

ZONING

§ 180-5. Definitions. [Amended 04-16-85, Ord. 85-03; 01-07-86, Ord. 86-01; 06-17-86, Ord. 86-05; 11-17-87, Ord. 87-15; 09-19-89, Ord. 89-22; 03-06-90, Ord. 90-03; 11-20-90, Ord. 90-19; 04-07-92, Ord. 92-07; 03-16-93, Ord. 93-04; 03-01-95, Ord. 95-01; 08-16-95, Ord. 95-07; 09-05-95, Ord. 95-08; 09-05-95, Ord. 95-9; 12-19-95, Ord. 95-14; 03-16-96, Ord. 96-04; 03-19-96, Ord. 96-06; 05-07-96, Ord. 96-09; 08-06-96, Ord. 96-14; 12-17-96, Ord. 96-26; 03-04-97, Ord. 97-02; 03-04-97, Ord. 97-05; 10-07-97, Ord. 97-17; 11-18-97, Ord. 97-21; 12-16-97, Ord. 97-19; 03-17-98, Ord. 98-04; 04-14-98, Ord. 98-07; 05-19-98, Ord. 98-08; 04-20-99, Ord. 99-07; 07-06-99, 99-11; 12-21-99, Ord. 99-23; 03-07-00, Ord. 00-04; 05-16-00, Ord. 00-09; 11-06-01, Ord. 01-18; 09-18-01, Ord. 01-07; 11-06-01, Ord. 01-18; 03-05-02, Ord. 02-02; 03-05-02, Ord. 02-02; 03-05-02, Ord. 02-06; 10-28-03, Ord. 03-18; 07-27-04, Ord. 04-11; 01-11-05, Ord. 04-23; 01-11-05, Ord. 04-25; 06-28-05, Ord. 05-14; 06-28-05, Ord. 05-17; 12-13-05, Ord. 05-31; 01-24-06, 06-06; 02-28-06, Ord. 06-12; 09-12-06, Ord. 06-23; 08-08-06, Ord. 06-26; 02-12-08, Ord. 07-14; 05-13-08, Ord. 08-08; 01-27-09, Ord. 09-01; 11-10-09, Ord. 09-20]

In this chapter the following terms shall have the following meanings unless a contrary meaning is required by the context or is specifically prescribed:

ACCESS - The entry or exit way from a building or lot into a public or private way.

ACCESSORY BUILDING - See Building, Accessory

ACCESSORY HOUSING UNIT -A dwelling unit that is no larger than nine hundred (900) square feet, and is not used for short-term rental housing. An accessory housing unit shall not be subdivided. The accessory housing unit may only be located within or above the principal (residential or commercial) structure or above a detached garage.

ACCESSORY USE - See Use, Accessory

ACRE, DEVELOPABLE - Forty-three thousand five hundred sixty (43,560) square feet of horizontal land area not occupied by a public way nor under a water body nor in a wetland as designated pursuant to procedures under Section 404 of the Clean Water Act, nor in a floodway, as defined on the Flood Insurance Rate Map, nor designated as public open space.

ACTIVE RECREATION – Activities, usually of a formal nature, often performed with others, usually requiring equipment and taking place at prescribed places, sites or fields. Activities include, but are not limited to, swimming, snowmobiling, Frisbee golf, bicycling, tennis and other court games, baseball and other field sports, track, soccer, skating, skiing, and playground activities. Active recreation areas include, but are not limited to, campgrounds, parks, the Frisco Peninsula Recreation Area, and community centers.

AFFORDABLE HOUSING - A dwelling unit that is permanently restricted by deed or covenant for sale or rent, at or below median housing income rates established from time to time by the Summit County Combined Housing Authority or the Town, to full-time employees working within Summit County who meet household income and other criteria established from time to time by the Summit County Combined Housing Authority or the Town. For the purposes of this definition, a full-time employee shall mean a person who is employed an average of at least 30 hours per week (determined on an annual basis as to annual employees, and on a seasonal basis as to seasonal employees). The terms of the deed restriction or covenant governing such dwelling unit must be acceptable to the Town in its sole discretion for this definition to apply.

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In order to qualify for the density bonus incentive of additional dwelling units in multifamily and/or mixed use projects, the smallest deed restricted unit shall be no more than fifteen (15) percent smaller in gross floor area than the largest bonus market rate unit. Provided, however, that if the affordable housing units provided under any density bonus provision of this Chapter are located off of the site of the subject property, then the foregoing requirement shall not apply and, instead, for every two (2) off-site affordable units provided, the total combined floor area of such units shall, at a minimum, be equal to the floor area of the associated one on-site density bonus unit. Further provided, however, that in no instance shall an off-site affordable housing unit provided under any density bonus provision of this Chapter be less than 600 square feet in gross floor area.

Every owner of an affordable housing unit shall ensure that each potential buyer of the unit is qualified for the purchase through the Summit County Combined Housing Authority, and any affordable housing unit established pursuant to any density bonus provision of this Chapter shall be marketed and offered solely through the Summit County Combined Housing Authority.

For each affordable housing unit that is provided under any density bonus provision of this Chapter and that is to be located off of the site of the subject property, the required deed or covenant restriction for such unit shall be established and legally enforceable prior to the Town's issuance of a building permit that would allow the construction of a dwelling unit within the associated development project.

ALLEY - A minor public way which is used primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.

APPLICANT – A person or persons, corporation, company, association, society, firm, or partnership submitting an application, or having the intention to submit an application such that review is commenced by the Town.

APPROVED PLAN – A plan that has been granted final approval by the Town, including all standard and special conditions.

ARTS AND ENTERTAINMENT CENTER, INDOOR – A structure or facility for the presentation of exclusively indoor performing arts, including indoor motion picture theaters; theaters for indoor live performances; and studios for arts education, such as dance or painting. Arts and entertainment centers do not include any business defined as sexual oriented business by this title.

ATTAINABLE HOUSING - See Affordable Housing

AUTOMOBILE FUEL SALES – The use of the site for the direct sale of motor vehicle fuel to the end user.

AUTOMOBILE SERVICE – The use of the site for the repair of motor vehicles and recreational vehicles. This includes the sale and on-site installation of parts, wheel and brake shops, body and fender shops and similar repair and service but excludes salvage and servicing semi-tractor trailers.

