

CHAPTER 12: GENERAL DEFINITIONS

Definitions specifically related to particular types of development permit will be found in those sections of the Land Use Regulations. Any word or term not defined in these Regulations will have the meaning indicated by common dictionary definition. For the purposes of these Regulations, the common dictionary is *The Oxford English Dictionary* (unabridged).

ADJACENT. For the purposes of these Regulations, unless otherwise specifically defined in a particular context, the term “adjacent” means next to; however, properties adjacent may be separated by things of a different kind (such as lots separated by a street). See *Adjoining, Contiguous*.

ADJOINING. For the purposes of these Regulations, unless otherwise specifically defined in a particular context, the term “adjoining” means touching at least one point. See *Adjacent, Contiguous*.

ADMINISTRATIVE OFFICIAL. Any decision-making officer, department personnel, board member, or other authorized representative of Teller County.

ADULT DAY CARE FACILITY. See *Section 8.3.Q Human Care Services*.

ADULT OR SEXUALLY ORIENTED BUSINESS. An adult arcade, adult bookstore, adult video store, adult cabaret, adult motion picture theater, adult theater, sexual encounter establishment or other similar business and includes:

1. The opening or commencement of any sexually oriented business as a new business;
2. The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
3. The additions of any sexually oriented business to any other legally existing sexually oriented business;
4. The relocation of any sexually oriented business; or
5. The continuation of a sexually oriented business in existence on the effective date of this regulation. Does not include incidental inclusion of adult or sexually oriented materials in stores, including general book stores, otherwise containing a preponderance of general merchandise.

- A. **Purpose**. The purpose of regulating adult or sexually oriented businesses is to allow the reasonable location of sexually oriented businesses within the County in a manner which will protect property values, neighborhoods and residents from the potential adverse secondary effects of sexually oriented businesses while providing to those who desire to patronize sexually oriented businesses such opportunity in appropriate areas within the County. It is not the intent of these Regulations to suppress any speech activities protected by the First Amendment of the United States Constitution but to impose content neutral regulations which address the adverse secondary effects sexually oriented businesses may have on adjoining and/or adjacent properties.

B. Definitions

1. **Adult Arcade.** Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.
2. **Adult Bookstore or Adult Video Store.** A business having as a substantial or significant portion of its stock and trade, revenue, space, or advertising budget, resulting from the sale, rental or viewing of one or more of the following: (1) books, magazines, periodicals or other printed matter, or photographs, films, motion picture, video cassettes or video reproductions, slides, or other visual representations which depict or describe specified sexual activities or specified anatomical areas; or (2) instruments, devices, or paraphernalia which are designed for specified sexual activities.
3. **Adult Cabaret.** A nightclub, bar, restaurant, or similar business which regularly features: (1) persons who appear in a state of nudity; or (2) live performances which are characterized by the exposure of specified anatomical areas or by specified anatomical areas; or (3) 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.
4. **Adult Motel.** A hotel, motel or similar business which offers accommodations to the public for any form of consideration and provides patrons live performance or with closed-circuit television transmission, 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.
5. **Adult Motion Picture Theater.** A business where films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
6. **Adult or Sexual Encounter Establishment.** A business or commercial establishment which, as one of its primary business purposes, offers for any form of consideration, a place where two or more persons may congregate, associate or consort for the purpose of specified sexual activities or the exposure of specified anatomical areas, when one or more of the persons exposes any specified anatomical area.
7. **Adult Theater.** A theater, concert hall, auditorium, or similar business which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.
8. **Specified Anatomical Areas.** Either less than completely and

opaquely covered: human genitals, pubic region, buttocks, and female breast below a point above the top of the aureole; or human male genitals in a discernibly turgid state even if completely and opaquely covered.

9. **Specified Sexual Activities.** Acts, simulated acts, exhibitions, representations, depictions or descriptions of:
- a. Human genitals in a state of sexual stimulation or arousal.
 - b. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.
 - c. Intrusion, however slight, actual or simulated, by any object, any part of an animal's body, or any part of a person's body into the genital or anal openings of any person's body.
 - d. Cunnilingus, fellatio, anilingus, masturbation, bestiality, lewd exhibition of genitals or excretory function, actual or simulated.
 - e. Flagellation, mutilation or torture, actual or simulated, in a sexual context.

AGRICULTURE or AGRICULTURAL USE. For the purposes of these Regulations, "agriculture" or "agricultural use" means the employment of land for the primary purpose of obtaining a profit in money by raising, harvesting, and selling crops, or feeding (including grazing), breeding, managing, selling, or producing livestock, poultry, fur-bearing animals or honeybees; or by dairying and the sale of dairy products; or by any other horticultural or floricultural use; by animal husbandry; or by any combination thereof.

ALTERNATIVE CARE FACILITY. See *Section 8.3.Q Human Care Services.*

ART. Non-commercial works of art created by an artist (defined as a practitioner in the visual arts), or a group of artists, for the public to experience. Public Art is located on a public facility, site, or place belonging to Teller County while private art is located on a non-Teller County facility, site, or place or other private facility, site, or place. "Works of art" means all forms of original creations of visual art, with a primarily decorative function, including: [*am. BOCC 07-22-10(36)*]

1. Sculpture, in any material or combination of materials whether in the round, bas relief, high relief, mobile, organic, fountain, kinetic or electronic; or
2. Painting, whether portable or permanently fixed, as in the case of murals; or
3. Mosaics; or
4. Photographs; or
5. Crafts involving the application of practical arts made from clay, fiber and textiles, wood, glass, metal, plastics, or any other material, or any combination thereof; or
6. Calligraphy; or
7. Mixed media composed of any combination of forms or media; or
8. Unique architectural stylings or embellishments, including architectural crafts; or
9. Restoration or renovation of existing works of art of historical significance.

ASSISTED LIVING RESIDENCE. Formerly known as “Personal Care Boarding Facility.” See *Section 8.3.Q Human Care Services*.

BLOCK. A parcel of land within a platted subdivision bounded on all sides by roads, streets, or avenues, other physical boundaries such as a body of water, or the exterior boundary of a platted subdivision.

BOARDING OR ROOMING HOUSE. A building other than a hotel or restaurant, where meals and/or lodging are regularly furnished for four or more persons not members of the family, but not exceeding 12 persons, for compensation. This establishment is not open to transient customers.

BUILDABLE SITE (LOT) or BUILDING SITE (LOT). A legally created separate lot, parcel, or tract of land on which a structure containing a legally permitted use (either a permitted use or another use receiving final approvals from Teller County) can be constructed in compliance with these Regulations and all other applicable Federal, State and local statutes, laws, codes, resolutions, ordinances, and regulations.

BUILDING. Any structure having a roof supported by columns or walls, used, or intended to be used, for the shelter or enclosure of persons, animals, equipment, machinery, or materials.

