

ARTICLE I. IN GENERAL***Sec. 59-1. Purpose.**

This chapter is enacted to preserve and promote the public health, safety and welfare of the inhabitants of the city, and of the public generally, and to encourage and facilitate the orderly growth and expansion of the city.

(Ord. No. 361-03, § 1, eff. 5-23-03)

Sec. 59-2. Definitions.

The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them:

- (1) *Accessory structure*: A detached or attached subordinate structure located on the same zone lot with the main building, the use of which is customary to the main building.
- (1.5) *Adjacent*: Sharing a zone lot line or being separated only by an alley. Named or numbered streets destroy adjacency.
(Ord. No. 326-06, § 1, eff. 5-26-06)
- (2) *Adult amusement or entertainment*: Amusement or entertainment which is distinguished or characterized by an emphasis on material depicting, describing or relating to "specified sexual activities" or "specified anatomical area" or which feature strippers or dancers, or similar entertainment by people who expose any specified anatomical area; provided, however, that live entertainment involving any specified sexual activity is prohibited.
- (3) *Adult care home*: A home occupation providing less than twenty-four (24) hour care of four (4) or fewer clients, over the age of sixteen (16) years. In zone districts where home occupations of foster family care, rooming and/or boarding and adult care home are permitted, only one (1) such home occupation will be permitted in any single-unit dwelling or dwelling unit.
- (4) *Adult establishment*: Any one (1) of the following establishments: adult amusement or entertainment; bookstore, adult; eating place with adult amusement or entertainment; photo studio, adult; sexually oriented commercial enterprise; or theater, adult.
- (5) *Agriculture, limited*: Limited agricultural activities including, but not limited to: grazing of livestock, forage and feed crop production, sod farming, truck farming, and fruit and nut tree orchards; excluding, however, feed lots, hog farms, dairies, poultry and egg production facilities, bee-keeping and apiaries, horse boarding, and riding stables.

***Editor's note**—Ord. No. 361-03, § 1, effective May 23, 2003, repealed article I, sections 59-1, 59-2, in its entirety and replaced it with a new article I, sections 59-1, 59-2. Former article I pertained to similar material and derived from Code 1950, §§ 611.1-1, 619.1—619.485 as amended. See the Table of Zoning Amendments for a detailed list of ordinances amending former article I.

- (6) *Airline reservation center*: An establishment primarily engaged in: ticketing, manifesting, and invoicing air carrier passenger and cargo flight reservations and related travel accommodations by means of telephone and electronic communications. These establishments typically include administrative and sales offices, employee locker rooms, and cafeterias.
- (7) *Airport*: A facility operated by an airport authority or governmental entity that provides infrastructure and services for air travel, together with all activities necessary for, directly related to, or commonly associated with the operation of a major air carrier facility. Such services, infrastructure, and activities may include but are not limited to the following uses: landing fields; facilities for the parking, storage, fueling, repair, and rental of aircraft; passenger and baggage terminals; air cargo operations and associated facilities; public transportation infrastructure, including terminals and stations; safety facilities such as fire and police stations; open space uses such as agriculture, parks, golf courses, and recreation; energy production; retail, concessions, and other uses designed primarily to serve airline passengers and employees; manufacturing or other commercial activities which by customary practice require airside access; and office space.
(Ord. No. 724-06, § 1, eff. 10-10-06)
- (8) *Alley*: A public highway which is a narrow way, less in size than a street, and which is not designed for general travel, which is used primarily as a means of access to the rear of residences and business establishments and which, generally, affords only a secondary means of access to the property abutting along its length.
- (9) *Alter*: Any structural change in the supporting or loadbearing members of a building, such as bearing walls, columns, beams, girders, floor joints.
- (10) *Alternative tower structure*: A man made structure that camouflages or obscures the presence of a tower and is designed to resemble architectural or natural features commonly associated with the site and district where they are located. All such structures shall be subject to the regulatory limitations, such as maximum height and bulk, which are otherwise applicable to like features in the zone district. This term also includes any antenna or antenna array attached to the alternative tower structure.
(Ord. No. 763-05, § 1, eff. 10-28-05)
- (11) *Ambulance service*: The dispatching of vehicles for transportation of ill or injured persons to or from treatment facilities together with incidental storage and maintenance of such vehicles.
- (12) *Amusement center*: A commercial establishment having four (4) or more amusement devices.
- (13) *Amusement device*: An electronic or mechanical device which operates as a game, contest or amusement of any description and which includes, but is not limited to, pinball machines, video games, foosball machines or similar devices. This term does not include musical devices, children's rides or pool and/or billiard tables.

- (14) *Amusement/special interest park*: A complex with both indoor and outdoor entertainment, eating places/restaurants and/or limited retail uses, open to the public upon payment of a fee or admission charge.
- (15) *Animal care, kennel, cattery*: A facility providing animal care or boarding services not restricted to household pets with overnight accommodations, animal hospitals, boarding kennels, and/or the maintaining, raising, harboring and/or boarding of four (4) or more dogs or six (6) or more cats or six (6) or more dogs and cats.
- (16) *Animal sales, service, or care, household pets only*: An establishment engaged in sale, grooming, day care, boarding or providing treatment or care for animals, including sales of animal supplies and overnight observation kennels. All sales of animals, grooming, day care, boarding, treatment, care and overnight observation kennels shall be for household pets only. The use must be completely enclosed except that outdoor animal runs or other areas in which dogs will be allowed outside of an enclosed structure off leash (hereinafter "outdoor run") are allowed between the hours of 6:30 a.m. and 9:00 p.m. Outdoor runs are subject to the procedures specified in section 59-41(b). The procedures in section 59-41(b) shall be followed prior to the initial approval for a use permit or the addition, relocation or expansion of an outdoor run for a permit previously issued. Outdoor runs shall not be permitted within twenty (20) feet of a habitable residential structure on a zone lot zoned R-X, RS-4, R-0, R-1, R-2, R-2-A, R-2-B, R-3, R-3-X, R-4 or R-4-X. Animal sales service or care uses over twenty thousand (20,000) square feet in gross floor area that use a majority of their gross floor area for retail sales shall not have more than fifteen (15) percent of their gross floor area devoted to overnight boarding and the use shall be completely enclosed at all times. The facilities shall be constructed, maintained and operated so that neither the sound nor smell of any animals boarded or kept on the premises during the time that full enclosure is required can be discerned on other zone lots provided however that existing facilities may continue to be maintained and operated as previously permitted. Breeding kennels or catteries are not permitted under this use.
(Ord. No. 836-06, § 1, eff. 12-26-06)
- (17) *Animated sign*: Any sign or part of a sign which changes physical position by any movement or rotation.
- (18) *Antenna*: Any exterior transmitting or receiving devices mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.
- (19) *Aquaculture*: may include, but is not limited to, hatcheries, growing tanks or raceways, processing, storage, packaging and distribution of shellfish and finish including accessories such as feed storage and water treatment facilities. The outdoor storage of waste material from fish processing is prohibited.
- (20) *Arcade*: A continuous area at ground level open to a street or plaza, which is open and unobstructed to a height of not less than twelve (12) feet, and which is accessible to the

public at all times. Any portion of an arcade occupied by building columns, landscaping, statuary or pools shall be considered to be a part of an arcade for the purpose of computing a floor area premium credit. The term "arcade" shall not include off-street loading areas, driveways, off-street parking areas or pedestrian ways accessory thereto.