AVERAGE NATURAL GRADE - See Natural Grade, Average

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AWNING – A roof-like cover extending over or in front of an opening, such as a window or door, intended to provide shelter from the elements. An awning may be made of any material compatible with the design of the building.

BACK-LIT SIGN - A sign which is illuminated by lights shining through a translucent surface from an internal light source.

BANNER - A temporary sign composed of lightweight material, including cloth or canvas or a like material of sturdy construction which is not easily torn and which is intended for the purpose of advertising a business, special event, sale, opening, new product line or service, special hours of operation or other similar temporary message.

BEDROOM - A bedroom is a habitable space or room in a dwelling unit designed for or with potential for use as a sleeping room. Factors determining this potential use, in addition to the Uniform Building Code and amendments as approved by the Town of Frisco, shall include a space or room having a floor area of at least seventy (70) square feet with any of the following factors:

- A. Having walls and doors to separate it from other habitable spaces or rooms, or
- B. Having a closet or similar provision for clothes storage, or
- C. Having a full or partial bathroom directly connected or in close proximity to the space or room.

Rooms or floor areas in dwelling units determined by these criteria to be sleeping rooms, regardless of any names, labels, or intended uses proposed by the building designer/owner, shall be used to designate the total number of bedrooms for purposes of, including, but not limited to, determining required parking spaces.

BOARDING, LODGING OR ROOMING FACILITY - A building with a managing resident on the premises in which accommodations, with or without meals, are let on a short-term basis for compensation for no more than 10 bedrooms. Does not include condominium hotels.

BUILDING - Any structure used or intended for supporting or sheltering any use or occupancy. (See also Structure)

BUILDING, ACCESSORY - A detached, subordinate building, located on the same lot with the principal building(s) the use of which is customarily incidental to the principal building such as a garage or shed. Accessory buildings may have a footprint no greater than 30% of the footprint of the principal building and may not exceed the ridge height of the principal building

BUILDING FAÇADE – The outer surface of a building front, side, or rear wall, including windows, doors, and other architectural features.

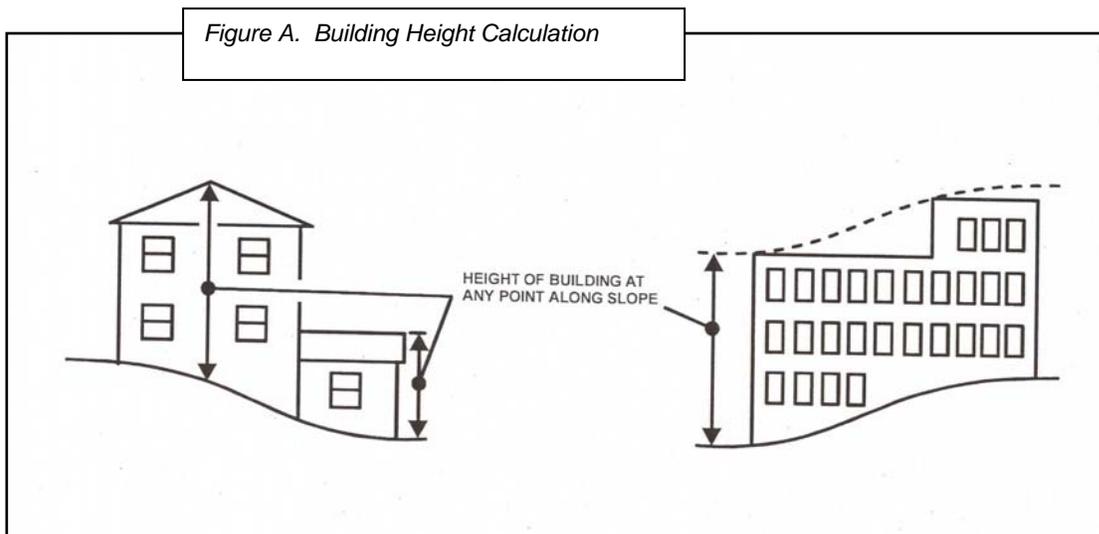
BUILDING FRONTAGE, PRIMARY – The width of a building facing a street, alley, public accessway, or Town right-of-way, on which the main or front entrance may be located. In the case of a corner lot or lot bounded on more than two (2) sides by public rights-of-way, the primary building frontage may be either or any of the street frontages, but there may be no more than one (1) primary building frontage.

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BUILDING FRONTAGE, SECONDARY – The width of a building facing a street, alley, public accessway, parking area, or Town right-of-way, on which accessory or secondary entrances may be located. On any building, there may be no more than one (1) secondary building frontage for the purposes of calculating allowable signage.

BUILDING HEIGHT—The vertical distance measured from any point on a proposed or existing roof ridge to the natural grade located directly below said roof point, excluding chimneys, steeples, cupolas, turrets, clock towers and similar rooftop decorative elements of reasonable, balanced proportions. The building height is thus measured parallel to the existing grade in any direction as depicted in Figure A.

- A. This methodology for measuring height maximums can best be visualized as an irregular surface located above the building site at the height limit mandated by the zoning district, having the same shape as the natural grade of the building site.
- B. Where there are minor irregularities (as determined by the Community Development Department) of the natural grade, such minor irregular areas shall not be used in determining compliance with the height limitation set forth herein and the surrounding typical grade shall be used.



Exception: If fill must be placed on the site for drainage purposes, or to meet some other similar requirement such as the placement of utility services, building height may be measured from the finished grade within three (3) feet of the location of the foundation. However, for the purposes of calculating the building height, the finished grade elevation cannot exceed any adjacent, paved street or alley elevation. If additional fill is needed above any adjacent right-of-way elevation, then the average right-of-way elevation as measured at the edge of the adjacent asphalt shall be used as the finished grade to determine building height. In the case where a building is proposed adjacent to two or more rights-of-way, then the building height will be calculated using the average grade of each right-of-way as measured at the edge of adjacent asphalt. For the purposes of calculating building height, any placement of fill on a lot must be determined as necessary, showing there are no other viable alternatives. Said determination and showing must be verified by a professional engineer licensed in the State of Colorado and approved by the Frisco Town Engineer.

BUILDING, PRINCIPAL - A building containing the main or principal use of the lot.