BUILDING AREA (BUILDING FOOTPRINT). The total area bounded by the exterior walls of the building at the floor levels, including garages, car ports, porches and breezeways.

BUILDING ENVELOPE. The specifically defined, and customarily platted, portion of a lot within which all structures must be built. A specified Building Envelope does not alter setbacks. See also *Pad or Building Pad; Pad Site*.

BUILDING HEIGHT. See *Section 2.2.C Height or Building Height*.

CHILD CARE CENTER. See *Section 8.3.Q Human Care Services*.

CHILD CARE FACILITY. See *Section 8.3.Q Human Care Services*.

CHURCH, TEMPLE, SYNAGOGUE, OR OTHER RELIGIOUS WORSHIP

FACILITY. A building, structure, or structures, primarily intended for the conducting of organized religious services and their traditional ancillary services, including but not limited to worship services, religious study group meetings, and prayer meetings, and such daycare and educational classroom needs incidental or secondary to these uses. Nothing in this definition precludes the meeting of 25 or fewer individuals upon private property to pray, worship, or otherwise study or discuss issues relating to religious beliefs. See *Group Meeting*.

CLUB. Any membership organization including a lodge catering exclusively to the members and their guests and whose facilities are limited to meeting, eating, and recreational use and whose activities are not conducted principally for monetary gain.

COMMON INTEREST COMMUNITY. Real estate described in a declaration with respect to which a person, individual, firm, corporation, partnership, or other entity, by virtue of such person's, individual's, firm's, corporation's, partnership's, or other entity's ownership of a unit, is obligated to pay for real estate taxes, insurance premiums, maintenance or improvement of other real estate described in a declaration. Ownership of a unit does not include holding a leasehold interest in a unit of less than 40 years, including renewal options. The period of the leasehold interest, including renewal options, is measured from the date the initial term commences.

COMMUNITY RESIDENTIAL HOME. See *Section 8.3.Q Human Care Services.*

COMPATIBLE. Capable of co-existing or performing in harmonious combination with, or orderly and efficient integration and operation with, adjacent, adjoining, or contiguous zone district land uses.

CONCEPT PLAN. As it applies to the obsolete Planned Business Center (PBC) and Planned Industrial Center (PIC) Zone Districts, the specific development's visual land use representation describing the Applicant's intent, types of approved uses, orientation, access, range of lot square footages, types of buildings and how the property will relate to surrounding properties.

CONDOMINIUM. An individually owned unit in a multi-unit structure that shares common walls, or ceilings, or floors with other similar units, the legal description of which does not include the land beneath the unit but is restricted to the unit's airspace, combined with joint ownership of commonly used property (common elements) such as grounds, parking areas, amenities, sidewalks, hallways, and stairs. A condominium unit is a statutory entity that may be mortgaged, taxed, sold, or otherwise transferred in ownership, separately and independently of all other units in the structure. Side-by-side condominium units may, for marketing purposes, be called "townhomes" or "townhouses." A condominium is not a common interest community unless the undivided interests in the common elements are vested in the unit owners. See *Townhouse*.

CONSERVATION AREAS. (1) The areas outside of growth areas as defined by the Teller County Growth Management Plan and its related Regional Action Plans and identified in *Appendix B Teller County Growth and Conservation Areas* of these Regulations; (2) areas within the Teller County Growth Management Plan or a Regional Action Plan considered **limited growth areas** by having one or more of the following three **functional planning areas** within them: fringe protection areas; resource and environmental sensitive/significant protection areas; and rural life-style protection areas. See *Growth Areas, Teller County Growth Management Plan*.

CONTIGUOUS. For the purposes of these Regulations, unless otherwise specifically defined in a particular context, the term "contiguous" means touching along all or most of one side. See *Adjacent, Adjoining*.

COOPERATIVE. In the context of the Colorado Common Ownership Interest Act (CCIOA), a common interest community in which the real property is owned by an association, each member of which is entitled by virtue of each member's ownership interest in the association to exclusive possession of a unit.

COUNTY. The County of Teller, State of Colorado.

COVENANT OR RESTRICTIVE (OR PROTECTIVE) COVENANT. A private written promise or agreement between the parties (commonly a subdivider or landowner and the buyer of a piece of property) that restricts the use of all or a portion of the property, or that sets out the promises, pledges, or guarantees one to another that something is (or isn't) or shall (or shall not) be done. Covenants normally run with the land and therefore apply to succeeding owners. Since they are private agreements, Teller County does not enforce covenants. Teller County does, however, enforce these Regulations even when these Regulations differ from the covenants.

CRS. Colorado Revised Statutes. The laws of the State of Colorado.

DAY TREATMENT CENTER. See *Section 8.3.Q Human Care Services*.

DEVELOPABLE AREA. That portion of a lot, parcel, or tract of land exclusive of any public or private open space or facilities; infrastructure, including roadways and drainageways; and hazardous areas including floodplains, geological hazard areas, areas exceeding 30% slope, and wildfire hazard areas.

DEVELOPER. A legal or beneficial owner of any land proposed for inclusion in a development pursuant to a Development Permit, including a lessee, optionee, or contract purchaser. A Developer may, or may not, also be a Subdivider. See *Development Permit; Subdivider*.

DEVELOPMENT. Any of the following activities that require some form of permission pursuant to these Land Use Regulations, including: (1) the subdivision of a parcel of pursuant to *Chapter 9 Subdivision* of these Regulations; (2) the construction, reconstruction, conversion, expansion, or structural alteration, relocation, or enlargement of any building, structure, or accessory structure; (3) any use, or change in use, of any building, land, or water; (4) any clearing, grading or other movement of land of a nature or dimension which requires a permit, including a Building Permit or any other Teller County, State, or Federal permit; (5) any mining, dredging, filling, grading, paving, excavating, or daily operations.

DEVELOPMENT PERMIT. The term "development permit" includes any preliminary or final written approval or decision by an agency of Teller County government regarding an application for rezoning, Planned Unit Development, Special Review Use Permit, Subdivision, development plan or site plan, or Building Permit application pursuant to these Regulations or any other applicable Federal, State and local statutes, laws, codes, resolutions, ordinances, and. See *Land Use Approval*.

DEVELOPMENT PLAN. As it applies to the obsolete Planned Business Center (PBC) and Planned Industrial Center (PIC) Zone Districts, a site plan that includes the information required for a subdivision preliminary plan.

DEVELOPMENTAL DISABILITY. See *Section 8.3.Q Human Care Services*.