- (21) *Arcade, enclosed*: An arcade with less than twenty-five (25) percent of its perimeter abutting a street or plaza.
- (22) *Arcade, entrance to*: An opening in a building wall, or between building walls, side lot lines or rear lot lines, at ground level, unobstructed by any solid matter, but this shall not be construed to prohibit air curtains.
- (23) *Arcade, unenclosed*: An arcade with twenty-five (25) percent or more of its perimeter abutting a street or plaza.
- (24) *Arcade sign*: A wall or projecting sign attached to the roof or wall of an arcade and totally within the outside limits of the structural surfaces which are delineating the arcade.
- (25) *Area of zone lot*: The area of land enclosed within the boundaries of a zone lot.
- (26) *Art gallery*: A public or private facility which is operated as a repository or a collection of works of individual art pieces not mass produced consisting of one (1) or more of the following: paintings, drawings, etchings or sculptures; may include the sale of related objects and services with such sales area limited to no more than ten (10) percent of the floor area.
- (27) *Arterial front line of a zone lot*: Any boundary of a zone lot parallel to and within thirty (30) feet of the right-of-way of an arterial street, as shown in Blueprint Denver which is filed at city clerk filing number 02-125, and located in one (1) of the business arterial districts; provided, however, that if the zone lot has more than one (1) front line which abuts arterial streets, the arterial front line shall be determined as follows:
 - a. If the front lines of a zone lot within the B-A district abut more than one (1) arterial street, the arterial front setback shall be established along the arterial street which has the longest linear dimension abutting said lot; and
 - b. If the front lines of a zone lot within the B-A district abut more than one (1) arterial street and the linear dimensions of the arterial streets abutting said zone lot are equal in length, the arterial front setback shall be designated by the zoning administrator:
- (28) *Artist studio*: A place where works of art are created or similar activities occur as listed below, including a dwelling unit for the artist, designer or teacher; such unit shall have but one (1) kitchen and shall be occupied by no more than four (4) unrelated people or by any number of persons immediately related by blood, marriage or adoption:
 - a. Fine arts gallery in which are created, displayed and sold individual works of fine art; or

- b. Craftwork studio or shop in which individual pieces are created, displayed and sold, consisting of one (1) or more of the following: ceramics/pottery, fabrics, inlays, needlework, knitting, weaving, leather work, woodwork, metal work or glass work; or

Professional studio or academy for the teaching of the arts, the following of which are examples but not inclusive: fine arts, dance, drama, photography, music, martial arts, and/or bridge, but not including health treatment or adult amusement.

- (29) *Asphalt and concrete plant*: A facility preparing asphaltic and/or concrete mixtures, including contractors engaged in asphalt and/or cement work. This definition includes all uses in the following SIC groups:

- 177 Concrete work;

- 2951 Asphalt paving mixtures and blocks.

- (30) *Assembly, without fabrication*: The joining together of completely fabricated parts.

- (30.5) *Assisted living facility*: A residential structure or structures licensed by the state as an assisted living residence and housing more than eight (8) adults. This use is a residential facility that makes available to more than eight (8) adults not related to the owner of such facility, either directly or indirectly through a resident agreement with the resident, room and board and at least the following services: personal services; protective oversight; social care due to impaired capacity to live independently; and regular supervision that shall be available on a twenty-four-hour basis, but not to the extent that regular twenty-four-hour medical or nursing care is required. Such a use shall not include residential treatment facilities for substance abusers or the mentally ill. This use shall not include the uses nursing home, hospice or residence for older adults. An assisted living facility shall not be considered a residential care use. A facility which otherwise meets this definition but has eight (8) or fewer residents shall be considered a residential care use, small, and not an assisted living facility.

(Ord. No. 57-09, § 1, eff. 1-30-09)

- (31) *Atrium*: A ground level area which is designed for pedestrians and which meets the following conditions:

- a. Has at least one (1) entrance connecting to a public street, plaza or arcade;
- b. Is open to the top of the building by means of a vertical open space or light well and is covered by a transparent or translucent material;
- c. Is open to the public during business hours;

Deals in the purchase or possession of personal property on condition of selling the same back again to the pledger or depositor, or loans or advances money on personal property by taking chattel mortgage security thereon, and takes or receives such personal property.

Adjoining residential zones should be protected from the external effects of the vehicles or equipment storage area by the establishment of landscaped buffers, by the location of landscaped employee or public parking areas or by other means. Vehicle traffic generated should not be allowed to pass through residential neighborhoods.

- (33) *Automobile gasoline filling, or emissions inspection station*: A retail establishment engaged in the sale of automotive fuel, motor oil, and/or services, which provide for the routine maintenance of automobiles. Such services may include washing, polishing, greasing, emissions testing, tire repair, wheel alignment, brake repair, muffler replacement, engine tune-up, flushing of radiators, servicing of air conditioners, and other activities of minor repair and servicing. The establishment may include the sale of compressed natural gas, liquefied petroleum, or other types of fuel for vehicles as regulated by the fire department. Any above ground fuel tanks shall be located a minimum of one thousand (1,000) feet from a protected use, as defined by the fire department; provided, however, that such spacing may be reduced by the zoning administrator with the review and concurrence of the fire department. Need not be enclosed. This definition includes the uses in the following SIC groups:

5541 Gasoline service stations, except truck stops;

7549 Automotive services, except the following: towing service, automotive; and wrecker service (towing), automotive; or

An emissions inspection facility qualifying for an "inspection only" license from the state; such station shall be placed upon and anchored to a concrete pad. Notwithstanding more restrictive provisions of article V, division 2, signs permitted in enumerated districts, such station shall have no more than four (4) signs with a total area of fifty (50) square feet; provided, however that no wall of the structure shall have more than twenty (20) square feet of sign area. Other sign features shall be regulated by the provisions of article IV, divisions 1 and 2. Notwithstanding more restrictive provisions of this chapter, the permit application for such station need not meet the requirement for any development plan or PBG site plan submittal; provided, however, that the permit application shall include a site plan drawn to scale which shows the exact location of the proposed structure, vehicle waiting area, adjoining driving aisles and buildings; a space shall be provided for five (5) vehicles awaiting testing and such vehicles shall not obstruct any designated parking aisle or driveway. Vehicle testing area need not be enclosed.

(Ord. No. 895-03, § 1, eff. 12-2-03)

- (34) *Automobile wash, laundry, and/or polishing shop*: Facilities where motor vehicles are washed, cleaned, and/or waxed by hand or with manually operated equipment or automatic machinery.
- a. If customer self-service operated, in addition to any other required off-street parking, sufficient space shall be provided on the same zone lot to accommodate three (3) vehicles waiting to be washed for each washing stall; and

- b. Vehicles serviced or stored for customers shall not be parked on streets, alleys, public sidewalks, or tree lawns.
- (35) *Automobile, motorcycle, light truck sales, leasing, or rental*: Sales, leasing, rental, and related servicing of new and used automobiles, light trucks, vans and sport utility vehicles limited to a capacity of not more than one-and-one-half (1½) tons, motorcycles, motor scooters, mopeds, all-terrain vehicles, snowmobiles, go-carts, utility trailers, and similar items; excluding, however, commercial wrecking, dismantling, or junkyard. All outdoor display areas shall comply with section 59-585(2) through (10) (use and maintenance of off-street parking areas), except for the limitation against sale. This definition includes, but is not limited to, all uses in the following SIC groups:
- 551 New and used car dealers;
 - 552 Used car dealers;
 - 557 Motorcycle dealers.
- (36) *Automobile parts recycling business*: An establishment at which motor vehicles are dismantled for the purpose of selling useable parts and which does not include a junkyard.