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BULK PLANE ENVELOPE –The three dimensional space within which a structure is permitted to be built on a lot and that is defined by building height regulations, property setbacks, and other restrictions as applicable.

BUSINESS - A building in which commercial activities are conducted and where the business is structurally separated from other businesses and has its own entrance, either exterior or interior.

CABINET SIGN – A sign that contains all the text and/or logo symbols within a single enclosed cabinet and may or may not be illuminated.

CALIPER - The diameter of a tree trunk.

CAMPER - A vehicle, eligible to be registered and insured for highway use, designed to be used as a temporary shelter for travel, recreational and vacation purposes, but not for a permanent residence; and includes, but is not limited to, equipment commonly called "fifth wheels," "independent travel trailers," "dependent travel trailers," "tent trailers," "pickup campers," "motor homes" and "converted buses" but does not include mobile homes.

CANYON EFFECT – The creation of a visual effect, which simulates a canyon, characterized by a narrow separation between tall building facades or walls. The canyon effect is created when the distance between the closest wall planes between two opposing buildings is less than 60% of the height of the taller building.

CERTIFICATE OF OCCUPANCY (CO) - A certificate issued by the Town of Frisco after completion, inspection, and approval of a new structure or change in use of an existing structure. The certificate states the described building has been inspected for compliance with the requirements of the building code for the described group and division of occupancy and the use for which the proposed occupancy is classified. Certificates presuming to give authority to violate or cancel the provisions of the building code or other ordinances of the Town of Frisco shall not be valid.

CERTIFIED SOLID-FUEL-BURNING DEVICE - A solid-fuel-burning device which is certified by the Air Pollution Control Division of the Colorado Department of Health or the Summit County Environmental Health Division to meet the emission standards set forth in Section IV of Regulation No. 4 of Volume 1 of the Colorado Air Quality Control Commission.

CHILD DAY-CARE CENTER - Any facility providing care for four or more unrelated children during the daylight hours for compensation.

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

CO-MINGLED CONTAINERS – Source separated receptacles composed of recyclable materials that may be mixed or combined with other source-separated containers in a single collection facility to increase the efficiency of recycling. Co-mingled containers include, but are not limited to, aluminum bottles and cans, glass bottles and jars, and plastic bottles and jars.

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COMMISSION - The Planning Commission of the town.

COMMERCIAL PROJECT - Development of attached or detached commercial structures, for which development approval is sought under a single or phased development application.

COMMERCIAL UNIT - A building or portion of a building in excess of one thousand (1,000) square feet, intended for nonresidential use, excluding boarding, lodging, rooming and tourist homes and motel, hotel, and inns.

COMMERCIAL UNIT, PRINCIPAL - A commercial unit excluding accessory buildings and accessory uses.

COMMON AREAS – Undeveloped land within a subdivision that has been designated, dedicated, reserved or restricted from further development and is set aside for the use and enjoyment by residents of the development. It shall be substantially free of structures, but may contain historic structures and archeological sites, and/or recreational facilities for residents, including but not limited to benches, picnic tables and interpretive signage as indicated on an approved development plan. Storm water control facilities for the benefit of the subdivision may also be located within common areas.

COMMUNITY CENTER – A building or portion of a building used for nonprofit, cultural, educational, recreational, religious or social activities which is open to the public or a designated part of the public, usually owned and operated by a public or nonprofit group or agency. Examples of community centers are learning centers, senior centers, and similar uses.

COMPREHENSIVE SIGN PLAN - A sign plan which identifies the number, size, description and location of all signs for businesses on the same property or within the same development project.

CONDITIONAL USE - See Use, Conditional.

CONDOMINIUM – A building or buildings consisting of separately owned air space units of a multi-unit property. Generally, the units or portions of the units are stacked one above another. In addition to the interest acquired in a particular unit, each unit owner has an undivided interest in the land or buildings as parts thereof used in common by all the unit owners (common elements). Nothing herein shall be construed to prohibit the ownership of common areas by a homeowners association holding title to such areas for and on behalf of the owner of a condominium unit.

CONDOMINIUM HOTEL – A multi-unit structure, consisting of dwelling units, hotel or motel units, or some combination thereof, in which units may be individually owned and which provides a centralized management structure incorporating the following features: a 24-hour front desk check-in operation, a central phone system to individual rental units, meeting rooms, food services, and recreational or leisure amenities.

CONIFER - Plant that bears seed or modified cone like structures; usually an evergreen.

CONTAINER GROWN - Plant material grown in a permanent or semi-permanent pot, box, etc.; usually at a nursery.

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COUNCIL or TOWN COUNCIL - The Town Council of the Town of Frisco, Colorado (formerly the "Board" or the "Board of Trustees").

CUL-DE-SAC - A street closed on one end which has a throat and a bulbous end.

DAY CARE CENTER, CHILD - Any facility providing less than 24-hour care for four or more unrelated children for compensation.

DAY CARE, FAMILY – A family care home in which less than 24-hour care is given for compensation for up to four unrelated children for compensation.

DECIDUOUS - Plant that drops all leaves once per year.

DENSITY - The number of dwelling units allowed per developable acre.

DENSITY BONUS – A density bonus over the maximum allowable base density is available if approved by the Planning Commission. A density bonus is an increase in the allowable number of dwelling units over the base density, provided that a minimum of 50% of the total number of bonus units is provide as affordable housing. At least one affordable dwelling unit provided under the terms of this provision for any development shall be a minimum of one-bedroom in size. Any studio dwelling unit provided under this section must be a minimum of 500 square feet in floor area.

DEVELOPABLE ACRE - See Acre, Developable

DEVELOPMENT - Any construction or activity which changes the basic character or the use of the land on which the construction or activity occurs.

DEVELOPMENT PROPOSAL - All activities involving earth disturbance or requiring a building permit, including but not limited to commercial developments, industrial developments and single-family, duplex or multifamily housing.

DIRECTORY SIGN - A sign that serves as a common or collective identification of multiple businesses on the same property.

DUMPSTER ENCLOSURE – A structure which is designed and used to:

- A. House a refuse dumpster and/or dumpster containers, recycling bins, grease traps, trash compactor,
- B. Screen a refuse dumpster and/or refuse containers, recycling bins, grease traps, trash compactor from view, and
- C. Keep the materials which are deposited in such an enclosure from being scattered.