DWELLING. In Teller County, a dwelling is considered to be one of items 1, 2, or 3 as follows:

1. **General**. A building unit constructed in compliance with the Teller County Building Code and all related codes, designed or used as a residence, with one kitchen (excluding wet bar), living, sanitary, and sleeping facilities.
2. **Manufactured Housing**. The single-family housing described below, designed or used as a residence, with one kitchen (excluding wet bar), living, sanitary, and sleeping facilities, which is wholly or in part built in a factory in single or multiple sections to be transported to the site for assembly at the site. In Teller County these are further defined to be:
 - a. **Manufactured Home (CRS Manufactured Home)**. A single family dwelling unit (1) partially or entirely manufactured in a factory; (2) is not less than 24 feet in width and 36 feet in length; (3) has brick, wood or cosmetically equivalent exterior siding; (4) has a pitched roof; and (5) is built for the Colorado climate according to the standards established under the HUD Code.

In Teller County, manufactured homes must (1) be installed on an engineered permanent foundation; (2) be certified pursuant to the HUD Code; (3) meet the construction requirements of the HUD Code, and (4) meet the Teller County Building Code requirements for snow-load and wind.
 - b. **Factory-built Housing (CRS Factory Built Housing)**. Any preconstructed building unit or combination of preconstructed building units (1) without motive power and not licensed as a vehicle; (2) designed for residential occupancy in either permanent or temporary locations; (3) manufactured in a factory or at a location other than the residential site of the completed home; (4) is wholly or in substantial part, including electrical, mechanical, and plumbing services, made, fabricated, formed, or assembled in the manufacturing facilities for installation, or assembly and installation, on the building site; and (5) designed to be a single unit when joined and used for occupancy by persons for residential purposes in either temporary or permanent locations.

In Teller County, Factory-Built housing must (1) be constructed to the standards of the State of Colorado Factory Built Housing Construction Certification Code (8 CCR 1302-12); (2) bear a Colorado Division of Housing certification insignia in compliance with those standards; (3) be installed on an engineered permanent foundation; and (4) meet the Teller County Building Code requirements for snow-load and wind.
3. **Mobile Home (HUD Manufactured Home)**. A structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length measured according to the HUD Code (as defined below); or, when erected on-site, is 320 or more square feet. A mobile home must be certified by HUD pursuant to the HUD Code and is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air-conditioning, and electrical systems contained therein. The term also includes any structure that meets all of the

requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the United States Secretary of Housing and Urban Development (HUD) and complies with the standards established under the HUD Code. The term does not include any self-propelled recreational vehicle.

In order to be moved or installed in Teller County: (1) any mobile home manufactured **prior to** June 15, 1976 must be improved to bring it into full conformance with the Teller County Building Code; and (2) any mobile home manufactured **on or after** June 15, 1976 must be certified by HUD pursuant to the HUD Code, and be in compliance with the HUD Code construction standards.

If a mobile home meets the standards for a Manufactured Home or Factory Built Housing as defined above it is not be considered to be a mobile home.

4. Miscellaneous

- a. **HUD Code.**** The "The National Mobile Home [Manufactured Home] Construction and Safety Standards Act of 1974 as amended, 42 U.S.C. 5401 *et seq.*; including 24 CFR Part 3280 and Part 3282, effective June 15, 1976 as amended.
- b. **Common Terms.**** Although the definitions contained in these Teller county Land Use Regulations are different, and controlling, in other jurisdictions and statutes, a manufactured home produced **after** June 15, 1976 and conforming to the definition of "manufactured home" contained in the HUD Code is commonly called a "manufactured home," and a manufactured-home produced **before** June 15, 1976 is commonly called a "mobile home."
- c. **Joining of Multiple Sections or Units.**** Each manufactured home, factory-built house, or mobile home as it is manufactured by the factory, either under the applicable Federal codes, State codes, or the Teller County Building Code, is considered a separate dwelling unit. A multiple-section manufactured home intended to be assembled together, although transported in more than one section, is one dwelling unit. A single-section mobile home is one dwelling unit. Two or more separate manufactured units may **not** be combined to create one dwelling unit unless any additional unit is (1) designed and manufactured without a kitchen **and** with the specific intent to be attached to the other unit(s); and (2) installed in accordance with written instructions and specifications from the manufacturer.
- d. **Exclusions.**** The term "Dwelling" does not include such temporary housing as boarding or lodging houses, motels, hotels, tents, tepees, lean-to's, temporary trailers including camping trailers, motor homes, or recreational vehicles.

EASEMENT. A property right, privilege, or interest one entity has in the real property of another; the right to use another's land for a specific purpose. Easements are commonly reserved, conveyed, or dedicated for a limited purpose, and are commonly, but not always, written and recorded in the public record.

- 1. **Easement Apparent.**** Physical or other evidence of the apparent right to use

some portion of a property for a specific purpose by some party other than the owner of the property. An apparent easement may, or may not, be an easement in fact.

2. **Easement by Necessity**. The reasonable and necessary, not merely convenient, right of an owner to cross over another's property for a special purpose.
3. **Easement by Prescription**. A right to use the land of another acquired by an adverse user. To be perfected, the use must be adverse, hostile, open, notorious, and continuous for a period of time defined by State law (CRS § 38-41-101 *et seq*).

EDUCATIONAL INSTITUTION. Any facility, whether public or private, established for the teaching of children or adults at any grade level.

ELDERLY OR DISABLED LOW-INCOME RESIDENTIAL FACILITY. See *Section 8.3.Q Human Care Services*.

ENCLOSURE. An area surrounded on all sides or roofed by a permanent structure, or natural feature, which blocks the view from affected property owners, including roadways.

ESSENTIAL SERVICES. Services provided by public and private utilities necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface or overhead gas, electrical, steam, water, sanitary sewage, storm water drainage and accessories thereto, such as wires, mains, drains, vaults, culverts, sewers, pipes, catch basins, boxes, police call boxes, traffic signals, pumps, lift stations and hydrants. Communications systems and accessories thereto, such as poles, towers and antennae, are not essential services.

EVIDENCE. Any map, table, chart, contract, or any other document or testimony prepared or certified by a qualified person to attest to a specific claim or condition, which evidence shall be relevant and competent and shall support the position maintained.

FAMILY. One or more persons occupying a premises and living in a single housekeeping unit as distinguished from a group occupying a boarding or lodging house or a hotel.

FAMILY CHILD CARE HOME. See *Section 8.3.Q Human Care Services*.

FAMILY SERVICE FACILITY. See *Section 8.3.Q Human Care Services*.

FORESTRY. For the purposes of these Regulations, the term "forestry" when used in the context of agriculture in the A-1 Zone District means the growing or harvesting of tree species to be used for on-site, commercial, or related purposes. The term does not include the processing of trees, their trimmings, slash, or debris, except for personal on-site use.

FOSTER CARE HOME. See *Section 8.3.Q Human Care Services*.

GARAGE, COMMERCIAL. Any building or structure where automobiles, trucks, or commercial vehicles are stored, repaired, painted, equipped, or sold for remuneration.

