfers ownership or control of the business, except for transfer by bequest or other operation of law upon the death of a person possession the ownership or control.
7. Affordable Housing Project shall mean a development project in which: (1) at least seventy-five (75) percent of the gross acreage to be developed under the plan is to be developed as residential dwelling units or mobile home park spaces; (2) at least ten (10) percent of said dwelling units or spaces (the "affordable housing units") are to be available for rent or purchase on the terms described in the definitions of *affordable housing unit for rent* or *affordable housing unit for sale* (as applicable); (3) the construction of the dwelling units or spaces is to occur as part of the initial phase of the project and (i) prior to the construction of the market rate units or (ii) on a proportional basis, according to the same ratio as the number of affordable units bears to the number of the market rate units; and (4)

the units will be required by binding legal instrument acceptable to the Town and duly recorded with the Weld Clerk and Recorder, to be occupied by and affordable to low-income households for at least twenty (20) years.

8. Affordable housing unit for rent shall mean a dwelling unit which is available for rent on terms that would be affordable to households earning eighty (80) percent or less of the median income of Kersey residents, as adjusted for family size, and paying less than thirty (30) percent of their gross income for housing, including rent and utilities. The unit must be occupied by and be affordable to such low-income household(s) for a period of at least twenty (20) years or permanently.
9. Affordable housing unit for sale shall mean a dwelling unit which is available for purchase on terms that would be affordable to households earning eighty (80) percent or less of the median income of Kersey residents, as adjusted for family size and paying less than thirty-eight (38) percent of their gross income for housing, including principal, interest, taxes, insurance, utilities and homeowners' association fees. The unit must be occupied by and affordable to such low-income household(s) for a period of at least twenty (20) years or permanently.
10. Agricultural activity shall mean farming, including plowing, tillage, cropping, utilization of best management practices, seeding, cultivating or harvesting for the production of food and fiber products (except commercial logging and timber harvesting operations); the grazing or raising of livestock (except in feedlots); aquaculture; sod production; orchards; Christmas tree plantations; nurseries; and the cultivation of products as part of a recognized commercial enterprise.
11. Agricultural land means land that is being used for agricultural activities.
12. Alley means a minor or secondary way which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.
13. Alteration means any change, addition or modification in construction, occupancy or use.
14. Amusement center means an establishment providing completely enclosed recreation activities including, but not limited to bowling, roller skating or ice skating, billiard, pool, motion picture theaters, and related amusements. Accessory uses may include the preparation and serving of food and/or sale of equipment related to the enclosed uses.

15. Amusement park means an outdoor enterprise whose main purpose is to provide the general public with entertaining activity, where tickets are sold or fees collected at the activity. Commercial amusements include miniature golf courses, outdoor arcades, Ferris wheels, children's rides, roller coasters, skateboard parks, go-cart tracks, water parks and similar uses.
16. Animal boarding shall mean the operation of an establishment in which domesticated animals other than household pets are housed, groomed, bred, boarded, trained or sold. This term shall not include the operation of a kennel.
17. Applicant is the owner of land, the owner's authorized representative, or the optionee of the land, as well as mineral owners and lessees.
18. Appurtenances are the visible, functional, or ornamental objects accessory to and part of a building.
19. Aquifer recharge area means an area where water is absorbed into a natural aquifer adding to the zone of saturation.
20. Arcade is a series of arches supported on piers or columns.
21. Area of lot means the total horizontal area within the lot lines of a lot.
22. Automotive repair, major means an establishment primarily engaged in the repair or maintenance of commercial and heavy truck oriented motor vehicles, trailers and similar large mechanical equipment, including paint, body and fender and major engine and engine part overhaul, provided it is conducted within a complete enclosed building. Such use shall not include the sale of fuel, gasoline or petroleum products.
23. Automotive repair, minor means an establishment primarily engaged in the repair or maintenance of passenger and light truck oriented motor vehicles, trailer and similar mechanical equipment, including brake, muffler, upholstery work, tire repair and change, lubrication, tune ups and transmission work, car washing, detailing, polishing or the like, provided it is conducted within a completely enclosed building. Such use shall not include the sale of fuel, gasoline or petroleum products.
24. Awning means a roof-like cover of canvas or other material extending in front of a doorway or window, or over a deck, to provide protection from the sun or rain.
25. Awning sign means a wall sign which is painted, stitched, sewn or stained onto the exterior of an awning.

26. Bar or tavern means an establishment providing or dispensing fermented malt beverages, and/or malt, vinous or spirituous liquors and in which the sale of food products such as sandwiches or light snacks is secondary.
27. Beacon, revolving means a rotating source of light.
28. Bed and breakfast shall mean an establishment operated in a private residence or portion thereof, which provides temporary accommodations to overnight guests for a fee and which is occupied by the operator of such establishment.
29. Bikeway means a path designed for use by bicyclists, which may be used by pedestrians.
30. Blank wall shall mean an exterior building wall with no openings and a single material and uniform texture on a single plane.
31. Block means a unit of land, or a group of lots, bounded by streets or by a combination of streets and public lands, or other rights-of-way other than an alley, waterways or any barrier to the continuity of development, or land which is designated as a block on any recorded subdivision tract.
32. Block Diversity Plan is a plan provided by an applicant which demonstrates that an adequate mix of housing models and styles are offered within a neighborhood and within each block face. The intent is to insure that diverse and quality design elements are integrated into the character of residential homes and streets. A Block Diversity Plan shall be required for the following:
 - a. Single-family detached and duplex housing; and
 - b. Multi-family stacked units, including condominiums and apartments. The submittal requirements for the Block Diversity Plan are specified in Section 2.19, C.1., Residential Architecture (Single Family Detached and Duplex Dwellings); and Section 2.19, E.1, (Multi-Family Stacked Units, including Condominiums and Apartments).
33. Block Face is the length of a side of a roadway adjoining a sidewalk which has a natural ending or is intersected by another roadway. Where no natural ending or intersecting roadway exists for more than 300 yards along the length of a roadway adjoining a sidewalk, then an individual Block Face will be considered every 300-yard section and remaining fraction thereof. For purposes of this Chapter, Block Face applies exclusively to areas zoned as commercial, business or mixed-used, and not residential areas.
34. Board of Trustees (Board) means the governing board of the Town.
35. Boarding and rooming house shall mean a building or portion of which is used to accommodate, for compensation, four (4) or more boarders or roomers, not including members of the occupant's immediate family who might be occupying such building. The

word *compensation* shall include compensation in money, services or other things of value.

36. Building means any permanent structure built for the shelter or enclosure of persons, animals, chattels or property of any kind, which is governed by the following characteristics:
- a. Is permanently affixed to the land.
 - b. Has one (1) or more floors and a roof.
37. Building code means and includes any law, ordinance or code which is in force in the Town and which pertains to the design and construction of buildings and other structures, including swimming pools or any component thereof, such as cooling and heating, plumbing, electricity and the like.
38. Building frontage means the horizontal, linear dimension of that side of a building, which abuts a street, a parking area, a mall, or other circulation area open to the public and has either a main window display or a public entrance to the building.
39. Building height is measured from the average of finished grade at the center of all walls of the building to the top of the parapet or highest roof beam (whichever is higher) on a flat or shed roof, to the top of the parapet or deck level (whichever is higher) of a mansard roof, or the average distance between the highest ridge and its eave of a gable, hip, or gambrel roof.