DUPLEX - A single building containing two (2) dwelling units each of which shares a common, unpierced wall that extends from ground to roof and that totally separates the enclosed living areas within the dwelling units or the enclosed area within attached accessory garages. . Each of the dwelling units shall be located on a parcel, which meets the minimum lot size requirement of the zoning district on which it is located.

DWELLING, MULTI-UNIT - A structure containing three (3) or more dwelling units.

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DWELLING, SINGLE-HOUSEHOLD DETACHED – A structure containing one dwelling unit.

DWELLING UNIT - A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. Dwellings may exist in many configurations, including single-household detached, duplex and multi-unit dwellings and group homes. Dwellings do not include boarding, rooming, lodging or tourist homes, hotels, motels, extended stay lodgings or lock-off units.

DWELLING UNIT, PRINCIPAL - A dwelling unit excluding accessory buildings and accessory uses such as a garage.

EASEMENT - A grant of one or more of the property rights of use by the property owner to and/or for use by the public, a corporation, or another person or entity.

EAVE - The projecting lower edges of a roof overhanging the wall of a building.

EMPLOYEE - A person who receives payment for services rendered to a business. In a home occupation or home office business, an immediate family member of the business owner and/or a resident of the business premises is not considered an employee.

EVERGREEN - Plant that retains leaves/needles year-round.

EXTERIOR FINISH - A minor change to the appearance of the outside of a building including but not limited to window and door replacements, roofing or siding, or painting or repainting; but that does not include changes to the following: building footprint, floor area, height, and any substantial change to the appearance of the building.

FAST FOOD RESTAURANT – See Restaurant, Fast Food.

FINANCIAL SERVICES – Establishments such as banks and savings and loans, credit agencies, investment companies, brokers and dealers of securities and commodities, security and commodity exchange, and other similar type uses.

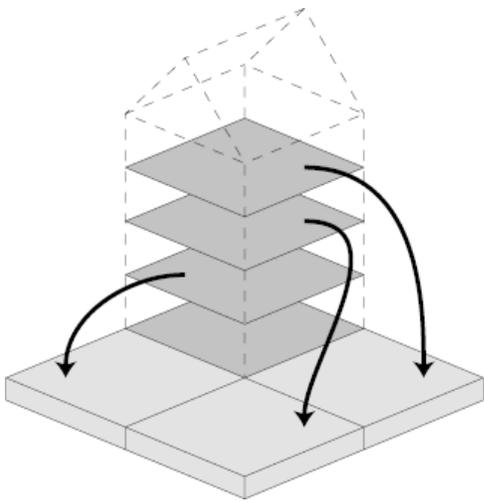
FENCE - An artificially constructed barrier of any material or combination of materials that encloses, screens, or separates areas, exclusive of earthen mounds or berms.

FLOOR AREA, GROSS (GFA) - The area included within the exterior walls of a building or portion thereof including basements, lofts, useable spaces, and other areas with floors but excluding parking in garages.

FLOOR AREA RATIO (FAR) - FAR is the ratio of the total floor area of buildings on a lot to the size of the land of that lot, or the limit imposed on such a ratio. It is the total building square footage (building area) divided by the site size square footage (site area).

The illustration shows a FAR of 1.0. This simply means that, if the area of the plot is 100 square feet, then 100 square feet of gross floor area has been built on the plot. The illustration below shows a 4-story building covering 1/4 of the site, giving a FAR of 1.0. Four floors of 25 square feet each are built on a site of 100 square feet.

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FOOTCANDLE - A unit of illuminance equivalent to one lumen per square foot.

FORMAL LANDSCAPING (a.k.a. Required Landscape Area) - Landscaping in excess of ground cover (such as sod, grass seed, etc.)

FRACTIONAL OWNERSHIP – Allows up to thirteen (13) weeks per calendar year of single ownership in a dwelling unit, or private residence club, by many different individual owners. Fractional ownership developments shall include one hundred (100) percent of all units in a project and shall include a management plan.

FREESTANDING SIGN - A non-movable sign not affixed to a building, including but not limited to a “pole sign”, a “pedestal sign”, a “ground sign” or a monument sign.”

FRONT-LIT SIGN - A sign which is illuminated from fixtures mounted exterior to the sign face.

FRONT YARD - See Yard, Front

FULL CUT-OFF LIGHT FIXTURE - A light fixture with a light distribution pattern that results in no light being projected at or above a 90 degree horizontal plane located at the bottom of the fixture.

FULLY ESTABLISHED - Plants of such maturity that the fibrous roots have developed so that the root mass will retain its shape and hold together when removed from the ground or a container.

FULLY SHIELDED LIGHT FIXTURE - A light fixture that directs light downward, and covers the bulb to prevent light being emitted by the fixture from causing glare.

GRADE (or ADJACENT GROUND ELEVATION) - (1) The average elevation of the land within 3 feet of the perimeter of a building; or, as the context may require, (2) the percent of rise or descent of a sloping surface.

GRADE, FINISHED - The final elevation of the ground level after development.

GRADE, NATURAL - The elevation of the ground level in its natural state, before construction, filling, or excavation. See also Natural Grade, Average.

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GRADING - Any stripping, cutting, filling or stockpiling of earth or land, including the land in its cut or filled condition, to create new grades.

GROSS FLOOR AREA (GFA) - See Floor Area, Gross.

HEALTH, RECREATION AND EXERCISE ESTABLISHMENTS AND FACILITIES – An establishment or facility designed and equipped for the conduct of sports, exercise activities and other customary and usual recreational activities, including but not limited to tennis, racquetball, handball and squash courts, weight and aerobic exercise rooms, running facilities, swimming pools, and whirlpool and sauna facilities. Permitted accessory uses may include child care, sun tanning booths, health and nutrition counseling services, retail sales of sporting goods and restaurant services.

HOME OCCUPATION - A business or profession engaged within a dwelling by a resident thereof which is clearly incidental and secondary to the use of the dwelling for residential purposes.

HOME OFFICE - An office of convenience engaged within a dwelling by a resident thereof where no more than 4 customers a day may visit, and where business is conducted primarily by phone, telecommunications, or by mail and no persons are employed by the resident so that the average neighbor will be unaware of its existence. There shall be no exterior indication of non-residential activity and deliveries shall not exceed volumes that would normally be expected in a residential neighborhood. There shall be no audible noise, detectable vibration or odor and no electrical interference beyond the confines of the subject dwelling unit. Advertising of the business may not include the physical address of the office. The home office shall not occupy more than 30% of the gross floor area of the dwelling unit in question.