GARAGE, PRIVATE. A building used only for the housing of motor vehicles without their equipage for operation, repair, hire, or sale, in conjunction with residential land uses.

GARBAGE. See *Rubbish*.

GENERAL RETAIL GOODS. Those goods commonly sold to support the normal daily life of the general public, including apparel and accessories, toys and hobbies, stationary and paper goods, and household items; and specialty outlets such as those for sporting goods, pets, books and magazines, florist items, art and art supplies, and health and personal care items. The term excludes such heavy consumer retail goods as automobiles and trucks, furniture; large food, hardware, garden or home centers; and lumber, building or heating and plumbing supplies.

GREEN BELT. A buffer area of native vegetation, left substantially intact or supplemented by additional plant materials as well as walkways and rest areas.

GROSS DENSITY. The hypothetical number of dwelling units or amount of nonresidential floor area (in square feet) per acre for the total acreage of the site found inside its boundaries without consideration of its developable area. See *Net Density; Developable Area*.

GROSS FLOOR AREA As used in these Regulations, the total floor area of all buildings on a given lot, parcel, or tract of land that require a Building Permit, measured from the exterior of their walls or from the center line of party walls, excluding uncovered areas such as courtyards or patios.

GROUP HOME FOR THE AGED. See *Section 8.3.Q Human Care Services* .

GROUP HOME FOR THE MENTALLY ILL. See *Section 8.3.Q Human Care Services*.

GROUP MEETING. The assembly, congregation, gathering, or collection in one location of 25 or more individuals for a specific social, cultural, or religious purpose. Teller County does not regulate group meetings except as such meetings may become, by virtue of their regularity, frequency of occurrence, and/or consistency in the presence of a number of individuals in excess of 25, incompatible with adjoining and/or adjacent property uses by (1) creating a hazard to human life or property from excessive traffic; (2) eliminating otherwise sufficient off-street and on-street parking or access for emergency services vehicles; (3) blocking stormwater drainage systems; or (4) creating negative external effects pursuant to *Section 5.3 External Effects*.

GROUP MEETING FACILITY. Any structure used for the purposes of a Group Meeting as defined above.

GROWTH AREAS. Areas within the Teller County Growth Management Plan or a Regional Action Plan considered **growth areas** by having one or more of the

following three **functional planning areas** within them: community centers and surrounding mixed land use activity areas; older established neighborhoods, existing new developing and approved soon-to-be developed activity areas; and potential development activity areas. Growth areas customarily provide, or have operational plans in place to provide, goods and services, places of employment including offices and light industry, a range of housing, central water, central sewer, direct access to a State highway, parks and open space, schools and other community facilities. See *Conservation Areas, Teller County Growth Management Plan and Appendix B Teller County Growth and Conservation Areas* of these Regulations.

GROWTH MANAGEMENT PLAN. See *Teller County Growth Management Plan*.

GYPSY WAGON or SHEEP WAGON. A transportable wooden or wood/canvas wheeled structure, usually in the shape of a traditional Gypsy wagon or American covered wagon, outfitted with sleeping quarters and kitchen, and used **solely as temporary housing for seasonal agricultural workers in the performance of their duties** of sheep or cattle herding on large agricultural holdings during the spring, summer, or fall ranching seasons. Such wagons are commonly moved from place to place during the season and removed from the property when not in use. Under no circumstances shall “Gypsy wagons” be used for, or considered as, permanent dwelling units, and their use is limited solely to valid large-scale ranching operations.

HARDSHIP (Use Variance). When used in the context of *Section 2.12 Zoning Variances* of these Regulations, unusual physical circumstances peculiar to the subject property and not to the neighborhood in general which would result in a deprivation of all Permitted uses or Special Review Use under its zoning to which it can reasonably be put, and therefore all reasonable economic return from the property if zoning is strictly enforced. That which causes the hardship must (1) be exceptional and undue; (2) relate to an extraordinary and exceptional situation or condition of the property; and (3) not result from any affirmative action of the property owner (be “self-inflicted”). Since all zoning imposes some degree of hardship, “mere” hardship does not justify a Variance. Use variances are more properly handled as zone district amendments. See *Practical Difficulty*.

HEAVY SERVICES. “Heavy Services” (or Industries) are any service that, by nature of its materials, equipment, or operations, produces levels of external effects which may or may not be hazardous and that may be detected on an adjoining property without the aid of instruments. Examples include sanitary landfills, and construction and demolition debris facilities. (See *Section 2.7.4 Industrial/Heavy Manufacturing Zone District (M-1)*.)

HISTORIC SITE. A historic or archaeological site, building, or resource that is either (a) included in the State or National Register of Historic Sites, or (b) designated by State or local statute or ordinance.

HOME BUSINESS - NO IMPACT. Any business conducted in a private residence meeting the following standards:

1. Is conducted entirely within the residence with no external evidence of the activity; operation is *clearly* incidental and secondary to the residential use.
2. Has no signage posted.

3. Has no employees other than those immediate family members living on-site.
4. Has no customers or clients visiting the site; no deliveries of material except by standard common carrier ground truck; and no storage of material on the site.
5. Has no equipment used which creates noise, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot.
6. Has no more than one vehicle with a gross weight rating (GVWR) of 10,000 pounds or less, labeled to identify the business, parked on the site.

No permit is required for a Home Business-No Impact meeting the above standards. See *Section 8.3.O Home Occupation*.

HOME HEALTH SERVICES/HOME HEALTH CARE. See *Section 8.3.Q Human Care Services*.

HOMELESS YOUTH SHELTER. See *Section 8.3.Q Human Care Services*.

HOMEMAKER AGENCY/SERVICES. See *Section 8.3.Q Human Care Services*.

HOSPICE CARE. See *Section 8.3.Q Human Care Services*.

HOTEL. A building containing sleeping rooms designed to be rented for short term occupancy and which may or may not have eating or drinking facilities as an accessory use.

IGA. Inter-Governmental Agreement. An agreement between two or more governmental agencies.

INDEPENDENT RESIDENTIAL SUPPORT SERVICES. See *Section 8.3.Q Human Care Services*.

INTENSITY OF USE. The level of activity anticipated for any use of a given lot, parcel or tract of land.

INTERMEDIATE RESIDENTIAL SUPPORT SERVICES. See *Section 8.3.Q Human Care Services*.

INTERMEDIATE NURSING FACILITY: MENTALLY RETARDED. See *Section 8.3.Q Human Care Services*.

JUNK. See *Rubbish*

JUNK VEHICLE. Any vehicle which is inoperable, which is wholly or partially dismantled, or which does not bear current license plates (unless such vehicle would under no circumstances be licensable under Colorado statutes), and which is visible from roads or adjoining, adjacent or neighboring property. A junk vehicle covered by a tarp covering is "visible" within the meaning of this definition. See *Teller County Junk and Rubbish Ordinance* - Ordinance No. 11, effective July 6, 2001.