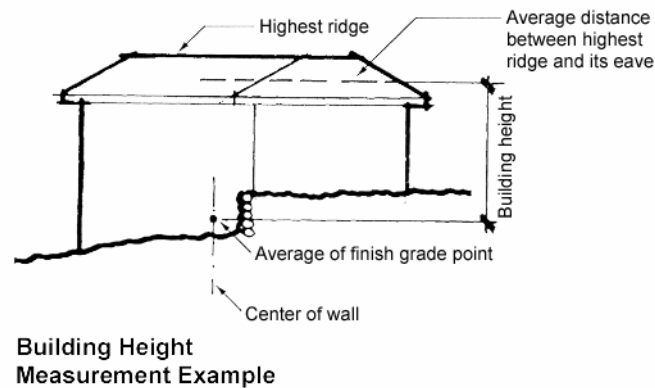


Figure 1-1

40. Caliper means the American Association of Nurserymen standard for trunk measurement of nursery stock, as measured at six (6) inches above the ground for trees up to and including four-inch caliper size, and as measured at twelve (12) inches above the ground for larger sizes.
41. Canopy sign means a wall sign that is permanently affixed to a roofed shelter attached to and supported by a building, by columns extending from the ground or by a combination of a building and columns.
42. Cash-in-lieu (also known as "fee-in-lieu") means that the applicant, at the determination of the Board of Trustees, may pay the Town money instead of land dedication in those cases where the dedication of land is not the preferred alternative. The payment shall comply with the following requirements unless otherwise provided for by this Code.
- a. Payment shall be based on the market value, to be determined after completion of the platting process, of the entire property as it is valued after platting.
 - b. The value of the land is based upon an appraisal by a competent, independent appraiser selected by the Town and the applicant, or upon value negotiated between the Town and applicant. The suitability of the land to be dedicated for public purposes and the credit to be given toward the land dedication requirement is at the Town's sole option and discretion.
 - c. Combination of dedication and cash-in-lieu:
 - i. The applicant, at the option of the Board, may meet the dedication requirements through a combination of cash-in-lieu and land dedication in those cases where a portion of the dedication of land is not desired.
 - ii. The value of the combination of both the land dedication and the cash-in-lieu of land shall not exceed the full market value of the total required dedication of sites and land areas.
43. Cemetery means land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including mausoleums and mortuaries when operated in conjunction with, and within the boundaries of, such cemetery.
44. Character means those attributes, qualities and features that make up and distinguish a development project and give such project a sense of purpose, function, definition and uniqueness.
45. Child care center means a facility, by whatever name known, which is maintained for the whole or part of a day for the care of five (5) or more children under the age of sixteen (16) years who are not related to the owner, operator or manager, whether such facility is operated with or without compensation for such care and with or without stated education

purposes. The term includes, but is not limited to, facilities commonly known as day-care centers, day nurseries, nursery schools, preschools, play groups, day camps, summer camps, centers for developmentally disabled children and those facilities which give twenty-four hour per day care for dependent and neglected children, but specifically excludes any family-care home as defined in this Code. Child care centers are also those facilities for children under the age of six (6) years with stated educational purposes which are operated in conjunction with a public, private or parochial college or a private or parochial school, except that the term shall not apply to a kindergarten maintained in connection with a public, private or parochial elementary school system of at least six (6) grades so long as the school system is not also providing extended day services.

46. Church or place of worship and assembly means a building containing a hall, auditorium or other suitable room or rooms used for the purpose of conducting religious or other services or meetings of the occupants of such structure. Church or place of worship and assembly shall include churches, synagogues or the like, but shall not include buildings used for commercial endeavors, including, but not limited to, commercial motion picture houses or stage productions.
47. Clerestory means a portion of an interior rising above adjacent rooftops and having windows admitting daylight to the interior.
48. Clinic means a building designed and used for the diagnosis and treatment of human patients that does not include overnight care facilities.
49. Clubs and lodges means organizations of persons for special purposes or for the promulgation of sports, arts, literature, politics or other common goals, interests or activities, characterized by membership qualifications, dues or regular meetings, excluding clubs operated for profit and/or places of worship or assembly.
50. Commercial mineral deposits means oil, gas, gravel and other natural deposits that may be extracted from a property for economic benefit.
51. Common equestrian stabling and grazing means shared pastures and/or common barns for horses in conservation subdivision which is owned and maintained by a homeowner's association.
52. Common open space means a parcel of land, an area of water, or a combination of land and water within a development designed and intended primarily for the use or enjoyment of residents, occupants and owners of the development, not including streets, off-street parking areas, and areas set aside for public facilities.
53. Community Design Principles & Development Standards means the standards in the *Kersey Land Use Code* set forth in Article 2.
54. Community facility means a publicly owned facility or office building which is primarily intended to serve the recreational, educational, cultural, administrative or entertainment needs of the community as a whole.

55. Compatibility means the characteristics of different uses or activities or design which allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include height, scale, mass and bulk of structures. Other characteristics include pedestrian or vehicular traffic, circulation, access and parking impacts. Other important characteristics that affect compatibility are landscaping, lighting, noise, odor and architecture. Compatibility does not mean "the same as." Rather, compatibility refers to the sensitivity of development proposals in maintaining the character of existing development.
56. Comprehensive Plan means the *Kersey Comprehensive Plan*.
57. Compressed gravel means gravel that has ninety-five (95) percent compaction at standard proctor densities at two (2) percent optimum moisture content.
58. Condominium means a single dwelling unit in a multiple unit structure, which is separately owned and which may be combined with an undivided interest in the common areas and facilities of the property.
59. Connecting walkway means:
- a. Any street sidewalk; or
 - b. Any walkway that directly connects a building entrance(s) to the street sidewalk, and connects other origins and destinations for pedestrians, including but not limited to commercial establishments, schools, parks, dwellings, work places and transit stops, without requiring pedestrians to walk across parking lots or driveways, around buildings or following parking lot outlines which are not aligned to a logical route.
60. Conservation easement means a right of the owner of the easement to prohibit certain acts with respect to the property in order to maintain the property in a manner that will preserve its value for recreation, education, habitat, open space, or historical importance. See also §38-30.5-102 C.R.S. (**NOTE:** For a conservation easement to create tax benefits for the donor at the federal or state level, it must meet either or both of the Internal Revenue Service or State of Colorado definitions).
61. Container (also known as cargo or shipping container) means a truck trailer body that can be detached from the chassis for loading into a vessel, a rail car or stacked in a container depot. Containers may be ventilated, insulated, refrigerated, flat rack, vehicle rack, open top, bulk liquid or equipped with interior devices. A standard container may be twenty (20) feet, forty (40) feet, forty-five (45) feet, forty-eight (48) feet or fifty-three (53) feet in length, eight feet (8'0") or eight feet six inches (8'6") in width, and eight feet six inches (8'6") or nine feet six inches (9'6") in height.
62. Convenience retail store means a retail store containing less than five thousand (5,000) square feet of gross floor area which sells everyday goods and services which may

include, without limitation, ready-to-eat food products, groceries, over-the-counter drugs and sundries.

63. Convenience shopping center means a shopping and service center located in a complex which is planned, developed and managed as a single unit, and located within and intended to primarily serve the consumer demands of adjacent employment areas and residences.
64. Cornice means a continuous, molded projection that crowns a wall or other construction, or divides it horizontally for compositional purposes.
65. Covenants means a private written agreement outlining regulations specific to a development. As private restrictions, they are not enforced by the Town. In the event of conflict between the covenants and this Code, this Code controls.
66. Critical plant communities means vegetation which is essential to the conservation of threatened or endangered species and which may require special management considerations or protection.
67. Crosswalk means pathway marked off for pedestrians to cross a street.
68. Cul-de-sac means a local street with only one outlet and having the other end for the reversal of traffic movement.
69. Cultural assets means buildings, locations and other features considered historically or socially significant to the community.
70. Dedicated land means land transferred to the Town by platting, title, deed or other legal method approved by the Town Attorney.
71. Dedication means any grant by the owner of a right to use land for the public in general, involving a transfer of property rights, and an acceptance of the dedicated property by the appropriate public agency.
72. Density means the overall average number of dwelling units located on the gross or net residential acreage (as applicable) contained within the development and calculated on a per-acre basis. Gross density is calculated by dividing the total number of units by the total acreage. Net density is calculated by dividing the [total number of units] by the [total acreage minus all publicly dedicated land].
73. Design standards means the standards that set forth specific improvements requirements.
74. Detention basin means a man-made or natural water collector facility designed to collect surface and sub-surface water in order to impede its flow and to release the same gradually at a rate not greater than that prior to the development of property, into natural or manmade outlets.