HOMEOWNERS ASSOCIATION RECREATIONAL FACILITY – a place, building, or structure designed and equipped for the conduct of sports and leisure-time activities, which is operated by a homeowners association and open only to bona fide members and guests of such a homeowners association.

HOTEL OR MOTEL – A building or group of buildings in which lodging is provided and offered to transient guests for compensation; shall not include boarding, rooming, lodging and tourist homes.

IDEOLOGICAL SIGN – A sign whose purpose is to convey an idea or message that reflects the social needs, beliefs, and/or aspirations of an individual, group, class, or culture. Ideological signs are not intended to propose a commercial transaction.

INFORMATION SIGN - A sign used to indicate or provide information and direction with respect to permitted uses on the property, including but not limited to signs indicating the hours of operation, and such signs as “no smoking”, “open”, “closed”, “rest rooms”, “no solicitation”, “deliveries in rear”, etc.

INSTITUTIONAL USE – A non-profit, public or private use, building, structure, or land used for public purposes such as but not limited to post office, cemetery, school, hospital and library.

INTERMITTENT STREAM - A natural drainage way which does not flow continually but does drain twenty (20) or more acres.

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LANDMARK SIGN - A wall-mounted sign which identifies a site or building determined by the Community Development Director to have substantial historic, artistic, or architectural significance to the community.

LANDSCAPING - Includes any or all of the following: lawn or grass areas, trees, shrubs or other plantings, decorative rock, natural or man-made, planters or other similar outdoor furniture, berms or mounds. Inclusion of retention and detention ponds as "landscaping" shall be permitted if the Commission determines they have sufficient value as "landscaping."

LARGE PROJECT –

- A. Any commercial or mixed use project, as defined in this Section 180-5, occurring on a lot of 10,500 square feet or greater or occurring on a group of lots combined for a unified development project and which contains collectively 10,500 square feet or greater.
- B. Any residential development occurring on a lot of 21,000 square feet or greater or any development of 5 or more dwelling units.

LIGHT FIXTURE - The assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector (mirror), and a refractor (lens).

LIGHT GOODS REPAIR - Any building or portion of a building that contains establishments for the repair, restoration, refurbishing, and/or mending of light portable items such as clothing, shoes, furniture, bicycles, skis, and small appliances

LOCK-OFF - A portion of a dwelling unit suitable for short-term habitation, with a separate entrance, containing at least one (1) bathroom but no cooking facilities and capable of being securely separated from the dwelling unit.

LONG-TERM RENTAL - See Rental, Long-Term

LOT - An undivided parcel of land legally described by survey or subdivision plat, access to which is provided from a public or private way.

LOT AREA - The horizontal area of the lot.

LOT COVERAGE – The percentage of total lot area used for parking, roads, drives or which is covered by structures or other paved or impervious areas. The following elements are excluded from the maximum allowable lot coverage calculation: roof eaves up to two (2) feet in width as measured perpendicular from the exterior building wall; all publicly used non-vehicular pathways and up to three (3) feet in width for privately used pathways; all dumpster enclosures that provide adequate space recyclable containers.

LOT FRONTAGE - That portion of a lot fronting upon and providing rights of access to a dedicated street. "Lot frontage" shall be measured continuously along only one (1) street.

LOT LINE - The line bounding a lot. Further defined below:

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LOT LINE, FRONT - On an interior lot, the line separating the lot from the street. On lots fronting upon two (2) streets, the owner may select which line shall be considered the "fronting line".

LOT LINE, REAR - The line opposite the front lot line.

LOT LINE, SIDE - Any lot line other than the front lot line or rear lot line.

LUMEN - A unit of light measurement. The light emitted within a unit solid angle by a point source with a uniform luminous intensity of one candela.

MANUFACTURING – The creation of products either with machinery or by hand according to an organized plan and with the division of labor.

MANUFACTURING, LIGHT – Fabrication of and/or assembly of goods from previously prepared materials, which does not generate significant odor, noise and/or light pollution, or negative impacts to air and water quality, and traffic.

MASTER PLAN - The currently adopted Town of Frisco Master Plan for guiding policies and regulations to achieve the community's vision of present and future needs.

MEDICAL OFFICE – See office, medical.

MIXED USE PROJECT – A project of attached or detached structures intended for more than one of the following uses, residential, office, retail, commercial, industrial, institutional and public.

MOBILE HOME - A transportable dwelling unit attached or at one time attached to a chassis, containing complete electrical, plumbing and sanitary facilities and designed for year-round living without necessity of a permanent foundation, but does not include camper or modularity constructed dwelling units.

MOUNTING HEIGHT - The vertical distance between the finished grade elevation and the top of the lighting fixture.

MONUMENT SIGN - A freestanding sign of not more than 10 feet in height, which is erected on the ground, and which includes an architecturally designed base which is constructed so stone, brick, timbers, or other similar natural material, and is designed to be architecturally compatible with the design of the project. This is sometimes referred to as a ground sign.

MULTI-FAMILY RESIDENTIAL PROJECT - Development of three or more attached or detached dwelling units, for which development approval is sought under a single or phased development application.

MULTI-UNIT RESIDENTIAL PROJECT - Development of three or more attached or detached dwelling units, for which development approval is sought under a single or phased development application.

NATURAL GRADE, AVERAGE - The average of the existing or natural topography of a site as measured within three (3) feet of the proposed foundation wall location prior to excavation and/or construction.

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NEW CONSTRUCTION - For the purpose of Chapter 180-20V, Air quality protection, "new construction" is construction of a residential, commercial, industrial or agricultural building. This shall include any modification, replacement or relocation of existing solid-fuel-burning devices. However, modification to solid-fuel-burning devices shall not include repair, replacement or relocation of flue pipe.

NONCONFORMANCY - The state, usually ascribable to uses and buildings, of lawfully conflicting with the provisions of this chapter due to the existence of the use, building or portion thereof prior to the adoption or subsequent amendment of this chapter.

NONCONFORMING SIGN - A sign which was erected legally but which does not comply with subsequently enacted sign regulations and restrictions.