LAND SURVEY PLAT. See *Plat*.

LAND USE APPROVAL. Any final action by Teller County that has the effect of authorizing the use or development of a particular lot, parcel, or tract of real property. See *Development Permit*.

LIFE CARE INSTITUTION. See *Section 8.3.Q Human Care Services*.

LOS (Level of Service). As used to define road capacity, LOS is "... the maximum number of vehicles that have a reasonable expectation of passing over a given section of roadway (or through an intersection) in a given period of time under prevailing roadway and traffic conditions. ... it is a qualitative measure that represents the collective factors of speed, travel time, traffic interruptions, freedom to maneuver, safety, driving comfort and convenience, and operating costs provided by a roadway facility under a particular volume (or speed, or density, or delay) condition."¹ The universally recognized standards for LOS A through F are as follows:

LEVEL OF SERVICE	STANDARDS ²
A	Little traffic, no delays or speed reductions due to traffic; relatively free flow. 0-5 second delay/vehicle at intersections
B	Slight reduction in speed due to other cars on the road; stable flow. 5-15 second delay/vehicle at intersections
C	Satisfactory speeds; reasonably stable flow; speeds and manoeuverability begins to become significantly affected by other cars; occasional minor delays. 5-25 seconds/vehicle at intersections
D	High density; occasional serious delays; little space for maneuvering; some cars may have to wait for signal to turn green twice before going through an intersection; poor level of comfort and convenience. 25-40 seconds/vehicle at intersections
E	Unstable flow; continuous backups at many intersections creating intolerable delays; hard for traffic to enter from cross streets. 40-60 seconds/vehicle at intersections
F	Very low speeds; forced or breakdown flow; cars backed up from one intersection to another; jammed. >60 seconds/vehicle at intersections

¹ William E. Baumgaertner, *et alia*, "Leveraging Growth Management with APFOs" in Douglas R. Porter, AICP, ed. *Performance Standards for Growth Management*, Chicago 1996, p.25.

² Highway Research Board, *Highway Capacity Manual*, 1965; Douglas Porter, ed. *Performance Standards for Growth Management*.

LOT. A portion of a subdivision or other parcel of platted land, intended as a unit for the transfer of ownership, for development or for other purposes.

1. **Corner Lot.** A single lot having its front and one side adjacent to two roads.
2. **Double Frontage Lot.** A single lot having the front and the rear thereof adjacent to two roads; does not include a corner lot.
3. **Flag Lot.** A lot, the main use or building area of which does not abut a road, but is connected thereto by a narrow strip of land (the "pole") which is part of the lot.
4. **Lot Length.** The mean distance from the road to the rear of the lot measured perpendicularly from the road line upon which the lot faces.
5. **Lot Lines and Area.** The peripheral boundaries of a parcel of land and the total area lying within said boundaries.
6. **Lot Width.** The mean distance measured along a straight line between the points at which the front setback line intersects the side lot lines.

LOW-INCOME HOUSEHOLD RESIDENTIAL FACILITY. See *Section 8.3.Q Human Care Services.*

LOWEST FLOOR. The lowest level of the lowest enclosed area (including basement). Includes all habitable and potentially habitable space, including unfinished basements. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of these Regulations. For Flood Hazard areas see *Lowest Floor* as defined in *Section 6.3 Flood Hazard Areas.*

MASTER PLAN. Collectively, the Teller County Growth Management Plan; the Teller County Growth Management Plan Regional Action Plans; and the Teller County Parks, Trails and Open Space Master Plan [adopted as amended by the Planning Commission on November 18, 1997 (Resolution 11/18/97(2), and endorsed on November 20, 1997 by the Board of County Commissioners (Resolution 11-20-97(104), recorded at Reception No. 46639]. The Teller County Parks, Trails and Open Space Master Plan was adopted and endorsed as a portion of the Teller County Master Plan with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of County parks, trails, and open space. See *Teller County Growth Management Plan.*

MENTALLY ILL PERSON. See *Section 8.3.Q Human Care Services.*

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

MINERAL ESTATE. "Mineral estate" means a mineral interest in real property that is shown by the real estate records of the county in which the real property is situated and that is not owned as part of the full fee title to the real property.

MINERAL INTEREST (MINERAL ESTATE) OWNER. The owner or lessee of a mineral estate underneath a surface estate that is subject to an application for development. See *Surface Estate / Surface Owner*.

MOBILE HOME. See *Dwelling*.

MONUMENTS. The actual points set on the ground to locate, delineate or describe tracts of land and/or the points set to define a legal description of a tract of land.

1. **Monuments - United States Land Survey**. The points or corners established by the survey of public lands for the United States Government, also the re-establishment or restoration of said corners.
2. **Monuments - Surveyor Points or Corners**. The points or corners set by a State of Colorado Licensed Professional Land Surveyor in accordance with Colorado Revised Statutes, to define a legal description on the ground.

MOTEL. A permanent building or group of buildings designed for the accommodation of transient guests and their vehicles. The definition of "motel" includes auto courts, tourist courts, motor lodges, motor inns, motor hotels, and similar terms.

NET AREA or ACREAGE. The total area of a site for residential or nonresidential development, excluding street or road right-of-ways, alleys, and other dedicated public or private improvements such as parks, open space, and stormwater detention and retention facilities. "Net area" is expressed either in acres or square feet.

NET DENSITY. The maximum allowable number of dwelling units or amount of nonresidential floor area (in square feet) per acre of developable area. See: *Gross Density; Developable Area*.

NON-INTENSIVE COMMERCIAL LAND USE. As used in these Regulations, a use which does not need a water supply or means of sewage disposal, and that lacks the human activities normally associated with a commercial land use. Applies solely to the C-2 Zone District. See *Section 2.9.2 Commercial Overlay Zone (C-2)*.

NOXIOUS WEED. An undesirable alien plant (plant not native to the State of Colorado) or parts of an undesirable alien plant that have been designated by rule of the State as being noxious or has been declared a noxious weed by the Teller County Weed Management Board, and meets one or more of the following standards:

1. Aggressively invades or is detrimental to economic crops or native plant communities.
2. Is poisonous to livestock.
3. Is a carrier of detrimental insects, diseases, or parasites.
4. The direct or indirect effect of the presence of this plant is detrimental to the environmentally sound management of natural or agricultural ecosystems.

NUISANCE. A **public nuisance** is the doing or failure to do something that injuriously affects the safety, health, or morals of the public or works some substantial annoyance, inconvenience, or injury to the public or that part of the public as necessarily comes in contact with it. A **private nuisance** is an intentional, negligent, or unreasonably dangerous non-trespassory activity resulting in the unreasonable and substantial invasion or interference with the use and enjoyment of the property of another. Pursuant to the Teller County Right-to-Farm-and-Ranch Policy, the normal activities of farm and ranch operations do not constitute a nuisance. See *Right-to-Farm-and-Ranch Policy*.