75. Developer means any person, partnership, joint venture, limited liability company, association or corporation who participates as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale or lease of a development.
76. Development means the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into two (2) or more parcels. When appropriate in context, development shall also mean the act of developing or to the result of development.
- a. *Development* shall also include:
- i. Any construction, placement, reconstruction, alteration of the size, or material change in the external appearance of a structure on land;
 - ii. Any change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on a tract of land or a material increase in the intensity and impacts of the development;
 - iii. Any change in use of land or a structure;
 - iv. Any alteration of a shore or bank of a river, stream, lake, pond, reservoir or wetland;
 - v. The commencement of drilling oil or gas wells, mining, stockpiling of fill materials, filling or excavation on a parcel of land;
 - vi. The demolition of a structure;
 - vii. The clearing of land as an adjunct of construction;
 - viii. The deposit of refuse, solid or liquid waste, or fill on a parcel of land;
 - ix. The installation of landscaping within the public right-of-way, when installed in connection with the development of adjacent property; and
 - x. The construction of a roadway through or adjoining an area that qualifies for protection as a wildlife or natural area.
- b. *Development* shall *not* include:
- i. Work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way;
 - ii. Work by any public utility for the purpose of inspecting, repairing, renewing or constructing, on established rights-of-way, any mains, pipes, cables, utility tunnels, power lines, towers, poles, or the like; provided,

however, that this exemption shall not include work by a public entity in constructing or enlarging mass transit or fixed guide way mass transit depots or terminals or any similar traffic-generating activity;

- iii. The maintenance, renewal, improvement, or alteration of any structure, if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure;
 - iv. The use of any land for an agricultural activity (refer to 1.15.A.10);
 - v. A change in the ownership or form of ownership of any parcel or structure;
or
 - vi. The creation or termination of rights of access, easements, covenants concerning development of land, or other rights in land.
77. Development plan means the written and graphical documents that detail the provisions for development of a PUD development. These provisions may include, and need not be limited to, easements, covenants and restrictions relating to use; location and bulk of buildings and other structures; intensity of use or density of development; utilities, private and public streets, ways, roads, pedestrians, areas, and parking facilities; common open space, and other public facilities.
78. Developmental disability means a disability that is manifested before the person reaches twenty-two (22) years of age; constitutes a substantial handicap to the affected individual; and is attributable to mental retardation or related conditions which include cerebral palsy, epilepsy, autism or other neurological conditions when such conditions result in impairment of general intellectual functioning or adaptive behavior similar to that of a mentally retarded person.
79. Dormer means a projecting structure built out from a sloping roof, usually housing a vertical window or vent.
80. Downtown means the original business district of Kersey. The boundary of downtown may change as Kersey continues to grow.
81. Drive aisles means the lanes in a parking lot devoted to the passage of vehicles, as opposed to the parking stalls. The term *drive aisle* does not include lanes used only or primarily for drive-in customer service.
82. Drive-in use means an establishment which by design, physical facilities, service or packaging procedures encourages or permits customers to receive services, obtain goods or be entertained while remaining in their motor vehicles.
83. Driveway means a constructed vehicular access serving one (1) or more properties and abutting a public or private road.

84. Dwelling means a building used exclusively for residential occupancy, including single-family dwellings, two-family dwellings and multi-family dwellings.
85. Dwelling, multi-family means a dwelling containing three (3) or more dwelling units, not including hotels, motels, fraternity houses and sorority houses and similar group accommodations.
86. Dwelling, single-family means a building designed exclusively for occupancy by one (1) family, but not including mobile home, otherwise provided herein.
87. Dwelling, single-family attached means a residential building containing dwelling units, each of which has primary ground floor access to the outside and which are attached to each other by party walls without openings. The term is intended primarily for such dwelling types as townhouses and duplexes.
88. Dwelling, single-family detached means a single-family dwelling which is not attached to any other dwelling or building by any means, excluding mobile homes and manufactured housing situated on a permanent foundation.
89. Dwelling, two-family means a building occupied by two (2) families living independently of each other.
90. Dwelling unit means one (1) or more rooms and a single kitchen and at least one (1) bathroom, designed, occupied or intended for occupancy as separate quarters for the exclusive use of a single family for living, cooking and sanitary purposes, located in a single-family, two-family or multi-family dwelling or mixed-use building.
91. Easement means a right to land generally established in a real estate deed or on a recorded plat to permit the use of land by the public, a corporation or particular persons for specified uses.
92. Eave means the overhanging lower edge of a roof.
93. Elevation means the external vertical plane of a building. Elevations are considered different if they have different roof lines, building materials, details, color and overall stylistic expression
94. Employees means the total number of persons to be employed in a building during normal periods of use.
95. Entertainment facilities and theaters means a building or part of a building devoted to showing motion pictures or dramatic, musical or live performances.
96. Environmentally sensitive areas means aquifer recharge areas, significant wildlife habitat and migration corridors, unique vegetation and critical plant communities, and ridge lines.

97. Family means an individual living alone, or either of the following groups living together as a single housekeeping unit and sharing common living, sleeping, cooking and eating facilities:
- a. Any number of persons related by blood, marriage, adoption, guardianship or other duly authorized custodial relationship; or
 - b. Any unrelated group of persons consisting of:
 - i. Not more than three (3) persons; or
 - ii. Not more than two (2) unrelated adults and their children, if any; or
 - iii. Not more than eight (8) developmentally disabled persons and appropriate staff occupying a dwelling unit and living as a single, nonprofit housekeeping unit.
98. Family child care home means a facility for child care in a place of residence of a family or person for the purpose of providing less than twenty-four (24) hour care for children under the age of eighteen (18) years who are not related to the head of such home. *Family child care home* may include infant-toddler child care homes, large child care homes, experienced provider child care homes, and such other types of family child care homes designated by rules of the State Department of Social Services pursuant to C.R.S. § 26-6-106 (2) (p).
99. Farm animals means animals commonly raised or kept in an agricultural, rather than an urban, environment including, but not limited to, chickens, pigs, sheep, goats, horses, cattle, llamas, emus, ostriches, donkeys and mules.
100. Feedlot means any tract of land or structure, pen or corral, wherein cattle, horses, sheep, goats, emus, ostriches or swine are maintained in close quarters for the purpose of fattening such livestock for final shipment to market.
101. FEMA means Federal Emergency Management Agency.
102. FHA means Federal Housing Administration.
103. Floodplain or flood hazard area means areas which have been designated by the Board of Trustees, the Colorado Water Conservation Board or FEMA as susceptible to flooding.
104. Flood prone means areas subject to flooding which have not been designated by the Board of Trustees, the Colorado Water Conservancy Board or FEMA.
105. Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

106. Floor area, also called gross floor area, means the total square footage of the building measured along the outside walls of the building and including each floor level, but not including open balconies, garages or other enclosed automobile parking areas and basement storage areas, and not including one-half (½) of all storage and display areas for durable goods.
107. Floor Area Ratio (FAR) means the amount of gross floor area of all principal buildings on a lot or block, as the case may be, divided by the total area of such lot, or the block size, respectively, on which such buildings are located. For mixed-use blocks, the residential square footage shall be added to the commercial development for a total block FAR.
108. Footprint, also called ground level footprint, means the outline of the total area which is covered by a building's perimeter at ground level.
109. Foster care home means a facility that is certified by the county department of social services or a child placement agency for child care in a place of residence of a family or person for the purpose of providing twenty-four (24) hour family care for a child under the age of eighteen (18) years who is not related to the head of such home, except in the case of relative care.
110. Freestanding sign means a sign which is supported by one (1) or more columns, uprights, poles or braces extended from the ground, or which is erected on the ground and shall also include a monument sign and pole signs but does not include a sign attached to a structure.
111. Functional open space means open space which is large enough to serve a practical purpose such as recreation, wildlife habitat or preservation of areas of agricultural, archeologic or historical significance and shall exclude areas used for off-street parking, off-street loading, service driveways and setbacks from oil and gas wells or their appurtenances, or other hazards to the public.
112. Funeral home means a building used for the preparation of the deceased for burial or cremation, for the display of the deceased and/or for ceremonies or services related thereto, including cremation and the storage of caskets, funeral urns, funeral vehicles and other funeral supplies.
113. Gable means the triangular portion of wall enclosing the end of a pitched roof from cornice or eaves to ridge.
114. Gasoline station means any building, land area, premises or portion thereof, where gasoline or other petroleum products or fuels are sold and light maintenance activities such as engine tune-ups, lubrication, minor repairs and carburetor cleaning may be conducted. *Gasoline station* shall not include premises where heavy automobile maintenance activities such as engine overhaul, automobile painting and body fender work are conducted.