OFF-PREMISES SIGN: A sign designed, intended or used to advertise, inform or attract the attention of the public as to:

- A. Goods, products or services which are not sold, manufactured or distributed on or from the premises on which the sign is located;
- B. Facilities not located on the premises on which the sign is located; or
- C. Activities not conducted on the premises on which the sign is located.

OFFICES – Buildings or portions of buildings in which commercial activities take place but where goods are not produced, sold or repaired. These include but are not limited to general and professional services; governmental offices; insurance offices; real estate offices; travel agency; utility offices; radio broadcasting and similar uses.

OFFICES, MEDICAL – A building or portion of buildings that contains establishments dispensing health services, and/or that provides support to the medical profession and patients. Examples include but are not limited to medical and dental laboratories, blood banks, oxygen providers, integrative medicine and holistic or homeopathic therapies, and other miscellaneous types of medical services.

OPEN SPACE – As per the Town's Open Space Plan, those areas falling within the definition of open space include: buffers between neighborhoods and communities, buffers between trail systems and development, natural areas, scenic areas and vistas, historical and cultural lands, undeveloped shorelines or riparian areas, wildlife habitats and/or migration corridors, recreational access points, lands of unique ecological value, lands of significance to threatened or endangered species or species of special concern, pocket parks, trails and trail connections, and lands of aesthetic or passive recreational value.

OPEN SPACE, USEABLE – Any outdoor space meeting the requirements of Section 180-28E(1) and usable for outdoor recreation activities, which may include areas maintained in a natural or undisturbed state, as well as plazas, pathways, sidewalks, landscaping, gardens, water features, fountains, or other similar areas which provide visual relief from the mass of buildings. Usable open space shall not include space used for driveways, parking areas, dumpster enclosures, or decks, patios and balconies above grade. The list of exclusions herein is not intended to be exhaustive and any item not mentioned may be determined by the Planning Commission and Town Council on a case by case basis.

ZONING

OUTDOOR STORAGE – is the storage of materials, refuse, junk and/or other similar items outside of a building.

OVERLAY ZONE - A zoning district that imposes requirements in addition to those required by the underlying zone.

PARAPET -The extension of the main walls of a building above the roof level.

PARK - A tract of land designated and used by the public for active and passive recreation.

PARKING AND/OR LOADING SPACE - A defined area designed for a parked single vehicle which has adequate access to a street or alley.

PARKING FACILITY - Any lot or structure which is used primarily or habitually for the parking of vehicles (excluding street or alley right-of-ways).

PASSIVE RECREATION – Leisure-time activities, usually of an informal nature that generally involve less intensive activities, including but not limited to, walking, jogging, hiking, snowshoeing, Nordic skiing, sitting, picnicking, and other similar less intensive recreational uses.

PERSONAL SERVICES – Establishments primarily engaged in providing services involving the care of a person or his/her personal goods, including but not limited to, dry cleaning, cosmetics, beauty and barbershops, funeral services, and domestic services.

PLANNING COMMISSION - See Commission.

PLANT ESTABLISHMENT PERIOD - The time needed for a plant to recover from being transplanted, either from a container or root ball condition or previous naturally occurring locations to its new location.

POLITICAL SIGN – A non-commercial sign concerning candidates for public office or ballot issues in a primary, general, municipal, or special election.

PREMISE – A parcel of land, or contiguous parcels of land not separated by a public right-of-way, and developed under one (1) site plan.

PRINCIPAL DWELLING UNIT - See Dwelling Unit, Principal

PRINCIPAL USE - See Use, Principal.

PROFESSIONAL TRADE – Industrial and contractor services. Such uses also include supply businesses in the fields of construction materials, interior design, landscaping, automotive, janitorial, medical, and office.

PROJECTING SIGN - A sign that is wholly or partly dependent upon a building for support and which projects more than twelve inches from the building.

PUBLIC BUILDING OR USE – Any building, structure, facility used by the general public, and which is government owned, supported or constructed by any federal, state, county, or municipal government agency.

ZONING

PUBLIC HEARING - A meeting announced and advertised in advance in accordance with applicable notice requirements and which is open to the public, with the public given an opportunity to address the decision making body.

PUBLIC IMPROVEMENT – Any improvement, facility, or service, together with its associated site and any right-of-way necessary to provide transportation, drainage, utilities, or similar essential services and facilities, that is usually owned and operated by a government entity or agency.

PUBLIC MEETING - A meeting announced and advertised in advance in accordance with applicable notice requirements and which is open to the public, at which the public may or may not be given an opportunity to address the decision making body.

PUBLIC NOTICE - Notice to the public of a hearing or meeting by the Council, the Planning Commission or other board.

PUBLIC UTILITY FACILITIES – Major buildings, structures, and facilities including but not limited to generating and switching stations, electrical substations, water or sewer pumping stations, and telephone exchanges, related to the furnishing (storage and transportation) of utility services, including but not limited to electric, gas, telephone, cable, water, sewer, and public transit, to the public. For the purposes of this definition, major public utility facilities located in right-of-ways or easements are not uses required to be zoned.

READERBOARD (CHANGEABLE COPY) SIGN – A sign on which the copy is changed either manually with changeable letters, or automatically by means of scrolling or alternating electric or electronic messages.

REAL ESTATE DEVELOPMENT SIGN - A temporary sign used to identify a development and/or the owners, architects, contractors, real estate agents and lenders involved in a project for which a valid development permit has been issued. Sales and lease information may also be included on the sign.

REAL ESTATE OPEN HOUSE SIGN - A temporary sign erected to indicate the location of an open house.

REAL ESTATE SIGN - A temporary sign erected to advertise the sale, lease or buyer's representative of the premises on which the sign is located.

REAR YARD - See Yard, Rear

RECYCLABLE MATERIALS – Waste materials that are collected, separated or processed, and used as raw materials or products including, but not limited to, newspaper, cardboard, paperboard, brown paper bags, office paper, mixed paper, magazines, glass bottles, jars, aluminum and steel cans, and plastic bottles and jars.

REFUSE CONTAINER – A container, primarily used by the occupants of a single residential unit to temporarily store refuse or recycling materials, which includes all forms of solid waste, garbage, rubbish, trash, recycling items and other similar materials.