NURSING FACILITY. See *Section 8.3.Q Human Care Services*.

OFFICE. A place of business for predominantly administrative, professional, or clerical operations.

PAD or BUILDING PAD. A normally freestanding, specifically prepared, building or structure location within a lot constituting, essentially, the building's or structure's foundation footprint.

PAD SITE. See *Building Envelope*.

PARCEL. A single continuous area of land and/or water fully enclosed by a continuous boundary line with no overlapping points.

PARTY WALL AGREEMENT. A private agreement or covenant between the owners of two properties sharing a common wall (party wall) with express or implied easement ("cross-easement") that defines their mutual rights and responsibilities for its use, repair, and maintenance. Similar to covenants, party wall agreements normally run with the land and apply to succeeding owners. As private agreements, the County does not enforce party wall agreements.

PERSON. An individual, proprietorship, partnership, corporation, association, or other legal entity, whether public or private.

PERSONAL CARE AGENCY/SERVICES. See *Section 8.3.Q Human Care Services*.

PLANNED COMMUNITY. In the context of the Colorado Common Interest Ownership Act (CCIOA), a common interest community that is not a condominium or cooperative. A condominium or cooperative may be part of a Planned Community.

PLANNING DEPARTMENT. That branch of Teller County Government, whatever named from time to time, currently a Department under the Community Development Services Division, responsible for oversight of various land use activities including receiving and processing of development permit applications pursuant to *Section 3.4 Common Procedures for Review of Applications*, reviewing Building Permits for compliance with zoning requirements, and serving as staff for the Teller County Planning Commission and Board of County Commissioners in master planning and other land use-related matters.

PLAT. A map of certain described lands indicating the location and boundaries of individual properties, and prepared in accordance with the Teller County Subdivision regulations as an instrument for recording real estate interests with the Teller County Clerk and Recorder.

1. **Land Survey Plat.** A plat which shows the information developed by a monumented land survey and includes all information required by CRS § 38-51-106 (“Land Survey Plat”).

PRACTICAL DIFFICULTY(ies). (Dimensional Limitation Variance). When used in the context of *Section 2.12 Zoning Variances* of these Regulations, unusual physical circumstances peculiar to the subject property and not to the neighborhood in general which would result in an unreasonable and substantial economic burden on the property owner, or an unreasonable deprivation of the beneficial use sought from the property under its zoning, if the dimensional limitations of its zoning are strictly enforced. The practical difficulty must (1) be peculiar and exceptional in the zone district; (2) relate to an extraordinary and exceptional situation or condition of the property; and (3) not result from any affirmative action of the property owner (be “self-inflicted”). In determining whether a practical difficulty exists, the following are considerations: (1) The magnitude of the Variance sought and its impact on adjoining and/or adjacent property and the area; (2) the magnitude of the economic injury; (3) whether the practical difficulty was self-inflicted; and (4) whether other feasible means exist to avoid the practical difficulty. Sufficient evidence of good faith on the part of the land owner should be presented in order to eliminate the bar of self-inflicted difficulty, including the showing that the owner has attempted to use other alternatives to relieve his or her practical difficulty prior to requesting a Variance. An Applicant’s mere desire does not constitute “practical difficulty.” See *Hardship*.

PROPERTY LINE. The recorded boundary of a plot of land.

PROPERTY RIGHTS. As used in these Regulations, a specific entitlement to a privilege or right that is vested in the land pursuant to these Regulations. See *Section 3.7 Vested Property Rights*.

PUBLIC BUILDING. Any building or structure, or appurtenance to a building or structure, owned or operated by one or more of the following:

1. Any branch of federal, state, or local government or instrumentality thereof.
2. Any other political subdivision of the state including special districts, authorities, commissions, or agencies.
3. Any other separate corporate instrumentality or unit of state or local government.
4. Any public utility, whether publicly or privately owned.
5. Any joint public/private agency.

PUBLIC UTILITY. Every common carrier, pipeline corporation, gas corporation, electrical corporation, telephone corporation, telegraph corporation, water corporation, or person, individual, firm, partnership, other corporation, or other entity, operating for the purpose of supplying the public for domestic, mechanical, or

public uses; and every person, individual, firm, corporation, partnership, and/or other entity, declared by law to be affected with a public interest; each of which is subject to the jurisdiction, control, and regulation of and by State and/or Federal law. Whether publically or privately owned, the term includes domestic sewage treatment systems (including wastewater treatment plants but excluding Individual Sewage Disposal Systems, reservoirs and water supply systems and treatment plants; electrical power plants and substations; natural gas pipelines and storage areas; and such infrastructure and/or facilities as necessary to provide service, including tracks, pipes, mains, conduits, cables, transmission lines, wires, towers, poles, and other equipment and appliances. The term does not apply to the exemptions specified by law.

QUALIFIED PROFESSIONAL. An individual possessing above minimum competency, preferably and usually advanced expertise, in a specialized field of knowledge. Such competency may be demonstrated by possession of the appropriate educational credential or professional certification or by practical experience and advanced training, together with recognized skill and practice in the field.

RECLAMATION PLAN. The written documents, maps, and other evidence describing in detail the pre-disturbance characteristics of a site to be disturbed by a proposed land use, including its current boundaries, its topography, geologic conditions, soils conditions, vegetative cover, and water bodies; **together with** similar written documents, maps, and other evidence describing in detail the post-disturbance, reclaimed, characteristics of the site, including its new boundaries, topography, geologic conditions, soils conditions, vegetative cover, and water bodies. The Reclamation Plan shall also include the proposed methods and costs for site reclamation, a commencement and completion schedule, and a statement specifying how the resultant reclamation is consistent with the purposes, goals, objectives and policies of all applicable legislatively adopted Teller County master plan(s) or map(s) for the area.

RECREATIONAL VEHICLE. A recreational vehicle is a pickup camper, motor home, travel trailer, tent trailer or similar mobile unit that has wheels, is intended to be transported over streets, roads and highways as a motor vehicle or attached to a motor vehicle, and is designed primarily for use as a temporary unit for human occupancy. Recreational vehicles shall be used for human occupancy only when located within a lawful recreational vehicle park or campground, or otherwise in conformance with *Section 2.4 Camping and Temporary Housing in Residential Zone Districts*.

REFUSE. See *Rubbish*.

REGIONAL CENTER: DEVELOPMENTALLY DISABLED. See *Section 8.3.Q Human Care Services*.

REGIONAL LAND USE PLAN. Any document, adopted or endorsed by Teller County, that contains in text, maps, and/or graphics, the goals, objectives, policies, guidelines and standards to guide, direct, or constrain subsequent actions in order to achieve specified regional goals and objectives. "Regional" in this context means, all or specific parts of Teller County, El Paso County, Park County, the City of Colorado Springs and/or other member jurisdictions of the Pikes Peak Area Council of Governments.