115. Geologic hazards means unstable or potentially unstable slopes, undermining, faulting, landslides, rockfalls, flood, wildfire or similar naturally occurring dangerous features or soil conditions or natural features unfavorable to development.
116. Grade means:
- a. The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line, when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.
 - b. The degree of rise or descent of a sloping surface.
117. Grade, finished means the final elevation of the ground surface after development.
118. Grade, natural means the elevation of the ground surface in its natural state, before man-made alterations.
119. Grocery store, large means a retail establishment which primarily sells food, but also may sell other convenience and household goods, and which occupies a space greater than twenty-five thousand (25,000) square feet. The term large grocery store is synonymous with supermarket.
120. Grocery store, small means a retail establishment primarily selling food, as well as other convenience and household goods, which occupies a space of not more than twenty-five thousand (25,000) square feet.
121. Gross square footage (GSF) means the total floor area designed for occupancy and use, including basements, mezzanines, stairways and upper floors, if any, expressed in square feet and measured from the centerline of joint partitions and from outside wall faces.
122. Group home, developmentally disabled means a group home, licensed by the state, for the exclusive use of not more than eight (8) developmentally disabled persons and the appropriate staff.
123. Group home, elderly means an owner-occupied or nonprofit group home for the exclusive use of not more than eight (8) persons sixty (60) years of age or older and the appropriate staff.
- a. "*Nonprofit group home*" means a group home for the aged which is owned and operated by a person or organization as provided by 31-23-303, C.R.S., 1973.
 - b. "*Owner-occupied group home*" means a group home for the aged which is owned and operated by an individual or individuals who actually reside at and maintain their primary place of residence in the group home.

124. Group home, mentally ill means a group home, licensed by the state, for the exclusive use of not more than eight (8) mentally ill persons and the appropriate staff.
125. Guest house means an accessory structure which is physically detached from a single-family dwelling unit, is serviced through the same utility meters or connections as the principal use, and is intended for temporary occupancy by visitors to the family residing in the single-family dwelling, and has no cooking facilities.
126. Health club means a facility that provides physical fitness services and/or equipment to its members.
127. Highway corridor means the area within one thousand five hundred (1,500) feet of the rights-of-way of the State Highway 34.
128. Hip roof means a roof having sloping ends and slides meeting at an inclined projecting angle.
129. Historic district means an area related by historical events or themes by visual continuity or character, or by some other special feature that helps give it a unique historical identity. Such area may be designated a historic district by local, state, or federal government and given official status and protection.
130. Historic site means a structure or place of historical significance. Such structure or place may be designated a historic site by local, state, or federal government and given official status and protection.
131. Home occupation means an occupation or business activity which results in a product or service and is conducted in whole or in part in a dwelling unit, and is subordinate to the residential use of the dwelling unit.
132. Homeowners association means the association set up to enforce the covenants and maintain all common areas and buildings for a development. Also known as "Owners Association."
133. Horticulture means the growing of fruits, vegetables, herbs, flowers or ornamental plants.
134. Hospital means an institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training and central services facilities and staff offices.
135. Hotel/motel/lodging establishment means a building intended and used for occupancy as a temporary abode for individuals who are lodged with or without meals, in which there are five (5) or more guest rooms.
136. Human scale (pedestrian scale) means the proportional relationship between the dimensions of a building or building element, street, outdoor space or streetscape element

and the average dimensions of the human body, taking into account the perceptions and walking speed of a typical pedestrian.

137. Illumination, direct means lighting by means of an unshielded light source (including neon tubing) which is effectively visible as a part of the sign, where light travels directly from the source to the viewer's eye.
138. Illumination, indirect means lighting by means of a light source directed at a reflecting surface in a way that illuminates the sign from the front, or a light source that is primarily designed to illuminate the entire building facade upon which a sign is displayed. Indirect illumination does not include lighting which is primarily used for purposes other than sign illumination; e.g., parking lot lights, or lights inside a building that may silhouette a window sign but are primarily installed to serve as inside illumination.
139. Illumination, internal means lighting by means of a light source that is within a sign having a translucent background, silhouetting opaque letters or designs, or which is within letters or designs that are themselves made of a translucent material.
140. Industrial, heavy means uses engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involved hazardous conditions. Heavy industrial shall also mean those uses engaged in the operation, parking and maintenance of vehicles, cleaning of equipment or work processes involving solvents, solid waste or sanitary waste transfer stations, recycling establishments, and transport terminals (truck terminals, public works yard, container storage).
141. Industrial, light means uses engaged in the manufacturing, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales or distribution of such products. Further, light industrial shall mean uses such as the manufacture of electronic instruments, preparation of food products, pharmaceutical manufacturing, research and scientific laboratories or the like. Light industrial shall not include uses such as mining and extracting industries, petrochemical industries, rubber refining, primary metal or related industries.
142. Infrastructure means those man-made structures which serve the common needs of the population, such as: potable water systems; wastewater disposal systems; solid waste disposal sites or retention areas; storm drainage systems; electric, gas or other utilities; bridges; roadways; bicycle paths or trails; pedestrian sidewalks, paths or trails; and transit stops.
143. Integrate means to combine or coordinate separate elements (such as housing, recreation, jobs, and shopping), so as to provide a harmonious, interrelated whole; organized or structured so that constituent parts function cooperatively.

144. Intra-neighborhood connections means connections (such as trails and roads) within the same neighborhood.
145. Inter-neighborhood connections means connections (such as trails and roads) between neighborhoods.
146. Irrigation ditch or canal means a channel designed to transport irrigation water.
147. Junkyard means an industrial use contained within a building, structure or parcel of land, or portion thereof, used for collecting, storing or selling wastepaper, rags, scrap metal or discarded material or for collecting, dismantling, storing, salvaging or demolishing vehicles, machinery or other material and including the sale of such material or parts thereof. Junkyard shall not include a recycling facility.
148. Kennel means a facility licensed to house dogs, cats or other household pets and/or where grooming, breeding, boarding or training or selling of animals is conducted as business.
149. Kersey Comprehensive Plan means the plan, which was adopted by the Planning Commission and Board of Trustees in accordance with C.R.S § 31-23-206, to guide the future growth, protection and development of the Town, affording adequate facilities for housing, transportation, comfort, convenience, public health, safety and general welfare of its population.
150. Landowner means any owner of a legal or equitable interest in real property, and includes the heirs, successors, and assign of such ownership interests.
151. Landscaped area means the area within a lot or property not comprised of hardscape, measured at the ground plane. Water features may be included in the calculation of landscape area. Landscape area will not include rights-of-way. Landscape requirements within the right-of-way are met by complying with street tree requirements.
152. Landscaping means any combination of living plants such as trees, shrubs, plants, vegetative ground cover or turf grasses, and may include structural features such as walkways, fences, benches, works of art, reflective pools, fountains or the like. Landscaping shall also include irrigation systems, mulches, topsoil use, soil preparation, revegetation or the preservation, protection and replacement of existing trees.
153. Lane means a private street; or a portion of a roadway delineated for a single line of vehicles; or a secondary means of access to the abutting lots and not intended for general traffic circulation.
154. Large retail establishment means a retail establishment, or any combination of retail establishments in a single building, occupying more than twenty-five thousand (25,000) gross square feet of floor area, except that no supermarket shall be deemed to be a large retail establishment.