RENTAL, LONG-TERM - The rental of a room, apartment or house for a time period of thirty (30) days or more.

ZONING

RENTAL, NIGHTLY (SHORT-TERM) - The rental of a room, apartment or house for a time period of less than thirty (30) days.

RESEARCH AND DEVELOPMENT – An establishment or other facility for carrying on investigation in the natural, physical, or social sciences, which may include engineering and product development.

RESIDENT EMPLOYEE - An employee who lives on the property on which the employment is located.

RESTAURANT – An establishment where food and drink are prepared, table service is provided, and consumption takes place primarily within the principal structure.

RESTAURANT, FAST FOOD – An establishment where food and/or beverages are sold in a take out fashion, no table service is provided, and all or a significant portion of the consumption takes place outside the confines of the restaurant, and/or ordering and pick-up of food may take place from an automobile.

RETAIL – The rental or sale of tangible personal property for any purpose other than for wholesale resale.

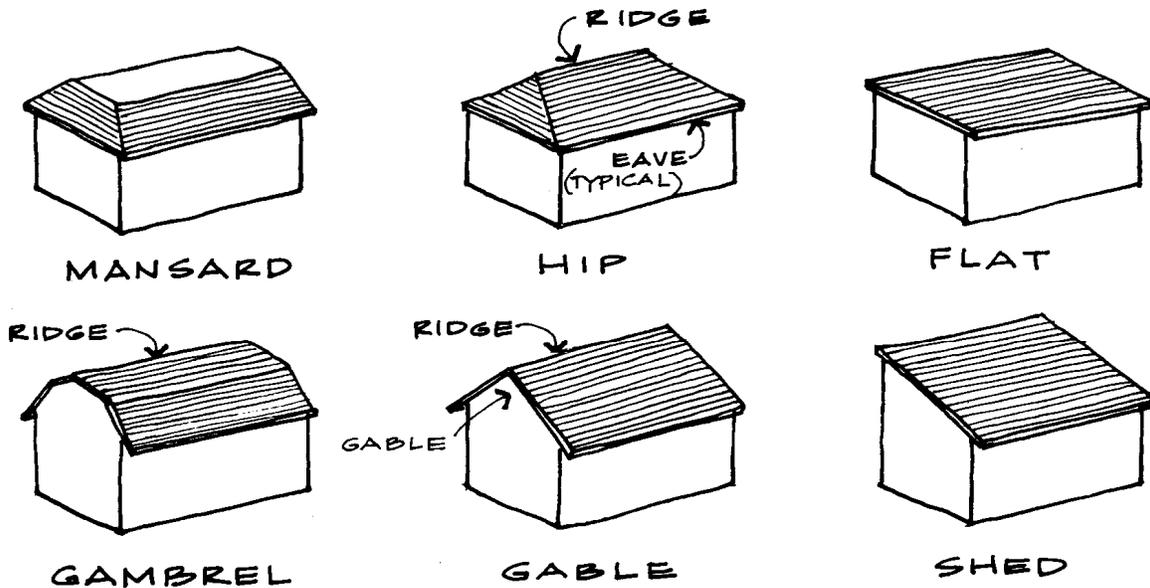
RETAIL, LIGHT - The sale of tangible personal property for any purpose other than for resale where the total area utilized by a single tenant, exclusive of parking occupies less than 35,000 square feet or more.

RETAIL, PROFESSIONAL TRADE – The rental or sale of tangible personal property related to professional trade supply businesses.

RETAIL, REGIONAL – The sale of tangible personal property for any purpose other than for resale where the total area utilized by a single tenant, exclusive of parking occupies 35,000 square feet or more.

ROOF - The outside top covering of a building including, but not limited to, a mansard roof, a hip roof, a flat roof, a gambrel roof, a gable roof and a shed roof.

ZONING



ROOF TYPES

ROOF SIGN - A sign that is mounted on the roof of a building and which projects above the parapet of a flat roof, the ridge line of a gambrel, gable or hip roof, or the deck line of a mansard roof.

ROUNDING FACTOR - For the purpose of determining density, the on-street parking credit, and required landscaping quantities, the fractional unit of fifty hundredths (0.50) or greater shall equal a whole unit of measurement.

SANDWICH BOARD SIGN - A sign that is constructed with two (2) pieces of material, connected at the top, which pieces form a triangular shape and are self-supporting; also known as an "A-frame sign".

SCHOOL – Any of the following types of educational facilities:

- A. Type I: Public, parochial or private school or academy providing pre-primary, primary, elementary or grammar school level courses (pre-K through 5th grade)
- B. Type II: Public, parochial or private school or academy providing middle, preparatory or high school level courses (6th grade through 12th grade)
- C. Type III: Junior college or university, public or founded, or conducted by or under the sponsorship of a religious or charitable organization

SETBACK - The minimum required distance between the lot line and nearest line or point of the building or structure (including roof eaves or any projections such as decks).

SEXUALLY ORIENTED BUSINESSES – An establishment as defined in Section 180-32.

SHIELD - A device used to partially conceal or protect, such as concealing a light source.

SHORT TERM RENTAL - See Rental, Nightly.

ZONING

SHOWROOM – An establishment wherein the display of goods and wares is provided to provide conceptual models of various products.

SIDE YARD - See Yard, Side. **SIGN** - A structure or device designed or intended to convey information to the public through symbols or in written form. Advertising devices attached to motor vehicles, trailers or other movable objects if regularly located for fixed display are also considered signs.

SITE PLAN - The development plan for one or more lots on which is shown the existing and proposed conditions of the lot, including topography, vegetation, drainage, flood plains, wetlands, and waterways; landscaping and open spaces; walkways; means of ingress and egress; circulation; utilities; structures and buildings; signs and lighting; berms, buffers, and fences; adjacent development; and any other information that reasonably may be required in order that an informed decision can be made by the town.

SITE SPECIFIC DEVELOPMENT PLAN – An approved plan/plat that creates a vested property right.

SMALL LOT - A parcel which does not meet the minimum lot size for the zone district in which it is located.

SMALL PROJECT – Any development that disturbs 350 square feet or less of buildable area or land area. Small projects include, but are not limited to: building additions, paving for driveways and parking, flatwork or flagstone for sidewalks or patios, hot tub installations, decks, sheds and other similar structures, and changes to the outside of a building that substantially change the building's appearance or require structural modifications.