Vehicle parts and bodies shall be arranged and/or stacked in an orderly manner. Outdoor aisles shall be graveled or covered with a dust-free surface material, and the site along with abutting street right-of-way areas shall be kept free of weeds and litter. The dismantling area shall not be visible from the street or from abutting residential or business zoned properties. Outdoor storage areas shall be enclosed by a solid wall or fence, except where such business adjoins a similar use along a side or rear lot line. Provision shall be made to control, contain and collect for proper disposal oil, antifreeze and other liquids generated by the dismantling or storage of motor vehicles or parts. Disposal of CFC's (chlorofluorocarbons) from vehicle air conditioners shall be done in accordance with chapter 4 of the Revised Municipal Code and applicable rules and regulations.

- (37) *Automobile repair garage*: An establishment engaged in performing major repairs to and the servicing of automobiles. Such work excludes commercial wrecking, dismantling, junkyard, tire, and truck-tractor repair. Major repair may include engine overhaul or replacement, body work, upholstery work, glass replacement, transmission overhaul, brake repair with drum and disc grinding, replacement of electrical accessories such as starters and alternators, frame alignment, and rebuilding of wrecked automobiles. Outdoor storage of vehicles awaiting repair, materials, or supplies is controlled by enclosure requirements of the specific use district; however, any unenclosed areas shall be provided with a fence or wall constructed to a height adequate to conceal any vehicles, equipment or supplies located on the zone lot; proper grading for drainage; asphalt, oil or any other dust-free surfacing; and on-going maintenance to keep the areas in good condition, free of weeds, dust, trash, and debris. This use includes body work and painting. This definition includes, but is not limited to, all uses in the following SIC groups:
- 753 Automotive repair shops;

7549 Automotive services.

- (38) *Automobile rental facility*: The rental of automobiles under conditions where (1) the storage of all rental automobiles is located on the same zone lot as the office for the automobile rental service, (2) no mechanical or maintenance work on automobiles shall be done on the premises, (3) the land area assigned for storage of rental automobiles shall not be included for computation of any required off-street parking space.
- (39) *Automobile towing service storage yard*: The assembling or standing of damaged or impounded vehicles for indeterminate periods of time. Such use shall not include the wrecking, dismantling or repairing of vehicles.
- (40) *Backhaul network*: shall mean the lines that connect a provider's tower/cell sites to one (1) or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.
- (41) *Balcony, exterior*: An elevated floor space projecting beyond the outside faces of the exterior walls of a building. For the purposes of this definition, at least twenty-five (25) percent of the perimeter of such balcony shall remain open.
- (42) *Banking and financial services*: A facility engaged in deposit banking or extending credit in the form of loans. This definition includes, but is not limited to, all uses in the following SIC groups:
- 60 Depository institutions;
 - 61 Nondepository institutions.
- (43) *Basic manufacture*: The first operation or operations which transform a material from its raw state to a form suitable for fabrication.
- (44) *Bed and breakfast*: An owner-occupied or manager-occupied residential structure providing rooms for temporary, overnight lodging, with or without meals, for paying guests, or, a residential structure which is operated by the resident owner as a temporary lodging for paying guests and which satisfies certain conditions related to structures and districts for preservation as specified in chapter 30, landmark preservation.
- (45) *Body art establishment*: A commercial establishment where the practice of physical body adornment is performed by artists utilizing, but not limited to, the following techniques: body piercing, and tattooing, but does not include establishments performing only ear piercing.
- (46) *Bookstore*: A retail establishment which, as its primary business, engages in the sale, rental, or other charge-for-use of books, magazines, newspapers, greeting cards,

postcards, videotapes, computer software, and/or any other printed or electronically conveyed information or media, excluding any "adult establishment," "adult bookstore," "adult theater," "theater," or "studio theater."

If the bookstore rents or sells adult materials, as described in the definition of "bookstore, adult," as an accessory use (as defined elsewhere in this section), such accessory use shall be subject to the following limitations:

1. The quantity of adult materials displayed or sold shall not exceed the numerical limitations specified in the definition for "bookstore, adult";
 2. All adult materials shall be segregated into a separate section of the bookstore and screened from public view; and
 3. Access to the adult materials shall be denied to all persons under the age of eighteen (18) years.
- (47) *Bookstore, adult*: An establishment having as a substantial or significant portion of its stock in trade, books, magazines and other periodicals and goods and items, including video tapes and computer software, held for sale or rental which are distinguished or characterized by their emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" ("adult materials"). An establishment which utilizes in excess of ten (10) percent of its gross floor area or its occupied shelf space for the display of adult materials or which has more than ten (10) percent of its total monthly receipts derived from the sale or rental of adult materials shall be regarded as an "adult bookstore."
- (48) *Boundary line of zone lot*: Any line separating a zone lot from a street, an alley, another zone lot or any other land not part of the zone lot.
- (49) *Brewpub*: An eating place which includes the brewing of beer as an accessory use. No more than thirty (30) percent of the product, either in bottles or kegs, may be sold to off-premises customers. Notwithstanding more restrictive provisions of this chapter, such accessory use may occupy up to twenty (20) percent of the gross floor area of the eating place.
- (50) *Building*: Any covered structure intended for the shelter, housing or enclosure of any person, animal or chattel.
- (51) *Building front*: That exterior wall of a building facing a front line of the zone lot.
- (52) *Building height measurement*: Except where otherwise specified in this chapter, the following definition shall apply in determining building height. The height of a building or structure shall be the vertical distance measured from the highest point of the building described below to the average elevation of the corners of a building at the finished grade. The highest point of the building shall be either the top of the parapet or coping of a flat-roofed building, or the ridge of a sloping roof. No occupied part of any building shall be constructed above the permitted height; however, unoccupied building features such as church spires, towers, flagpoles, antennas, chimneys, flues and vents, cooling towers, enclosures for tanks and elevator penthouses serving the

roof including any vertical or sloped screen walls may extend a maximum of twenty-eight (28) feet above the permitted height of the building. Elevator penthouses not serving the roof and other enclosed or unenclosed mechanical equipment including vertical or sloped screen walls for such equipment shall not exceed a height of twelve (12) feet above the permitted height of the building. The aggregate area of all penthouses and other roof structures shall not exceed thirty-three and one-third ($33\frac{1}{3}$) percent of the area of the supporting roof. Such unoccupied building features, excluding church spires, towers, flagpoles and chimneys, shall be set back from the perimeter of the building a minimum of one (1) foot horizontally for every one (1) foot of vertical height; provided, however, that, in the Platte River Valley zone district, upon request, the planning board may allow such unoccupied building features to be built with up to ten (10) percent greater height or with up to ten (10) percent smaller setback by special review according to the provisions of section 59-324(b)(2), use by special review.

(Ord. No. 625-05, § 1, eff. 9-2-05; Ord. No. 459-06, § 1, eff. 7-21-06)

- (53) *Building maintenance service*: The provision of building maintenance and custodial services. Typical uses include janitorial, landscape maintenance, or window cleaning services.
- (54) *Bus length measurement*: The distance measured from the front bumper to the rear bumper, except, however, when extensions or projections are added beyond the front or rear bumpers, then the measurement shall also include such extensions or projections.
- (55) *Business district*: Any B-1, B-A-1, B-2, B-A-2, B-3, B-A-3, B-4, B-A-4, B-5, B-5-T B-7, B-8, B-8-A, B-8-G, C-MU-10, C-MU-20, C-MU-30 or CCN district.
(Ord. No. 439-07, § 1, eff. 8-20-07)
- (56) *Business equipment sales or service*: Establishments engaged in the sale, rental, or repair of equipment and supplies used by office, professional, and service establishments to businesses rather than individuals; excluding, however, automotive, construction, and farm equipment. Typical uses include office equipment and supply firms, small business machine or computer repair shops, or hotel equipment and supply firms.
- (57) *Campus*: A contiguous area of land constituting and making up the grounds of a college or university containing the main buildings or within the main enclosure; provided, however, that for the purpose of this definition the contiguity of any land area involved shall not be deemed to be destroyed by the presence of public rights-of-way.
- (58) *Canopy*: A rooflike structure serving the purpose of protecting pedestrians from rain and sun, which structure projects from a building and the width of which ("width" being taken as the dimensions parallel to the face of the building) is not greater than one-fourth the width of the face of the building or twenty (20) feet, whichever is lesser. Such structure must be open on three (3) sides and if ground-supported, supports must be confined in number and cross-section area to the minimum necessary for actual support of the canopy.