155. Laundry and dry-cleaning retail outlet means a laundry or dry-cleaning business which consists primarily of serving retail customers, provided that any laundry and dry-cleaning processing that occurs on the premises is limited to items which are brought directly to the premises by the retail customer.
156. Lighting, indirect when applied to the lighting of signs, shall mean reflected light only from a concealed light source outside the sign face which reflects from the sign face only or from the sign face and sign copy.
157. Limited indoor recreation facility means a place where recreation activities occur completely within an inclosed structure including but not limited to bowling alleys, skating rinks, pool halls, video and pinball parlors.
158. Limited outdoor recreation facility means a place with outdoor activities including but not limited to miniature golf, batting cages, water slides, skateboard parks, driving ranges, and go-cart tracks.
159. Livestock refers to domesticated animals such as such as cows, horses, sheep, hogs, chickens and turkeys that may be kept or raised in pens, houses, pastures, or on farms as part of an agricultural or farming operation, whether for commerce or private use.
160. Lodging establishment means a building intended and used for occupancy as a temporary abode for individuals who are lodged with or without meals, in which there are five (5) or more guest rooms.
161. Long-term care facility means any of the following:
- a. *Convalescent center* means a health institution that is planned, organized, operated and maintained to offer facilities and services to inpatients requiring restorative care and treatment and that is either an integral patient care unit of a general hospital or a facility physically separated from, but maintaining an affiliation with, all services in a general hospital.
 - b. *Nursing care facility* means a health institution planned, organized, operated and maintained to provide facilities and health services with related social care to inpatients who require regular medical care and twenty-four (24) hour per day nursing services for illness, injury or disability. Each patient shall be under the care of a physician licensed to practice medicine in the State of Colorado. The nursing services shall be organized and maintained to provide twenty-four (24) hour per day nursing services under the direction of a registered professional nurse employed full time.
 - c. *Intermediate health care facility* means a health-related institution planned, organized, operated and maintained to provide facilities and services which are supportive, restorative or preventive in nature, with related social care, to individuals who because of a physical or mental condition, or both, require care in an institutional environment but who do not have an illness, injury or disability for

which regular medical care and twenty-four (24) hour per day nursing services are required.

162. Lot means a designated parcel, tract or area of land established by plat or subdivision of at least a sufficient size to meet minimum requirements for use, street frontage coverage and area, and to provide required yards and other open spaces in the zoning district in which the lot is located, and which has direct access onto a public or private street.
163. Lot coverage means the maximum area of a lot that may be occupied by a structure. Lot coverage is expressed as a ratio. Open porches, decks, terraces, fences, walls, and swimming pools are excluded from the calculations.
164. Lot depth means the average distance between the front lot line and the rear lot line.
165. Lot, double frontage means lots which front on one (1) public street and back on another.
166. Lot, flag means a lot so shaped and designed that the main building site area is set back from the street on which it fronts and includes an access strip connecting the main building site with the frontage street.
167. Lot line, front means the property line dividing a lot from a street. On a corner lot only one (1) street line shall be considered as a front line, and the shorter street frontage shall be considered the front line.
168. Lot line, rear means the line opposite the front lot line.
169. Lot, reverse corner means a corner lot having its side street line substantially a continuation of the front lot line of the first lot to its rear.
170. Lot line, side means any lot lines other than the front lot line or rear lot line.
171. Lot size means the total horizontal area within the lot lines of a lot; synonymous with area of lot.
172. Lot width means the distance parallel to the front lot line, measured at the front building setback line. Lot width on a curving front lot line means the distance parallel to the tangent of the front lot line at the building setback line. The lot width and the lot frontage may have different lengths on an irregularly shaped lot as they are measured at different points on the lot.
173. Machine shop means a workshop where power-driven tools are used for making, finishing, or repairing machines or machine parts.
174. Manufactured home means a single-family dwelling which:
- a. Is partially or entirely manufactured in a factory;

- b. Is at least twenty-four (24) feet wide and thirty-six (36) feet long;
 - c. Is permanently affixed to and installed on an engineered permanent foundation;
 - d. Has a pitched or cosmetically equivalent roof, and brick or wood exterior siding;
and
 - e. Complies with HUD or UBC standards, as applicable, or meets or exceeds equivalent requirements and performance engineering standards.
175. Manufacturing means a business which makes products by hand or by machinery.
176. Medical and dental offices and clinics means an establishment operated by one or more duly licensed members of the human health care professions including, but not limited to, physicians, dentists, chiropractors, psychiatrists and osteopaths, where patients are not lodged overnight but are admitted for examination and/or treatment.
177. Meeting place and place for public assembly means a hall, auditorium or other suitable room or rooms used for the purpose of conducting meetings of the membership and guests of the owner of such structure. The same shall not include commercial endeavors such as commercial movie picture houses, stage productions or the like.
178. Mini-storage warehouse means a building or a group of buildings containing separate, individual self-storage units divided from the floor to ceiling by a wall with an independent entrance from the exterior of the building, designed to be rented or leased on a short-term basis to the general public for private storage or personal goods, materials and equipment.
179. Mixed use shall mean the development of a lot tract or parcel of land, building or structure with two (2) or more different uses including but not limited to residential, office, retail, public uses, personal service or entertainment uses, designed, planned and constructed as a unit.
180. Mixed use building describes a structure that serves more than one purpose, such as a first floor retail storefront with apartments on the second and third floors.
181. Mobile Home means a single-family dwelling unit partially or entirely manufactured in a factory, built on a permanent chassis, and which is designed to be transported on streets to the place where it is to be occupied as a dwelling unit. A mobile home shall conform to the following design and installation standards:
- a. Is at least twenty-four (24) feet wide and thirty-six (36) feet long;
 - b. Is permanently affixed to and installed on an engineered, permanent perimeter foundation;
 - c. Has a pitched or cosmetically equivalent roof, and brick or wood exterior siding;
and

- d. Complies with HUD or UBC standards, as applicable, or meets or exceeds equivalent requirements and performance engineering standards.
182. Model home means a dwelling temporarily used as a sales office or demonstration home for a residential development under construction, said dwelling being used as an example of a product offered for sale to purchasers (by a realtor, building developer or contractor). The dwelling may be furnished but not occupied as a residence while being used as a "model home."
183. Model plans means a set of standard plans for a home. Models are considered different if they have different floor plans, garage placement, and building massing (form and structure).
184. Modified grid pattern means a grid pattern of streets and blocks adapted to the topography, unique natural features, environmental constraints, and peripheral open space areas.
185. Mullion is a framing element which divides adjacent window or door units. Mullions may be made of any material, but wood and metal are most common, although stone is also used in windows. Mullions are most commonly vertical or horizontal, sometimes diagonal, although more complex arrangements were popular during the Tudor era.
186. Multiple family dwelling means a dwelling containing three (3) or more dwelling units, including what is commonly known as an apartment building, but not including group, row or townhouses, or hotels, motels or condominiums, fraternity and sorority houses and similar group accommodations.
187. Municipality means an incorporated city or town.
188. Muntin means a rabbeted member for holding the edges of windowpanes within a sash.
189. Natural areas means floodplains and flood ways, natural drainage and water ways, significant native trees and vegetation, wildlife travel corridors, special habitat features such as raptor nest sites, key nesting, breeding or feeding areas for birds; fox and coyote dens, prairie dog colonies over twenty-five (25) acres in size, remnant native prairie habitat, plains cottonwood galleries, and any wetland greater than one-quarter (¼) acre in size.
190. Neighborhood means a geographical area, the focus of which are residential uses, but also may include a mixture of activities that people need to live. A neighborhood may include a diversity of housing types, schools, parks, shopping and jobs (frequently service-type), and a civic component.
191. Neighborhood commercial center means a shopping center which contains businesses that are intended to provide goods and services to the immediate neighborhood (within a one-quarter [1/4] mile radius).