SOIL DISTURBANCE - Any human-made or human caused activity such as, but not limited to, landscaping and vegetation removal, structure or construction within the Waterside Setback that changes the character or topography of the land on which the activity, structure or construction occurs.

SOLID-FUEL-BURNING DEVICE - Any fireplace, stove, firebox or other device which is or will be used for the purpose of burning wood, coal, pulp, pellets or other non-liquid or nongaseous fuel.

SPECIMEN QUALITY - Shape, form and density of foliage are typical of the species and no defects to these criteria are evident.

STRUCTURE – A purposeful combination of materials fixed to the ground or to some other structure. “Structures” include buildings, towers, masts, sheds, decks, roofed storage areas, mechanical equipment, and dumpster enclosures. “Structures” do not include benches, sculptures, fire pits, signs, fences, walls, driveways, walkways, other paved areas or public utility lines and cables.

STUDIO - A dwelling unit consisting of not more than one habitable room together with kitchen or kitchenette and sanitary facilities.

SUNSET - The time of day when the sun disappears below the western horizon as defined daily by the National Weather Service and posted in regional newspapers.

ZONING

TEMPORARY STRUCTURE - A structure without any permanent foundation or footings and that is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

TEMPORARY USE - A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period.

TENANT FINISH - An interior only change to the floor plan of a structure.

TOWN ENGINEER - Any engineer certified by the State of Colorado and retained or designated by the Town to provide engineering services.

TOWNHOUSE – An individually owned residential unit that has an undivided interest in common with other unit owners in the common elements of a project including land and infrastructure. Townhouse ownership includes the structure, from foundation to roof in an unbroken vertical plane, and the land on which the foundation of the townhouse is constructed. In order for footings to be considered a foundation in any location, that area must have an unbroken vertical plane to the roof and must be physically attached to the building. Townhouse units or portions thereof cannot be stacked one above another. Nothing herein shall be construed to prohibit the ownership of common areas by a homeowners association holding title to such areas for and on behalf of the individual owners of a townhouse unit.

TRANSIT-ORIENTED FACILITIES AND USES – Establishments engaged in furnishing local and regional passenger transportation, and/or furnishing services incidental to transportation, such as parking facilities, packing services, and passenger mobilization offices.

USABLE OPEN SPACE – See Open Space, Usable.

USE - A purpose for which a parcel of land is designed, arranged or intended or for which it may be occupied or maintained under this chapter.

USE, ACCESSORY - A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot or in the same building with the principal use. A dwelling unit shall not be allowed as an accessory use. Accessory uses may occupy no more than 30% of the gross floor area of the principal building.

USE, CONDITIONAL - A use which, because of its character, size and potential impacts, may or may not be appropriate in a particular zone district and which may be undertaken, if at all, only in accordance with the provisions of Section 180-30 of this chapter.

USE, PRINCIPAL - The main or primary use of any lot or parcel.

VARIANCE, also NON-USE VARIANCE - A departure from the provisions of this chapter relating to the coverage, setback, height, lot size or other development standards and requirements of the applicable zoning district, but not involving the actual use.

VESTED PROPERTY RIGHT – The right to undertake and complete the specific development and use of property under the terms and conditions of a “site specific development plan.”

ZONING

WALL SIGN - Any sign painted on, incorporated in or affixed to a building wall or any sign consisting of cutout letters or devices affixed to such wall with or without a defined background, attached parallel to the surface of the wall and extending not more than twelve (12) inches from the wall.

WAREHOUSE – An enclosed building designed and used primarily for the storage of goods and materials.

WAY - A street, road, sidewalk, alley or other area reserved for present or future use for the purpose of vehicular or pedestrian travel. A "way" is either public (i.e. dedicated) or private (i.e., established by plat, reservation, deed, covenant or contract approved by the town).

WETLANDS - Areas, including lakes, streams, ponds, areas of seasonal standing water, areas with a predominance of wetland vegetation (such as willows, rushes or sedges), areas with boggy soils and areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions. "Wetlands" do not include areas which are saturated solely by the application of agricultural irrigation water.

WHOLESALE BUSINESS – The sale of goods and merchandise for resale instead of for direct consumption.

WINDOW SIGN - A sign that is applied or attached to the exterior or interior of a window or located within one (1) foot of the interior of a window, but excludes merchandise in a window display.

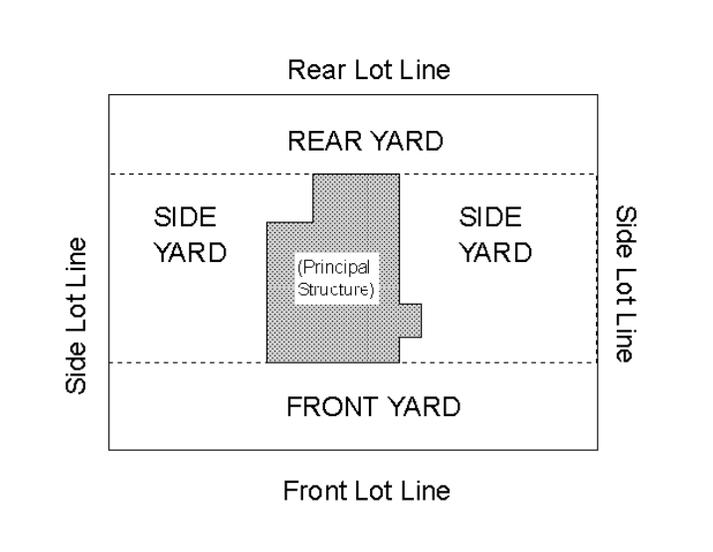
YARD - An area of a lot not occupied by a structure, located between a street or other property line and any structure or element thereof other than a fence, wall or other customary yard accessory. Depth is to be measured perpendicularly to the street or property line.

YARD, FRONT - A yard between a principal structure and the front lot line and between the side lot lines.

YARD, REAR - A yard between a principal structure and the rear lot line, opposite the front yard.

ZONING

YARD, SIDE - A yard between a principal structure and the side lot line and between the front and rear yards.



ZONE - A specifically delineated area or district in a municipality within which uniform regulations and requirements govern the use, placement, spacing, size, and other characteristics of land and buildings.