- (59) *Carport*: Space for the housing or storage of motor vehicles and enclosed on not more than two (2) sides by walls.
- (60) *Carriage lot*: A parcel of land completely surrounded by alleys in the center of a block which has no front line of a zone lot.
- (61) *Cemetery*: Land used for interment of human or animal remains or cremated remains, including a burial park, a mausoleum, a columbarium, necessary sale, and maintenance facilities, or a combination thereof. Mortuaries shall be included when operated within the boundary of such cemetery.
- (62) *Child care center*: A facility defined as a child care center under chapter 11 of the Denver Revised Municipal Code which is maintained for the whole or part of the day but for less than twenty-four (24) hour care of five (5) or more children, not related to the owner, operator, or manager thereof, from the ages of six (6) weeks through sixteen (16) years, whether such facility is operated with or without compensation for such care, and with or without stated educational purposes, subject to the licensing requirements of the state and the city.
- (63) *Child care home, large*. A use exception operated in a single-unit dwelling or dwelling unit in a multiple-unit dwelling providing care and education for periods of less than twenty-four (24) hours of seven (7) to twelve (12) children subject to the licensing requirements of the state and the city.
(Ord. No. 340-06, § 1, eff. 6-9-06)
- (64) *Child care home, small*. A home occupation providing the care and education for periods of less than twenty-four (24) hours of not more than six (6) children, plus two (2) additional children who attend either before or after school hours, subject to the licensing requirements of the state and the city.
(Ord. No. 340-06, § 2, eff. 6-9-06)
- (65) *Children's indoor play center*: A commercial establishment providing active play facilities for children generally under the age of twelve (12) years old. Such facilities shall consist generally of muscle-powered equipment. No pinball, foosball, video or electronic games or similar equipment shall be permitted.
- (66) *Church or religious institution*: 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. Shelters for the homeless may be operated within and by a church. Such shelter may be operated for up to one hundred twenty (120) days in either consecutive or nonconsecutive order per calendar year with any number of residents, or it may be operated throughout the entire year with one (1) of the following: a maximum of either eight (8) residents or any number of persons bearing to each other a relationship as defined in section 59-2(96) (dwelling, single

unit). If such limitation is exceeded, the shelter must comply only with the spacing and density requirements of section 59-80(2)c.4. (residential care uses; spacing, density, site and other requirements), and need not comply with any other requirements of section 59-80(2) (residential care uses). Accessory buildings and/or uses may include a church-related college provided such college is regulated by the accessory use regulations of the zone district in which it is located and is a facility of a church or religious institution and which may include religious training or study.

(Ord. No. 694-05, § 1, eff. 9-30-05)

- (67) *Church or religious institution, community scale*: A church or religious institution with a seating capacity of greater than six hundred (600) persons in the sanctuary or main activity area.
- (68) *Church or religious institution - neighborhood scale*: A church or religious institution with a seating capacity of six hundred (600) persons or less in the sanctuary or main activity area.
- (69) *Church-related college*: A post-secondary education facility operated by a church and physically located on a zone lot occupied by such church. In addition to the accessory use regulations of the zone in which it is located, a church-related college shall meet the following requirements:
- a. Shall not have an enrollment greater than seventy-five (75) students;
 - b. Shall provide no student or faculty housing;
 - c. Shall not operate any activities before 8:00 a.m. or after 6:00 p.m.; and
 - d. Shall provide off-street parking according to the requirements of parking class two.
- (70) *Clinic, office, laboratory, dental or medical*: A building or group of buildings in which the primary use is the provision of health care services to patients or clients. Such services may include the following: medical, dental, psychiatric, psychological, chiropractic, dialysis, acupuncture, reflexology, massage therapy, mental health professional, physical and/or occupational therapy, related medical services, vocational training, placement service and social and recreational activities suitable for disabled adults and children or similar service or a laboratory which provides bacteriological, biological, medical, x-ray, pathological and similar analytical or diagnostic services to doctors or dentists. No fabricating is conducted on the premises, except the custom fabrication of dentures or similar dental appliances. This definition excludes in-patient or overnight care, animal hospitals, veterinarians, or other similar services. The sale of merchandise is allowed only as an accessory use.
- (71) *Club or lodge*: A building or land used for the activities of an association of persons for the promotion of some nonprofit common objective, such as literature, science, politics, and good fellowship, and not accessory to, or operated as, or in connection with a

tavern, eating place, or other place open to the public, which meets periodically and is limited to members, with not more than one-third of the gross floor area of the club or lodge used for residential occupancy.

- (72) *Cluster multiple unit dwelling*: A single detached structure structurally divided into two (2) or more separate, independent dwelling units, each dwelling unit having its situs upon the ground, each dwelling unit having but one (1) kitchen and housing any number of persons bearing to each other the relationship of: husband, wife, mother, father, grandmother, grandfather, son, daughter, sister, brother, stepson, stepdaughter, stepbrother, stepsister, stepmother, stepfather, grandson, granddaughter, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, uncle, aunt, nephew or niece living together as a single nonprofit housekeeping unit, plus domestic servants employed for services on the premises.
- (73) *Commercial museum*: A commercial establishment for preserving and exhibiting artistic, historical, scientific, natural or manmade objects of interest. Such activity may include the sale of the objects collected and memorabilia, the sale of craftwork and artwork, boutiques and the holding of meetings and social events.
- (74) *Communications service*: Establishments engaged in the provision of television and film production, broadcasting, and other information relay services accomplished through the use of electronic and telephone mechanisms; excluding, however, facilities covered by section 59-84 (telecommunication facilities), and section 59-2(309) Utility, major impact. Facilities which broadcast exclusively over the Internet and have no live, in-building audiences to broadcasts shall also be excluded from this definition and shall be classified as office: nondental or nonmedical pursuant to subsection 59-2(182). Typical uses include: television studios; television and film production studios; radio broadcasting studios; telecommunication or telecommuting service centers; or cable services.
- (Ord. No. 79-08, § 1, eff. 2-22-08)
- (75) *Community or senior center or recreational facility*: A building, together with lawful accessory buildings and uses, used for recreational and cultural activities and not operated for profit; or swimming pools or tennis courts, and as part of a facility with swimming pools and or tennis courts, an outdoor recreational facility, if authorized by the board of adjustment pursuant to section 59-54(3)m and not operated for profit. Need not be enclosed. Membership may be restricted to persons living in a specific geographical area but shall not be based upon race or creed. All fees assessed shall apply equally to all users. Shall have no outdoor public address system or any type of amplified music device. Also, a facility providing social, educational, health care and/or food services to residents over sixty (60) years of age, with no overnight accommodations provided.
- (76) *Community corrections facility*: A structure which provides a residence for three (3) or more persons who have been placed in a community corrections program of correctional supervision, including a program to facilitate transition to a less-structured or

independent residential arrangement. Such program shall be supervised directly or indirectly by an agency of the city, the state or the federal government; and residents of such facilities shall be those persons placed in the community corrections program by the judicial or correctional departments of the city, the state or the federal government. A community corrections facility shall be considered a large residential care use.