RESIDENTIAL [CHILD] CARE FACILITY. See *Section 8.3.Q Human Care Services.*

RESIDENTIAL PROPERTY. A parcel that (1) has a residential use, or (2) is zoned for residential use, or (3) is designated for residential use on a legislatively adopted master plan map.

RESPITE CARE PROVIDER/SERVICES. See *Section 8.3.Q Human Care Services.*

RIGHT-OF-WAY. The entire tract or strip of land that is to be used by the public for circulation and service. The length and width of a right-of-way shall be sufficient to provide adequate accommodations for all the physical features to be included in said right-of-way, and conform to the requirements of the Teller County Roadway Design and Construction Standards.

RIGHT-TO-FARM-AND-RANCH POLICY. Resolution 08-12-99(47) of the Board of County Commissioners, recorded August 12, 1999 at Reception No. 495473 in the public records of Teller County stating certain policies of Teller County regarding the protection of farming and ranching. The Teller County Right-to-Farm-and-Ranch Policy is based on the words Historical, Traditional, Legitimate, and Reasonable. It asserts, without limitation, that:

1. Legitimate agricultural operations are generally beneficial to Teller County's economy, landscape, culture, and lifestyle.
2. Landowners, residents and visitors must be prepared to accept such effects of agricultural operations, as noise, odor, dust, smoke, the presence of flies and insects, groundwater and seepage from irrigation, and the use of pesticides and fertilizers. Agricultural operations may occur day or night, and if in conformance with law and regulation do not constitute a nuisance.
3. All landowners have obligations and limitations under law and regulation with respect to maintenance of fences and irrigation ditches, use of and access to irrigation water, weed control, livestock and domestic pet control, and use of the property itself. Colorado is an "open range" state.
4. Public services such as road maintenance, law enforcement, fire protection, and ambulance service, are not provided at an urban or suburban level in rural agricultural areas.
5. Children are exposed to different hazards in a rural setting than in an urban setting. They must be properly supervised for their safety and also for the protection of the farmer or rancher.

RUBBISH. Trash, junk, junk vehicles (two or more), garbage, useless waste, rejected or unused matter, organic or inorganic refuse, rejected or waste food, offal, swill, ash, yard clippings, branches, leaves, manure, sawdust, unused or unusable building materials, tires, wood, and unused or unusable vehicle parts. See the *Teller County Junk and Rubbish Ordinance* - Ordinance No. 11, effective July 6, 2001.

1. Unused/Unusable Building Materials

- a. **With Building Permit.** Building materials which remain on-property for six months, and which are not screened (including a tarp

- covering) from view.
- b. **Without Building Permit.** Building materials which are not screened from view, which are not removed or screened (including a tarp covering) within 10 days notice and order from the County.
 - c. **After Completion or Abandonment of Work.** Building materials which remain on-property for 30 days or more after completion, suspension, or abandonment of work.

SCHOOL. See *Educational Institution*.

SECURE RESIDENTIAL TREATMENT CENTER. See *Section 8.3.Q Human Care Services*.

SETBACK. See *Section 2.2.B Setbacks*.

SOILS REPORT. Maps and tables concerning the suitability of types of soil prepared in accordance with the guidelines and standards of the National Cooperative Soil Survey.

SPECIAL DISTRICT. A quasi-municipal corporation and political subdivision organized or acting pursuant to the provisions of CRS § 32-1-101 *et seq.* (the “Special District Act”) or other special district authority pursuant to State statute. Special Districts are normally formed to provide specific public services according to a specific service plan, and have the power, subject to a vote of those in the District, to levy *ad valorem* taxes to pay for the capital improvements and services provided.

SPECIAL EVENT. A single or unique event occurring no more frequently than seven consecutive days in any 12 month period.

SPECIALIZED GROUP FACILITY. See *Section 8.3.Q Human Care Services*.

SPOT ZONING. Generally, the process of singling out a parcel of land for a use classification different and inconsistent with the surrounding area or master plan for the area, for the benefit of the owner of such property to the detriment of the rights of other area property owners. Pursuant to CRS § 24-67-101 *et seq.*, Planned Unit Developments (PUDs) are authorized exceptions to the general prohibition against spot zoning, but are required to conform to the purposes, goals, objectives and policies of all applicable legislatively adopted Teller County master plan(s) or map(s).

STABLE - COMMERCIAL. Any building designed, arranged, used, or intended to be used for housing boarding, training, or exercising of members of the *Equidae* or *Camelidae* families for the use of any person, individual, firm, corporation, partnership, or other entity, for compensation.

STABLE - PRIVATE. Any building which is designed, arranged, used or intended to be used for housing boarding, training, or exercising of members of the *Equidae* or *Camelidae* families for the use of any person, individual, firm, corporation, partnership, or other entity, **not** for compensation.

START OF CONSTRUCTION. "Start of Construction" includes substantial improvement; and means the date the Building Permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The **actual start** means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a mobile/manufactured/factory-built home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets, and/or walkways; nor does it include excavation for a basement, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For construction in Flood Hazard Areas, see *Start of Construction* as defined in *Section 6.3 Flood Hazard Areas*.

STRUCTURAL ALTERATIONS. Any change in the supporting members of a structure including foundations, bearing walls, columns, beams, or girders.

STRUCTURE. That which is built or constructed; an edifice or building of any kind; any piece of work artificially built up or composed of parts joined together in some definite manner; or a walled and roofed building or mobile/manufactured/factory-built home that is principally above ground.

SUBDIVIDER. Any person, individual, firm, corporation, partnership, joint venture, or other entity, who participates as owner, promoter, developer, or sales agent in the planning, platting, development, promotion, sale or lease of a subdivision.

SUBSTANTIAL IMPROVEMENT. Any repair, reconstruction or improvement of a legally conforming structure, the cost of which equals or exceeds 50% of the market value of the structure either: (1) before the improvement or repair is started; or if the structure has been damaged and is being restored, (2) before the damage occurred. For provisions applying to legally non-conforming structures see *Section 1.13 Non-Conforming Use or Structure*.

For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, apply to either: (1) any project for improvement of a structure to comply with existing federal, State or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or, (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places, or locally designated pursuant to local ordinance or Resolution.

SURFACE ESTATE / SURFACE OWNER. "Surface estate" means an interest in real property that is less than full fee title and that does not include mineral rights as shown by the real estate records of the county in which the real property is situated. "Surface owner" means the owner of the surface estate and any person with rights under a recorded contract to purchase all or part of the surface estate. See *Mineral Interest (Mineral Estate) Owner*.