192. Nightclub means a bar or tavern containing more than one hundred (100) square feet of dance floor area.
193. Nonconforming building means a building or structure, or portion thereof, that does not conform to the regulations of this Code, but that was lawfully constructed under the regulations in force at the time of construction.
194. Nonconforming use means a use that does not conform to the use regulations of this Code, but that was lawfully established under the regulations in force at the time the use was established and has been in regular use since that time.
195. Nursing facility means a facility, or a distinct part of a facility, which meets the state nursing home licensing standards, is maintained primarily for the care and treatment of inpatients under the direction of a physician, and meets the requirements in federal regulations for certification as a qualified provider of nursing facility services. "Nursing facility" includes private, nonprofit, or proprietary intermediate nursing facilities for the mentally retarded or developmentally disabled.
196. Off-street parking area means all off-street areas and spaces designed, used, required or intended to be used for the parking, storage, maintenance, service, repair, display or operation of motor vehicles, including driveways or access ways in and to such areas, but not including any outdoor storage area used principally as a "recreational vehicle, boat or truck storage" use, storage areas for landscaping and other bulk items or public streets and rights-of-way.
197. Oil and gas operation means any structure, facility or activity which is constructed on or disturbs land in association with oil or gas drilling, production or waste treatment and disposal, including but not necessarily limited to wells, tanks or tank batteries, pits, access roads for ingress and egress and pipelines.
198. Oil or gas well means a well, the principal production of which at the mouth of the well is oil or gas.
199. Open space means any land or water area with its surface open to the sky, which serves specific uses of: providing park and recreation opportunities, conserving natural areas and environmental resources, structuring urban development form, and protecting areas of agricultural, archeologic or historical significance. Open space shall not be considered synonymous with vacant or unused land but serves important urban functions. Usable open space shall exclude areas used for off-street parking, off-street loading, service driveways and setbacks from oil and gas wells and their appurtenances, or other hazards to the public.
200. Outdoor storage means the keeping, in an unroofed area, of any equipment, goods, junk, material, merchandise or vehicles in the same place for more than twenty-four (24) hours. Containers and semi-trailers may not be used for residential or storage uses except on construction sites.

201. Outlot means a measured piece of land contained within subdivided land that is not a building lot. An outlot may be conveyed to the public for open space or other public purposes, be retained by the developer for later subdivision, or be conveyed to an owners association.
202. Owner means the person or entity that owns the property under consideration.
203. Parapet means a low, protective wall at the edge of a terrace, balcony or roof, especially that part of an exterior wall, fire wall, or party wall that rises above the roof.
204. Parcel means a tract or plot of land.
205. Park means an area open to the general public and reserved for recreational, educational or scenic purposes.
206. Parking garage means an off-street parking area within a building.
207. Parking lot means off-street parking area or vehicular use area.
208. Pedestrian scale (human scale) means the proportional relationship between the dimensions of a building or building element, street, outdoor space or streetscape element and the average dimensions of the human body, taking into account the perceptions and walking speed of a typical pedestrian.
209. Pergola is a structure of parallel colonnades supporting an open roof of beams and crossing rafters or trellis work, over which climbing plants are trained to grow.
210. Permanent monument means any structure of masonry and/or metal permanently placed on or in the ground, including those expressly placed for surveying reference.
211. Personal and business service shops means shops primarily engaged in providing services generally involving the care of the person or such person's apparel or rendering services to business establishments such as laundry or dry-cleaning retail outlets, portrait/photographic studios, beauty or barber shops, employment service, or mailing and copy shops.
212. Phase means a portion of property that is being platted and engineered for development at the same time.
213. Pilaster means a rectangular support or pier treated architecturally as a column, with a base shaft and capital.
214. Plan means the map(s) and supporting documentation for a development which includes but is not limited to, lots, blocks, easements, rights-of-way, pedestrian ways, park and school sites, open space areas, and conservation areas in accordance with the requirements of this Code.

215. Planned Unit Development (PUD) means a project of a single owner or a group of owners acting jointly, involving a related group of residences, businesses, or industries and associated uses. Planned as a single entity, the project is subject to development and regulations as one (1) land-use unit rather than as an aggregation of individual buildings located on separate lots. The planned unit development includes usable, functional open space for the mutual benefit of the entire tract; and is designed to provide variety and diversity through the variation of normal zoning and subdivision standards so that maximum long-range benefits can be gained, and the unique features of the development or site preserved and enhanced while still being in harmony with the surrounding neighborhood. Approval of a planned unit development does not eliminate the requirements of subdividing and recording a plat.
216. Planning Area Boundary means the area surrounding the Town that the Town will consider annexing and developing. The Planning Area Boundary is delineated on the Land Use Map in the *Kersey Comprehensive Plan*.
217. Plant nursery and greenhouse means any land or structure used primarily to raise trees, shrubs, flowers or other plants for sale or for transplanting.
218. Plat means a map of certain described land prepared in accordance with the requirements of this Code, and C.R.S. § 38-51-106 as an instrument for recording of real estate interests with the County Clerk and Recorder.
219. Prime farmland means land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber and oilseed crops, and other agricultural crops with minimum inputs of fuel, fertilizer, pesticides, and labor and without intolerable soil erosion, as determined by the Secretary of Agriculture. Prime farmland includes land that possesses the above characteristics but is being used currently to produce livestock and timber. It does not include land already in or committed to urban development or water storage.
220. Principal use means the main use of land or of a structure as distinguished from a subordinate or accessory use.
221. Private property rights means the rights a property owner within the Town to use his/her property within the legal parameters set forth in this Code, and subject to applicable state, federal, and constitutional law. Nothing herein guarantees any private property rights to develop in a particular manner except pursuant to a valid vested right.
222. Private school means a school that is established, conducted and primarily supported by a non-governmental agency.
223. Professional office means an office for professionals such as physicians, dentists, lawyers, architects, engineers, artists, musicians, designers, teachers, accountants and others who through training are qualified to perform services of a professional nature and where no storage or sale of merchandise exists, except as accessory to the professional services.

224. Proof of ownership means ownership as specified in a current title insurance commitment or policy, or certification of title, issued by a title insurance company licensed by the state of Colorado.
225. Property means all real property subject to land use regulation by the Town.
226. Property line means the boundary of any lot, parcel or tract as the same is described in the conveyance of such property to the owner; and does not include the streets or alleys upon which the said lot, parcel or tract abuts.
227. Public means (when used as modifying a structure, activity or purpose) a structure, activity or purpose owned or operated by a government agency or by a nonprofit corporation with tax-exempt status under the Federal Internal Revenue Code, if the nonprofit corporation makes the structure or facility available for the use of all the members of the public without regard to membership status.
228. Public areas means streets, parks, open spaces and other property designated or described as for public use on a map or plat of the Town and fee title is vested in the Town, other public body or a special district as defined in 32-1-103 C.R.S.
229. Public facilities means those constructed facilities, including but not limited to, transportation systems or facilities, water systems or facilities, wastewater systems or facilities, storm drainage systems or facilities, fire, police and emergency systems or facilities, electric, gas, telecommunication utilities or facilities, and publicly owned buildings or facilities.
230. Public hearing means a meeting called by a public body for which public notice has been given and which is held in a place at which the general public may attend to hear issues and to express their opinions.
231. Public improvement means any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree lawn, landscaped open space, off-street parking area, lot improvement or other facility which benefits the public.
232. Public open space means an open space area conveyed or otherwise dedicated to the municipality, state or county or other public body for recreational or conservation uses. Public open spaces are to be unencumbered by oil and gas wells, their appurtenances or other hazards to the public.
233. Public safety sign means a sign required or specifically authorized for a public purpose and which shall not be limited as to the type, number, sign or height.
234. Public school means a free, tax supported school that is controlled and operated by the Kersey School District.

235. Public use means uses which are owned by and operated for the public by the Town, County, state or federal governments or by school districts.
236. Public utility means a common carrier supplying electricity, wire telephone service, natural gas, water, wastewater or storm water service or similar public services, but shall not include railroads or other forms of rail mass transit or depots or terminals supporting the same, or wireless telecommunication facilities.
237. Quasi-public means having the nature or characteristics of being public, but owned by a private or not-for-profit entity.
238. Radio tower means a structure for sending and/or receiving radio, TV or sound impulses over the air.
239. Raw water means water rights acceptable to the Town for domestic purposes, or water rights acceptable to the Town that may be used for irrigation of public facilities.
240. Real estate sign means a sign on a property offered for sale, rent or lease.
241. Reasonable period of time shall mean 45 days.
242. Recreational facilities: The following classes of recreational facilities have these meanings:
- a. *Commercial recreational facilities* includes bowling alleys, health spas, swimming pools, tennis courts, miniature golf facilities and the like, operated on a commercial basis for use by the paying public.
 - b. *Private recreational facilities* includes golf courses, tennis courts, swimming pools, country clubs or recreational facilities for fraternal organizations, all of which are owned and operated by either nonprofit organizations with a limited membership or by private persons who own the facilities and are the only users of them;
 - c. *Public recreational facilities* means public parks, zoos, swimming pools, golf courses and other such facilities owned or operated by or under the direction of a government agency or a nonprofit corporation which falls within the definition of the word *public* as defined above.
243. Recreational vehicle (RV) means a vehicular type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted or drawn by another vehicle. The following shall be considered a recreational vehicle:
- a. Camping trailer or tent trailer means a folding structure, constructed of canvas, plastic or similar water repellent material, designed to be mounted on wheels and designed for travel and recreation.