- (77) *Completely enclosed structure*: A building enclosed by a permanent roof and by solid exterior walls pierced only by windows and customary entrance and exit doors.
- (78) *Concealed light source*: An artificial light intended to illuminate the face of a sign, which light is shielded from public view and from adjoining zone lots.
- (79) *Concrete, asphalt, and rock crushing facility*: A facility in which the principal activity is performed in an open area where concrete, asphalt, rock, brick, cement, or other similar paving or building materials are crushed, ground, pulverized, bought, sold, exchanged, stored, mixed, packed, disassembled, or handled.
- (80) *Conference center, meeting hall*: A facility which provides meeting halls, trade centers, merchandise marts, or convention centers for training and other gatherings for large numbers of people for similar functions; may be developed separately or in combination with another permitted use.
- (81) *Consumer service, large scale*: Establishments of more than thirty thousand (30,000) square feet of gross floor area primarily engaged in providing a service(s) to individuals such as a beauty and/or barbershop, a dry-cleaning establishment, or computer services. Consumer services, large scale includes the following list of uses (including SIC groups and all subcategories not elsewhere listed):
- 7212 Garment pressing and agents for laundries and drycleaners;
 - 7215 Coin-operated laundries and cleaning;
 - 7699 Uses from SIC 7699 primarily engaged in providing other services to individuals, including locksmiths and custom picture framing.
- (82) *Consumer service, medium scale*: Establishments more than ten thousand (10,000) and not greater than thirty thousand (30,000) square feet of gross floor area, primarily engaged in providing a service(s) to individuals such as a beauty and/or barbershop, a dry-cleaning establishment, or computer services.
- (83) *Consumer service, small scale*: Establishments of less than ten thousand (10,000) square feet of gross floor area, primarily engaged in providing a service(s) to individuals such as a beauty and/or barbershop, a dry-cleaning and laundry collection station, or computer services.
- (84) *Contractor, general*: An establishment providing general contracting and/or building construction services for residential, farm, industrial, or commercial uses, and which typically does not involve outdoor storage of machinery or equipment. However any unenclosed areas shall be provided with a fence or wall constructed to a height adequate to conceal any vehicles, equipment or supplies located on the zone lot; proper grading for drainage; asphalt, oil or any other dust-free surfacing; and the areas shall be maintained in good condition, free of weeds, dust, trash and debris. This definition includes the following SIC groups:
- 15 General building contractors;
 - 171 Plumbing, heating, air-conditioning;

- 172 Painting and paper hanging;
- 173 Electrical work;
- 174 Masonry, stonework, and plastering;
- 175 Carpentry and floor work;
- 176 Roofing, siding, and sheet metal work;
- 1793 Glass and glazing work;
- 1796 Installing building equipment;
- 1799 Special trade contractors.

Includes special trades contractor involving the following trades:

1. Air conditioning;
2. Cabinet making;
3. Carpentry;
4. Decorating;
5. Electrical work;
6. Exterminations;
7. Fire-proofing;
8. Floor laying;
9. Glass;
10. Glazing;
11. Heating;
12. Linoleum;
13. Masonry;
14. Ornamental iron work;
15. Painting;
16. Paper hanging;
17. Plumbing;
18. Refrigeration;
19. Sign construction or installation;
20. Stone work;
21. Title;
22. Waterproofing;
23. Wiring;
24. Other similar trades not listed elsewhere in this chapter, but specifically excluding contractors dealing with excavation, structural steel, well drilling, and

other similar heavy construction, and specifically excluding trucks having a manufacturer's capacity of more than two (2) tons from remaining on the premises except to load and discharge contents.

- (85) *Contractors, special trade, heavy, contractor yard*: Establishments providing general contracting and/or building construction services other than for buildings, such as for highways and streets, bridges, sewers, and flood control projects, and which may involve outdoor storage of machinery or equipment, includes a contractor yard for vehicles, equipment, materials and/or supplies. This definition includes, but is not limited to, the following SIC groups:

- 6 Heavy construction, except building;
- 178 Water well drilling;
- 1791 Structural steel erection;
- 1794 Excavation work;
- 1795 Wrecking and demolition work;

Contractor yard for vehicles, equipment, materials and/or supplies, must comply with all the following:

- (a) Is not used for the dismantling of any vehicles;
- (b) Is properly graded for drainage, surfaced with asphalt, oil or any other dust-free surfacing and maintained in good condition, free of weeds, dust, trash and debris;
- (c) Is provided with visual barriers of such dimensions that occupants of adjacent structures are not unreasonably disturbed, either by day or by night, by the movement of vehicles, machinery, equipment or supplies. Such barrier may consist of chain-link fence incorporating an approved sight-obscuring material;
- (d) Is provided with entrances and exits so located as to minimize traffic congestion;

Shall not store hazardous or toxic materials without the approval of the fire department.

- (86) *Corner zone lot*: A zone lot situated at the junction of two (2) or more intersecting or intercepting streets where the angle of intersection of the lot lines coterminous with the street lines does not exceed one hundred thirty-five (135) degrees.
- (87) *Correctional institution*: A secured institution under the supervision of the judiciary, correctional departments of any local, state or federal governments, or any law enforcement agency in which persons are or may be lawfully held in custody after arrest or as a result of conviction of a crime.
- (88) *Craftswork*: Individual pieces not mass produced consisting of one (1) or more of the following: ceramics, inlays, needlework, knitting, weaving, leather work, woodwork, metal work or glass work.

- (89) *Development*: Any construction activity, grading and/or ongoing operation which changes the basic character or the use of the environment in which the construction activity, grading or operation occurs.
- (90) *Detached structure*: Any structure having no party wall or common wall with another structure; provided, however, an attached accessory structure used as a garage shall be considered detached for the purpose of compliance with side and rear setback requirements. Bridges, tunnels, breezeways and other similar means of connecting one (1) structure to another shall not, for the purpose of this chapter, be considered to constitute a party wall or common wall.
- (91) *Disabled person*: A person so severely handicapped that he or she is unable to move from place to place without the aid of a mechanical device or who has a physical impairment verified, in writing, by the director of the state division of rehabilitation or a physician licensed to practice medicine in this state that such impairment limits substantially his or her ability to move from place to place.
- (92) *Display surface or face*: The area made available by the sign structure for the purpose of displaying the message.
- (93) *Distance of sign projection*: The distance from the exterior wall surface of the building to the display face of a wall sign.
- (94) *Domestic servant*: A person who lives in the family of another, paying no rent for such occupancy and paying no part of the cost of utilities therefor, performing household duties and working solely within the house for the upkeep thereof and for the care and comfort and convenience of the family and occupants thereof. No person, and no member of the family of any person, who pays rent for himself/herself or his/her family shall be deemed the domestic servant of the person to whom such rent is paid.
- (94.1) *Drive-through facility*: A structure designed or operated to enable persons to receive a service or purchase goods while remaining within a motor vehicle. The facility includes the area of the drive aisle dedicated to placing orders or picking up such goods or services, as well as the actual facility for placing orders and picking up of such goods or services.
(Ord. No. 326-06, § 2, eff. 5-26-06)
- (95) *Dwelling, multiple unit*: A single detached building structurally divided into two (2) or more separate independent dwelling units for permanent occupancy, each dwelling unit having but one (1) kitchen and housing only one (1) of the following groups of persons living together as a single nonprofit housekeeping unit: Any number of persons immediately related by blood, marriage or adoption or four (4) or fewer persons not necessarily related by blood, marriage or adoption; provided, however, that each dwelling unit having an individual outside entrance at ground level shall contain at least six hundred (600) square feet of gross floor area.