SURROUNDING LAND USES. As the term is used in these Regulations, for any given lot, parcel, or tract of land, those uses currently existing legally, or, if not currently existing, allowed to exist as uses-by-right under its current zoning, on the lands on all sides of the subject property for a distance of one-half mile.

TELLER COUNTY GROWTH MANAGEMENT PLAN. Together with the Regional Action Plans which constitute particular parts of it, the master plan for unincorporated Teller County. The Teller County Growth Management Plan is dated April 3, 1990, and was endorsed, approved, adopted, and certified by the Board of County Commissioners on June 7, 1990 by Resolution No. 6-7-90(44). The Teller County Growth Management Plan, less any advisory Regional Action Plan or other advisory Plan, is a regulatory document.

1. **Functional Planning Area.** A component of the Teller County Growth Management Plan and the Regional Action Plans. Six functional planning areas are identified: three considered components of **growth areas**, and three considered components of **limited growth areas** ("conservation areas"). Each Regional Action Plan may or may not incorporate all six functional planning areas.
2. **Growth Areas.** Growth areas are characterized by having one or more of the following three Teller County Growth Management Plan **functional planning areas** within them: community centers and surrounding mixed land use activity areas; older established neighborhoods, existing new developing and approved soon-to-be developed activity areas; and potential development activity areas. These functional planning areas are more fully defined in the Teller County Growth Management Plan, Section VI. In general, growth areas have, or will have available, the needed infrastructure, facilities and services to support development in an efficient and economical manner.
3. **Limited Growth Areas.** Limited growth areas ("conservation areas") are characterized by having one or more of the following three Teller County Growth Management Plan **functional planning areas** within them: fringe protection areas; resource and environmental sensitive/significant protection areas; and rural life-style protection areas. These functional planning area are more fully defined in the Teller County Growth Management Plan, Section VI. In general, limited growth areas lack the needed infrastructure, facilities and services to support development in an efficient and economic manner; contain valuable natural resources and/or environmentally sensitive/significant lands deserving preservation or protection; and/or may be deemed important for protection to maintain the rural life-style of a specific region.
4. **Planning Regions.** The Teller County Growth Management Plan identifies six Teller County Planning Regions: the Cripple Creek Planning Region, the Divide Planning Region, the Florissant Planning Region, the Victor Planning Region, the Woodland Park Planning Region and the Four Mile Planning Region. It is anticipated that Action Plans for each of these Planning Regions, as well as for Unincorporated Teller County, will be developed for eventual incorporation into the Teller County Growth Management Plan. Until such time as a Planning Region has developed an Action Plan, it is

subject to the goals and objectives of the Teller County Action Plan, which is a part of the Teller County Growth Management Plan. As of the effective date of these Regulations, Regional Action Plans for the Divide Planning Region, the Florissant Planning Region, the Four Mile Planning Region, the Woodland Park Planning Region, and the Southeast Teller County (Cripple Creek and Victor) Planning Region have been developed and adopted by the Teller County Planning Commission. Such matters are, however, subject to change by subsequent actions of the Planning Commission and/or Board of County Commissioners, and those are deemed included here although not specifically listed.

5. **Regional Action Plan.** A specific plan developed for one of the six Planning Regions identified in the Teller County Growth Management Plan. Each Regional Action Plan is to incorporate the following five elements: identification of the specific area of the plan; identification of the functional planning areas within the area of the Plan; identification of the urban service areas within the Plan; a policy statement/implementation strategy matrix; and an Action Plan summary, although such matters are subject to change by subsequent actions of the Planning Commission and/or Board of County Commissioners, and deemed included here although not specifically listed.

The Board of County Commissioners approved, adopted, and incorporated in its entirety as an advisory document the **Woodland Park Master Plan** into the Teller County Growth Management Plan on April 24, 1997 [Resolution 4-24-97(41) recorded at Reception No. 461691; amended by Resolution 01/25/2001(3) recorded at Reception No. 514219. The **4-Mile Regional Action Plan**, as revised, was approved and adopted in its entirety as a regulatory document by the Board of County Commissioners on March 27, 1997 [Resolution No. 3/27/97(27) recorded at Reception No. 460142 and re-recorded under Resolution No. 3-27-98(27A) recorded at Reception No. 479904 as a part of the Teller County Growth Management Plan. The **Amended and Restated Divide Regional Plan** was endorsed in its entirety as an advisory document by the Board of County Commissioners on September 7, 2006 [Resolution No. 09-07-06(39) recorded at Reception No. 597679; Planning Commission Resolution No. 08-08-06(01). The **Florissant Regional Plan** was, as modified, approved, and adopted, certified by the Planning Commission to the Board of County Commissioners as an advisory only plan on November 10, 1998 [Planning Commission Resolution No. 98-2, recorded at Reception No. 493183]. The **Southeast Teller County Regional Plan** was approved, adopted, and certified by the Planning Commission to the Board of County Commissioners as an advisory only plan on November 9, 2004 [Planning Commission Resolution No. 04-1, recorded at Reception No. 573520] and endorsed in its entirety as an advisory document by the Board of County Commissioners on December 9, 2004 [Resolution No. 12-04-04(71) recorded at Reception No. 574652].

6. **Urban Service Area.** A component of the Teller County Growth Management Plan and its Regional Action Plans; however, it is not necessary that Regional Action Plans have an Urban Service Area or Areas. Urban Service Areas are areas in which communities or other entities can or are willing to extend services and facilities for roads, water, and sewer by the communities of their own accord, or by developers, or by the residents of a specific area or district.

TOWNHOUSE (“TOWNHOME”). A dwelling unit, normally of more than one story, sharing a common side wall or walls (“party walls”) with other similar units, the legal description of which includes the land beneath the unit. Townhouses may be organized in the **condominium form of ownership**, with the individual owner possessing fee title to the structure and the land beneath it but holding certain other areas in common with the other owners. Side-by-side condominium units are commonly termed “townhomes” or “townhouses” for marketing purposes. See *Condominium*.

TRAILER. A vehicle without motive power, used or adaptable for use as living, sleeping, business, storage or other quarters which has been transported to the site on wheels, dollies, flatbeds or other devices and which occupies said site temporarily. The primary use of a trailer is as other than permanent living quarters. The term “trailer” includes camp car, house car, and camper.

TRANSITIONAL HOUSING FACILITY. See *Section 8.3.Q Human Care Services*.

TRASH. See *Rubbish*.

VEHICLE. Any device which is capable of moving itself, or of being moved, from place to place upon wheels or endless tracks. Vehicle includes any trailer, or camper designed to be drawn by or carried upon a motor vehicle. See *Teller County Junk and Rubbish Ordinance* - Ordinance No. 11, effective July 6, 2001.

WASTE. See *Rubbish*.

YARD. An open space on the same lot, parcel, or tract of land with a structure, unoccupied and unobstructed from the ground upward, except for vegetation.