- b. Motorized camper, motor home, recreational conversion van or bus means a recreational vehicle consisting of a portable, temporary dwelling to be used for travel, recreation and vacation uses, and constructed as an integral part of a self-propelled vehicle.
 - c. Pick-up camper means a vehicle designed to be mounted on or loaded into a pick-up truck chassis for use as a temporary dwelling for travel and recreation.
 - d. Tent means a portable or temporary cover or shelter, with or without side panels, which is supported by poles and is made of canvas, plastic or similar materials.
 - e. Travel trailer means a towed vehicle designed as a temporary dwelling for travel and recreation.
 - f. Travel trailer, self-contained means a trailer which can operate independently of connections to sewer, water and electric systems. It contains a water-flushed toilet, lavatory, shower or bath and kitchen sink, all of which are connected to water storage and sewage holding tanks located within the trailer.
244. Recreational vehicle park means a parcel of land specifically developed for locating only recreational vehicles on lots on a short-term basis.
245. Recreational vehicle site means a plot of ground within a recreational vehicle park intended for the accommodation of either a recreational vehicle, tent or other individual camping unit on a temporary basis.
246. Recycling facility means a building used for the collection and/or processing of recyclable material. Processing shall mean the preparation of material for efficient shipment by such means as baling, compacting, flattening, grinding, crushing, mechanical sorting or cleaning. Such a facility, if entirely enclosed within a building or buildings, shall be considered a warehouse.
247. Replat (resubdivision) means the changing of any existing lot or lots, street rights-of-way or easements of a subdivision plat previously recorded with the County Clerk and Recorder.
248. Resource extraction, processes and sales means removal or recovery by any means whatsoever of sand, gravel, soil, rock, minerals, mineral substances or organic substances other than vegetation, from water or land on or beneath the surface thereof, exposed or submerged.
249. Restaurant, drive-through means any establishment in which the principal business is the sale of foods and beverages to the customer in a ready-to-consume state and in which the design or principal method of operation of all or any portion of the business is to allow food or beverages to be served directly to the customer in a motor vehicle without the need for the customer to exit the motor vehicle.

250. Restaurant, fast food means any establishment in which the principal business is the sale of food and beverages to the customer in a ready-to-consume state, and in which the design or principal method of operation includes the following characteristics.
- a. Food and beverages are usually served in paper, plastic or other disposable containers;
 - b. The consumption of food and beverages is encouraged or permitted within the restaurant building, within a motor vehicle parked upon the premises or at other facilities on the premises outside the restaurant building, or for carry-out; and
 - c. Drive-through facilities are allowed, subject to review of traffic patterns, vehicle stacking areas, and entrance and exit locations.
251. Restaurant, standard means any establishment in which the principal business is the sale of food and beverages to customers in a ready-to-consume state; where fermented malt beverages, and/or malt, special malt or vinous and spirituous liquors may be produced on the premises as an accessory use; and where the design or principal method of operation includes one (1) or both of the following characteristics:
- a. Customers are served their food and/or beverages by a restaurant employee at the same table or counter at which the items are consumed; or
 - b. Customers are served their food and/or beverages by means of a cafeteria-type operation where the food or beverages are consumed within the restaurant building.
252. Resubdivision means the changing of any existing lot or lots, street rights-of-way or easements of a subdivision plat previously recorded with the County Clerk and Recorder.
253. Retention basin means a pond, pool or basin used for permanent storage of water runoff.
254. Right-of-way means a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main or for another special use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains or any other use involving maintenance by a public agency shall be dedicated to public use on the plat on which such right-of-way is established.
255. Roof, gable means a roof sloping downward in two parts from a central ridge, so as to form a gable at each end.
256. Roof, hip means a roof having sloping ends and sides meeting at an inclined projecting angle.

257. Rural road means a street designed following the rural local cross-section as described in Section 2.9.
258. Salvage or wrecking yard means a place where motor vehicles and parts are wrecked, disassembled, repaired and resold, a place where secondhand goods including waste paper, bottles, automobile tires, clothing, other scrap materials and salvage are collected to be stored and a place where used lumber and used building materials are stored for sale or resale.
259. Sanitary facilities means toilets, urinals, lavatories, showers, utility sinks and drinking fountains, and the service buildings containing these units.
260. Sanitary waste station means a facility used for removing and disposing of waste from self-contained camping vehicle sewage holding tanks.
261. School means and includes any one (1) or more of the following categories: a public school, community college, junior college, college or university; but the word *school* does not include dance schools, business schools, trade schools or driving schools.
262. Searchlight means an apparatus used to project a beam of light.
263. Senior citizen means a person fifty (50) years of age or older.
264. Service building means a structure housing toilet, lavatory, bath, laundry, service sink and other such sanitary facilities as may be required.
265. Setback means the required unoccupied open space between the nearest projection of a structure and the property line of the lot on which the structure is located.
266. Setback, front yard means the distance a building or structure must be placed from the front lot line.
267. Setback, rear yard means the distance a building or structure must be placed from the rear lot line.
268. Setback, side yard means the distance a building or structure must be placed from the side lot line.
269. Shopping center means a group of retail and service establishments located in a complex which is planned, developed, owned or managed as a unit, with off-street parking provided on the property.
270. Sidewalk means the hard surface path within the street right-of-way for use by pedestrians and/or bicyclists.

271. Sight distance triangle means the area at the four corners of an intersection that is to be kept free of shrubs, ground covers, berms, fences, structures, or other materials or items greater than thirty (30) inches in height. Trees shall not be planted in the triangular area. The size of the sight distance triangles is determined as follows:
- a. At the intersection of any two streets or where a street intersects with an alley, a triangle measuring thirty (30) feet along each curb or edge of roadway from their point of intersection, the third side being a diagonal line connecting the first two.
 - b. At the intersection of a driveway or private access and a street, a triangle measuring fifteen (15) feet in length along the edge of the driveway and along the curb or edge of roadway from their point of intersection, the third side being a diagonal line connecting the first two.
272. Sign area means the entire face of a sign, including the advertising surface and any framing, trim or molding but not including the supporting structure.
273. Sign face means the area of the sign on which the message is placed.
274. Sign permit means a permit issued by the Town Building Official and which is required for any sign specified in this Code.
275. Sign, projecting means any sign supported by a building wall and projecting therefrom.
276. Sign, wall means any sign painted on, incorporated in or affixed to the building wall, or any sign consisting of cut-out letters or devices affixed to the building wall with no background defined on the building wall.
277. Sign, window is a sign that is painted on, applied or attached to a window or that can be read through the window from the public right-of-way.
278. Significant wildlife habitat and migration corridors are areas designated by the Colorado Division of Wildlife and/or the Colorado Natural Diversity Information Source (www.ndis.nrel.colostate.edu) as areas of landscape that provide food, cover and water sufficient to meet the needs of a given species to survive and reproduce.
279. Site plan means a scale drawing of a lot, showing the actual measurements, the size and location of any existing or proposed buildings, the location of the lot in relation to abutting streets, and other details such as parking areas, access points, landscaped area, building areas, setbacks from lot lines, building heights, floor areas, densities, utility locations and easements.
280. Site specific development plan means the final plat of a subdivision or Final Development Plan of a PUD (Planned Unit Development) when approved by the Board of Trustees pursuant to Article 5 of this Code.