- (96) *Dwelling, single unit:*
- a. A single detached structure having but one (1) housekeeping unit with any number of persons bearing to each other the relationship of: husband, wife, mother, father, grandmother, grandfather, son, daughter, brother, sister, stepson, stepdaughter, stepbrother, stepsister, stepmother, stepfather, grandson, granddaughter, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, uncle, aunt, nephew or niece, living together as a single nonprofit housekeeping unit, plus domestic servants employed for services on the premises and containing a single kitchen; or
 - b. A single detached structure having but one (1) housekeeping unit consisting of two (2) unrelated adults over the age of eighteen (18) years plus, if applicable, any persons bearing to either of the two (2) unrelated adults the relationship of son, daughter, stepson, stepdaughter, mother, father, grandmother, grandfather, grandson, granddaughter, sister, brother, living together as a single nonprofit housekeeping unit and containing a single kitchen shall also constitute a single unit dwelling.
- (97) *Dwelling unit:* One (1) or more rooms constituting a separate, independent housekeeping unit for permanent occupancy with facilities for sleeping, bathing and cooking, and which unit occupies a portion of a structure containing other dwelling units, other uses by right, or a combination of these uses.
- (98) *Dwelling unit, accessory, attached:* A second dwelling unit which is connected to or located within three (3) feet of a use by right or use by special review building.
- (99) *Dwelling unit, accessory, detached:* A dwelling unit which is located within an accessory structure located more than three (3) feet from the use by right or use by special review building.
- (100) *Eating place:* A retail establishment primarily engaged in the sale of prepared food and/or drinks within a completely enclosed structure. Notwithstanding more restrictive provisions of this chapter, any establishment holding a beer and wine license, a hotel and restaurant license, or a club or tavern license as issued by the state department of revenue, may maintain as an accessory use a number of amusement devices as follows: ten (10) devices or that number which occupies no more than ten (10) percent of the gross floor area of the eating place, whichever is more restrictive.
- (101) *Eating place, large:* An eating place of more than three thousand five hundred (3,500) square feet of gross floor area, excluding eating places with adult amusement or entertainment. Typical uses include restaurants or bars.
- (102) *Eating place, small:* An eating place of three thousand five hundred (3,500) or less square feet of gross floor area, excluding eating places with adult amusement or entertainment. Typical uses include restaurants, fast-food outlets, snack bars, and bars.

- (102.5) *Emergency telecommunications services*: Telecommunications established or maintained by any public agency providing emergency services such as but not limited to fire, police, and other rescue or first responders.
(Ord. No. 364-06, § 1, eff. 6-16-06)
- (103) *Entertainment, indoor*: A facility providing indoor amusement or entertainment activities for the payment of a fee or admission charge, including theaters, studio theaters, bowling alleys, dance halls, music and meeting halls, ice rinks, swimming pools, tennis clubs and other similar uses; excluding adult amusement or entertainment facilities.
- (104) *Entertainment, outdoor*: A facility providing outdoor amusement or entertainment activities for the payment of a fee or admission charge, including ice rinks, swimming pools, tennis clubs, miniature golf, music concerts, driving ranges and other similar uses; excluding adult amusement and entertainment facilities.
- (105) *Extended stay facility*: One (1) or two (2) buildings, containing individual dwelling units oriented to independent housekeeping for occupancy by the week or by the month, or some portion thereof, with facilities for sleeping, bathing, and cooking and which shall comply with the following conditions:
- (1) No more than one hundred twenty (120) dwelling units shall be provided, and no dedicated conference and meeting facilities shall be provided; and
 - (2) All extended stay facility uses shall be located within six hundred (600) feet of facilities provided by the regional transportation district as park and ride uses for the public and shall be located within one thousand (1,000) feet of a federal interstate highway.
- (106) *Exterior wall surface*: The most exterior part of a wall, sun screen or any screening or material covering a building.
- (107) *FAA*: Federal Aviation Administration.
- (108) *FCC*: Federal Communications Commission.
- (109) *Fabrication*: Manufacturing, excluding the refining or other initial processing of basic raw materials such as metal ores, lumber or rubber. Fabrication relates to stamping, cutting or otherwise shaping the processed materials into useful objects.
- (110) *Facade*: The exterior of a building.
- (111) *Farmers market*: The sale of foodstuffs, need not be enclosed.
- (112) *Feed lot*: A feed lot shall be determined to be any of the following facilities:
- a. Any tract of land or structure wherein any type of fowl or the by-products thereof are raised for sale at wholesale or retail;
 - b. Any structure, pen or corral wherein cattle, horses, sheep, goats and swine are maintained in close quarters for the purpose of fattening such livestock before final shipment to market;

c. The raising of swine under any conditions.

(112.1) *Fence and wall height measurement:* Fence and wall height shall be measured from the base of the fence or wall at the higher of the finished grade at the inside or outside of the fence or wall, to the topmost point of the fence or wall.

(Ord. No. 363-06, § 1, eff. 6-16-06)

(113) *Fine arts:* Individual art pieces not mass produced.

(114) *Fire station:* A fire protection center operated by a governmental entity, including the housing of fire trucks, firefighting personnel and related equipment.

(115) *Firearms sales:* An establishment having at least 25 percent of its gross floor area used for the sale of firearms, ammunition and ammunition components, and hunting or shooting equipment.

- (116) *Fixture*: A small structure or part of a structure used by the occupants of the premises for the purpose of containing, holding containers of, or incinerating garbage, trash and similar waste products, or for landscaping such as bird baths, ornamental statuary, arbors, rock gardens, monuments, flagpoles, ornamental lampposts and similar decorative features but not including enclosed buildings.
- (117) *Flashing signs*: Any directly or indirectly illuminated sign either stationary or animated, which exhibits changing natural or artificial light or color effects more frequently than once per hour by any means whatsoever.
- (118) *Flight training center*: Establishments comprised of one (1) or more buildings primarily engaged in providing flight instruction in classroom and flight simulator facilities. These establishments typically operate twenty-four (24) hours a day, seven (7) days a week and provide temporary lodging, exercise facilities, cafeterias, and retail sales of related instructional materials.
- (119) *Floor area ratio (FAR)*: The ratio of gross floor area of a building to the area of the zone lot on which the building is located.
- (120) *Food locker plant*: a food locker plant renting only individual lockers for home customer storage of food, including sale at retail, delivery of individual home orders and the cutting and packaging of meats or game but not including slaughtering or eviscerating thereof.
- (121) *Food preparation and sales, commercial*: Establishments less than ten thousand (10,000) square feet in area primarily engaged in the preparation and production of prepared food items in individual servings for off-premises consumption and/or sale by others. Typical uses include caterers, wholesale bakeries, commissary kitchens, specialty food packaging and/or processing shops, and flight kitchens. This definition includes, but is not limited to, uses in the following SIC groups:
- 2009 Food preparations;
 - 2051 Bread and other bakery products, except cookies and crackers;
 - 2052 Cookies and crackers;
 - 5812 Caterers, commissaries, and contract feeding.
- (122) *Food sales or market, large*: Establishments of more than ten thousand (10,000) square feet of gross floor area primarily engaged in the retail sale of food and beverages for off-site or home consumption. Typical uses include supermarkets and farmers markets. This definition includes, but is not limited to, all uses in the following SIC group:
- 54 Food stores.
- (123) *Food sales or market, small*: Establishments of ten thousand (10,000) square feet or less of gross floor area primarily engaged in the sale of food and beverages for off-site or home consumption. Typical uses involve groceries, markets, or delicatessens.

- (124) *Foster family care*: The full-time care of not more than four (4) children or two (2) adults unrelated to the residents by blood or adoption subject to the licensing requirements of the state. A qualified foster care adult is a person who is placed in the home by an agency of the state or one (1) of its political subdivisions. In zone districts where home occupations of foster family care, rooming and/or boarding and adult care home are permitted, only one (1) such home occupation will be permitted in any single-unit dwelling or dwelling unit.
- (125) *Freeways*: Those streets designed to carry large volumes of through traffic at high speeds by restriction of abutting private property from rights of direct access by vehicles and pedestrians.
- (126) *Front line of a zone lot*: Any boundary of a zone lot parallel to and within twenty (20) feet of the right-of-way of a street or highway which has been designated and assigned an individual name or number by legislative action of the municipality, provided, however, where a zone lot has two (2) front lines opposite each other, the zoning administrator may declare one (1) such front line as a rear line, and where a zone lot has two (2) front lines contiguous to each other, the zoning administrator may declare one (1) such front line as a side line. Whenever the zoning administrator so fixes the rear side line of a zone lot, the administrator shall do so on the basis of the orientation of existing structures on the zone lot and on adjacent properties so as best to protect such structures and permitted uses of such properties from any offensive effects of accessory structures and uses which may, under this chapter, be permitted in the rear or side portion of such zone lot.
- (127) *Furniture, furnishings, retail sale, large scale*: A retail establishment exceeding thirty thousand (30,000) square feet of gross floor area that sells household, office or other furniture, furnishings or equipment.
- (128) *Garage*: A building or part of a building wherein motor vehicles are housed or stored.
- (129) *Garden supply store*: An establishment primarily engaged in the retail sale of trees, shrubs, other plants, seeds, bulbs, mulches, soil conditioners, fertilizers excluding bulk fertilizer, pesticides, garden tools, and other garden supplies to the general public. These establishments primarily sell products purchased from others. Typical items for sale include flowers, shrubs, trees, garden tools, packaged fertilizer, and supplies. This definition includes uses in the following SIC group:
- 526 Retail Garden Stores.
- (129.1) *Glare*: The sensation produced when a source of light in excess of 1650 lumens is directly visible or light that is so bright that it causes annoyance, discomfort, or loss in visual performance. (Ord. No. 228-05, § 1, eff. 4-15-05)
- (130) *Golf course*: An area of land laid out for the game of golf with a series of holes each including tee, fairway, and putting green and often one or more natural or artificial hazards. A golf course includes a clubhouse, maintenance facility and shelters as accessory uses.

- (131) *Gross floor area*: The sum of the gross horizontal areas of the several floors of a building, including interior balconies and mezzanines, but excluding exterior balconies. All horizontal dimensions of each floor are to be measured by the exterior faces

of walls of each such floor, including the walls of roofed porches having more than one (1) wall. The floor area of a building shall include the floor area of accessory buildings on the same zone lot, measured the same way. In computing gross floor area there shall be excluded the following:

- a. Any floor area devoted to mechanical equipment serving the building, provided that the floor area of such use occupies not less than seventy-five (75) percent of the floor area of the story in which such mechanical equipment is located;
- b. Any floor area in a story the ceiling whereof is less than four (4) feet above grade at the nearest building line provided, however, any such space used for a use by right shall provide the off-street parking as required by article V of this chapter;
- c. Any floor area used exclusively as parking space for motor vehicles; and
- d. Any floor area which serves as a pedestrian mall or public access way to shops and stores.
- e. In the Cherry Creek North district the floor area exclusion of subsection b above shall not apply and any floor area in a story the ceiling of which is less than four (4) feet above grade at the nearest building line shall be counted as part of the gross floor area, excluding, however, storage rooms, restrooms and utility rooms.

(132) *Ground level*: A horizontal plane passing through the average highest and lowest elevation of the ground along that facade of the building or structure which is nearest the street. In the absence of any building or structure, the points shall be located on the front setback line, between the two (2) side setback lines (or between the side lot lines, if no side setback is specified in the district).

(133) *Ground sign*: A sign supported by poles, uprights or braces extending from the ground or an object on the ground but not attached to any part of any building.

(134) *Habitable room*: A room in a dwelling unit designed to be used for living, sleeping, eating or cooking, excluding bathrooms, toilet compartments, closets, halls, storage and similar space.

(135) *Habitable story*: A story which:

- a. Has at least four (4) feet between the ground level and the ceiling joists;
- b. Has enough area to provide a habitable room with net floor-to-ceiling distance of seven (7) feet six (6) inches over half the area of the room;
- c. Constitutes a habitable room as defined in the building code.

(136) *Helipad, helistop, heliport*: A facility for landing or take-off area for rotorcraft, may include a passenger terminal and/or routine servicing of rotorcraft.

(137) *Healthcare facility*: A facility or institution providing health services.

- (138) *Health treatment on the payment of a fee or admission charge*: A business operated or employing licensed psychologists, licensed physical therapists, licensed cosmetologists or licensed barbers performing functions authorized under the license held, and a business operated by or employing licensed physicians or licensed chiropractors engaged in the healing arts, excluding adult establishments.
- (139) *High-rise building*: Any building or structure having any portion of a story used for human occupancy more than seventy-five (75) feet above the lowest level of fire department vehicle access.
- (140) *Home building materials, supplies, sales, or rental*: Establishments primarily engaged in retail or wholesale sale or rental from the premises of supplies used in the construction of structures; excluding, however, uses classified as building trades contractor service; automobile or truck sales, leasing, or rental; trailer or recreational vehicle sales, leasing, or rental; and truck or equipment sales, leasing or rental, except as is incidental to the construction supplies, sales, or rental use. Typical uses include building materials stores and tool and equipment rental or sales. All accessory outdoor storage shall be enclosed by a fence or wall adequate to conceal such storage from adjacent property. This definition includes all uses in the following SIC group:
- 521 Lumber and other building materials.
- (141) *Hospital*: An institution providing health services, primarily for inpatients, and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, outpatient departments, training facilities, central service facilities and staff offices.
- (142) *Hostel*: A nonprofit facility located in a residential structure and associated with a national or international hostel organization, which facility has but one (1) kitchen and provides sleeping accommodations for not more than twenty-five (25) persons. All housekeeping duties are shared by the occupants under the supervision of a resident manager.
- (143) *Hotel*: One (1) or more buildings providing temporary lodging primarily to persons who have residences elsewhere, or both temporary and permanent lodging in guest rooms, or apartments. The building or buildings have an interior hall and lobby with access to each room from such interior hall or lobby. Accessory uses may include an eating place, meeting rooms, and other similar uses. Notwithstanding the gross floor limitations for accessory uses, conference facilities not exceeding fifteen (15) percent of the gross floor area of the hotel are permitted in addition to the floor area occupied by all other accessory uses.
- (144) *Husbandry*: Shall mean the cultivation or production of plants and animals (live-stock) and/or by-products thereof.
- (145) *Illuminated sign*: A sign lighted by or exposed to artificial lighting either by lights on the sign or directed towards the sign.