281. Small equipment repair facility means establishments for the repair and restoration of small equipment and appliances such as radios and television sets, business office machines and electrical appliances.
282. Split garages means having at least two (2) separate garages that are oriented in different directions.
283. Street means a public thoroughfare which affords the principal means of access to abutting property.
284. Street furniture means constructed objects, such as outdoor seating, kiosks, bus shelters, sculpture, tree grids, trash receptacles, fountains and telephone booths, that have the potential for enlivening and giving variety to streets, sidewalks, plazas and other outdoor spaces open to and used by the public.
285. Streetscape means the distinguishing character of a particular street, within the public right-of-way, including paved materials, and the adjacent space extending along both sides of a street including landscaping, sidewalks, medians, lighting, street furniture, and signage.
286. Structure means a combination of materials to form a construction for use, occupancy or ornamentation whether installed on, above or below the surface of land or water.
287. Subdivider or developer means any person, partnership, joint venture, limited liability company, association or corporation who participates as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale or lease of a development.
288. Subdivision means the platting of a lot or the division of a lot, tract or parcel of land into two (2) or more lots, plots or sites.
289. Subsidence means a local mass movement that involves the downward settling or sinking of the solid Earth's surface. Subsidence may be due to natural geologic processes or man's activity such as coal mining.
290. Supermarket means a retail establishment primarily selling food, as well as other convenience and household goods, which occupies a space of not less than twenty-five thousand one (25,001) square feet.
291. Swing-in garage means a garage that is oriented so that the garage doors are perpendicular to the street.
292. Tandem garage means a garage that allows for the parking of one car in front of another.
293. Tandem parking means parking two (2) cars in a driveway or parking space so that one car is right in front of the other and the front car can not move until the back car is moved.

294. Tavern means an establishment providing or dispensing fermented malt beverages, and/or malt, special malt, vinous or spirituous liquors and in which the sale of food products such as sandwiches or light snacks is secondary.
295. Temporary use means a prospective use intended for limited duration, is to be located in a zoning district not permitting such use, and shall not include continuing a nonconforming use or building.
296. Title commitment means formal documentation from a title company listing the name of the owner of the property under consideration, the legal description of the property and any legal holdings on the property such as easements, rights-of-way or liens.
297. Tourist facility means an establishment set up to primarily provide local tourist information to visitors.
298. Town means the Town of Kersey located in Weld County, Colorado.
299. Town Pattern Plan is a map developed by the Town that describes the vision for expansion of the core community in enough detail to influence the vitality and character of the town's growth. The plan must be based upon an analysis of the original town pattern of development and actual opportunities and constraints associated with the land, such as easements, environmental issues, oil and gas drilling rights, etc. The street pattern must reinforce pedestrian movement and insure that the community interconnects as it grows. The Plan is intended to guide development but not to replace the landowners final design and input.
300. Transportation headquarters means headquarters and parking areas for ambulance services, taxi services, bus services and other services involving the transportation of persons but not property.
301. Tree lawn means a strip of landscaping within the right-of-way, generally between the roadways and an adjacent sidewalk.
302. Trip means a single or one-way vehicle movement to or from a property or study area. "Trips" can be added together to calculate the total number of vehicles expected to enter and leave a specific land use or site over a designated period of time.
303. Truck stop means an establishment engaged primarily in the fueling, servicing, repair or parking of tractor trucks or similar heavy commercial vehicles, including the sale of accessories and equipment for such vehicles. A truck stop may also include overnight accommodations, showers or restaurant facilities primarily for the use of truck crews.
304. Undermining means land that has been mined under the surface of the ground.
305. Use means the type of activity for which land or a building is designated, arranged or intended and also means the activity which in fact regularly takes place upon the land.

306. USGS datum means United States Geological Survey basis of elevations.
307. Utility service facilities mean utilities substations and public lift-up pumping stations for domestic water and sanitary sewer service, microwave towers and other such installations; does not include any such installations which contain buildings or storage structures; and does not include transportation headquarters.
308. Vacant land means land that does not have development on it.
309. Vegetation means plants growing in a place, including, but not limited to trees, shrubs, vines, grasses and groundcover.
310. Vehicle major repair, servicing and maintenance means any building, or portion thereof, where heavy maintenance activities such as engine overhauls, automobile/truck painting, body or fender work, welding or the like are conducted. Such use shall not include the sale of fuel, gasoline or petroleum products.
311. Vehicle minor repair, servicing and maintenance means the use of any building, land area, premises or portion thereof, where light maintenance activities such as engine tune-ups, lubrication, carburetor cleaning, brake repair, car washing, detailing, polishing or the like are conducted.
312. Vested property right means the right to undertake and complete the development and use of property under the terms and conditions of a site specific development plan, pursuant to this Code.
313. Veterinary hospital means any facility which is maintained by or for the use of a licensed veterinarian in the diagnosis, treatment or prevention of animal diseases.
314. Veterinary facilities, small animal clinic means any facility maintained by or for the use of a licensed veterinarian in the diagnosis, treatment or prevention of animal diseases wherein the animals are limited to dogs, cats or other comparable household pets and wherein the overnight care of said animals is prohibited except when necessary in the medical treatment of the animal.
315. Walkable means a distance of one-quarter ($\frac{1}{4}$) mile or within a five (5) to ten (10) minute walk.
316. Walkway means:
- a. A right-of-way dedicated to public use that is not within a street right-of-way, to facilitate pedestrian access through a subdivision block by means of a hard surface path.
 - b. Any portion of a parking area restricted to the exclusive use of pedestrian travel.

317. Wall sign means a sign that is attached parallel to and extending less than twenty (20) inches from the wall of a building; includes awning signs and canopy signs as defined herein.
318. Warehouse and distribution means a use engaged in storage, wholesale, and distribution of manufactured products, supplies or equipment, including accessory offices or showrooms, including incidental retail sales, but excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions.
319. Warehousing means a business which stores or stocks merchandise or commodities.
320. Wholesale merchandise establishment means establishments for the sale of merchandise at the wholesale level, including those that warehouse merchandise in covered buildings.
321. Window sign means a sign or graphics that are applied directly to a window, or any sign hanging within twelve (12) inches of the interior surface of a window and which is visible from the exterior of the building.
322. Wireless telecommunication equipment means any equipment used to provide wireless telecommunication service, but which is not affixed to or contained within a wireless telecommunication facility, but is instead affixed to or mounted on an existing building or structure that is used for some other purpose. Wireless telecommunication equipment also includes a ground mounted base station used as an accessory structure that is connected to an antenna mounted on or affixed to an existing building.
323. Wireless telecommunication facility means any freestanding facility, building, pole, tower or structure used to provide only wireless telecommunication services, and which consists of, without limitation, antennae, equipment and storage and other accessory structures used to provide wireless telecommunication services.
324. Wireless telecommunication services means services providing for the transmission of wireless communications utilizing frequencies authorized by the Federal Communications Commission for paging systems, enhanced specialized wireless telecommunication, personal communication services or cellular telephone.
325. Workshop and custom small industry means a facility wherein goods are produced or repaired by hand, using hand tools or small-scale equipment, including small engine repair, furniture making and restoring, upholstery, restoration of antiques and other art objects, or other similar uses.
326. Yard means that portion of the open area on a lot extending open and unobstructed from the ground upward from a lot line for a depth or width specified by the regulations for the zone district in which the lot is located.
327. Yard, front means a yard extending across the full width of the lot between the front lot line and the nearest line or point of the building.

328. Yard, front setback means the distance a building or structure must be placed from the back of the front property line.
329. Yard, rear means a yard extending across the full width of the lot between the rear lot line and the nearest line or point of the building.
330. Yard, rear setback means the distance a building or structure must be placed from the back of the rear property line.
331. Yard, side means a yard extending from the front yard to the rear yard between the side lot line and the nearest line or point of the building.
332. Yard, side setback means the distance a building or structure must be placed from the back of the side property line.
333. Zone district means a zone district of the Town as established in Article 3 of this Code, unless the term is used in a context that clearly indicates that the term is meant to include both the zone district(s) of the Town and the zone district(s) of an adjoining governmental jurisdiction. Also referred to as "zoning district."
334. Zoning map means the official zoning map adopted by the Town by ordinance, as amended.

1.16 – XX Reserved.