- (146) *Individual letter sign*: Letters or figures individually fashioned from metal or other approved materials and attached to the wall of a building, but not including a sign painted on a wall or other surface.
- (147) *Industrial district*: Any I district.
- (148) *Interior zone lot*: Any zone lot which is not a corner zone lot.
- (149) *Joint identification sign*: A sign which serves as a common or collective identification for three (3) or more business or industrial uses by right on the same zone lot excluding, however, the identification of products.
- (150) *Junk*: Scrap iron, scrap tin, scrap brass, scrap copper, scrap lead or scrap zinc and all other scrap metals and their alloys, and bones, rags, used cloth, used rubber, used rope, used tinfoil, used bottles, old or used machinery, used tools, used appliances, used fixtures, used utensils, used lumber, used boxes or crates, used pipe or pipe fittings, used automobiles or airplane tires, and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition, but are subject to being dismantled.
- (151) *Junkyard*: A place where junk, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including automobile wrecking yards, house wrecking and structural steel materials and equipment, but not including the purchase or storage of used furniture and household equipment, used cars in operable condition, used or salvaged materials as part of manufacturing operations.
- (152) *Kitchen*: Any room used, intended to be used or designed to be used either wholly or partly for cooking and/or the preparation of food.
- (153) *Laboratory*: A building or part of a building devoted to the testing and analysis of any product or animal (including humans). No manufacturing is conducted on the premises except for experimental or testing purposes.
- (154) *Laboratory, research, development, technological service*: A research and development facility, training facility, production studio, laboratory, display/showroom/sales facility, or other similar use which typically has a high ratio of square feet of floor area per employee, or a facility for the servicing of technological equipment and/or office machinery, such as computers, copying machines and word processing equipment; must have a significant office component associated with non-office activities. Sales facilities shall be limited to non-retail sales, and sales activities shall not occupy more than twenty (20) percent of the gross floor area of the structure. Each use may include indoor storage space for parts and supplies.
- (155) *Laundry or dry cleaning, commercial, industrial*: Establishments engaged in actual laundering, dry cleaning, or dyeing services, other than those uses classified as consumer service, large or small. Typical uses include laundries, diaper services, linen supply services, and dry cleaners.

- (156) *Library*: A publicly operated facility housing a collection of books, magazines, audio and videotapes, or other material for use by the general public.
- (157) *Liquor store*: Establishments engaged in the sale of alcoholic beverages for off-premises consumption.
- (158) *Livestock-animal*: Shall be animals of any kind kept or raised for sale, resale, agricultural field production or pleasure, excluding fur-bearing animals.
- (159) *Live/work residential*: Live/work residential use is a combination of residential occupancy and commercial activity located within a dwelling unit. The commercial activity shall not exceed fifty (50) percent of the gross floor area of the dwelling unit and shall not have more than two (2) employees or regular assistants on premises at one (1) time. Any repair, assembly, or fabrication of goods is limited to the use of hand tools or domestic mechanical equipment. The direct sale of any goods to consumers is limited to only those goods created on-site, and no floor area shall be dedicated for the sale and/or display of any goods. Signs are limited to not more than two (2) unanimated, nonilluminated wall or window signs not exceeding ten (10) square feet in total area. The work activities shall not adversely impact the public health, safety, and welfare, or the livability, functioning, and appearance of adjacent conforming property. Typical work activities may include home offices, craft work, art studios, candle making, jewelry making, fabrication of cloth goods, and other similar activities.
- (160) *Low level light area*: An open area at ground level which is open and unobstructed to the sky, but which is not eligible to be a plaza, or a horizontal open area above ground level which is open and unobstructed to the sky.
- (161) *LP gas dispensing unit*: A facility where liquified petroleum gas is sold to consumers. Such facilities shall be limited to one (1) pump unit and one (1) tank not exceeding one thousand (1,000) gallons' capacity.
- (162) *LP gas, retail sale*: Retail sale through an L.P. gas dispensing unit subject to the issuance of a permit by the fire department; need not be enclosed, but shall be screened by a wall or fence adequate to conceal such unit from adjacent residential properties.
- (163) *Manufacture*: All operations required to produce the material named.
- (164) *Manufacturing, fabrication, and assembly, custom*: Establishments with a ground floor area not greater than seven thousand five hundred (7,500) square feet primarily engaged in the on-site, hand-manufactured or fabricated production of goods. Goods are predominantly hand-manufactured and fabricated involving only the use of hand tools or domestic mechanical equipment. Incidental direct sale to consumers of only those goods produced on-site is allowed. Typical uses include ceramic studios, candle making facilities, or custom jewelry makers. Those uses and products listed below with their SIC codes are excluded, except as noted:
- 20 Food and kindred products
 - 2011 Meat packing plants
 - 2015 Poultry slaughtering

- 2061 Sugar cane
- 2062 Sugar cane refining
- 2063 Sugar beet refining
- 2076 Vegetable oil mill
- 2077 Animal and marine fats and oils
- 2082 Malt beverage manufacturing of over 60,000 barrels per year
- 2084 Wines, brandy and brandy spirits
- 2085 Distilled and blended liquors
- 22 Textile mill products
- 24 Lumber and wood products except furniture
 - 2491 Wood preserving
- 25 Furniture and fixtures
- 26 Paper and allied products
 - 261 Pulp mills
 - 262 Paper mills
 - 263 Paper board mills
- 27 Printing, heat set webb process, only
- 28 Chemicals and allied products
 - 281 Industrial inorganic chemicals
 - 282 Plastic materials and synthetic resins, synthetic rubber, cellulosic, and other manmade fibers except glass
 - 2822 Synthetic rubber
 - 2836 Biological products
 - 284 Soap, detergents and cleaning preparations, perfumes, cosmetics and other toilet preparations
 - 2851 Paints, varnishes, lacquers, enamels and allied products
 - 286 Industrial organic chemicals
 - 287 Agricultural chemicals
 - 289 Miscellaneous chemical products
- 29 Petroleum refining is prohibited except for the following:
 - 295 Asphalt paving and roofing materials
 - 299 Miscellaneous products of petroleum and coal
- 30 Rubber and miscellaneous plastics and products
 - 301 Tires and inner tubes
- 31 Leather and leather products
- 32 Stone, clay, glass and concrete products
 - 321 Flat glass

- 322 Glass and glassware, pressed or blown
- 324 Cement, hydraulic
- 325 Structural clay products
- 3291 Abrasive products
- 3295 Minerals and earths, ground or other otherwise treated
- 3297 Non-clay refractories
- 33 Primary metal industries
- 34 Fabricated metal products except machinery and transportation equipment
 - 3462 Iron and steel forgings
 - 3463 Nonferrous forgings
 - 3465 Automotive stampings
- 35 Industrial and commercial machinery and computer equipment
- 36 Electronic and other electrical equipment and components except computer equipment
 - 3631 Household cooking equipment
 - 3632 Household refrigerators and freezers
 - 3633 Household laundry equipment
 - 3639 Household appliances
 - 3612 Power, distribution and specialty transformer
 - 3613 Switchgear and switchboard apparatus
 - 3621 Motors and generators
 - 3624 Carbon and graphite products
 - 3625 Relays and industrial
 - 3629 Electrical industrial apparatus
- 37 Transportation equipment
 - 3711 Motor vehicles
 - 3713 Truck and bus bodies
 - 3715 Truck trailers
 - 3716 Motor homes
 - 3721 Aircraft
 - 3724 Aircraft engines
 - 3728 Aircraft parts and auxiliary equipment
 - 373 Ship and boat building
 - 374 Railroad equipment
 - 376 Guided missiles and space vehicles and parts
 - 3792 Travel trailers and campers
 - 3795 Tanks and tank components

38 Measuring, analyzing and controlling instruments, photographic, medical and optical goods, watches and clocks

39 Miscellaneous manufacturing industries

(165) *Manufacturing, fabrication, and assembly, general*: A manufacturing establishment whose operations include storage of materials; processing, fabrication, or assembly of products; and loading and unloading of new materials and finished products, and does not produce or utilize in large quantities as an integral part of the manufacturing process, toxic, hazardous, or explosive materials. Noise, odor, dust, or vibration from the manufacturing process may result in only minor impacts on adjacent properties. This definition includes all uses or products in the following SIC groups except as noted:

20 Food and kindred products, except;

2011 Meat packing plants;

2015 Poultry slaughtering;

2061 Sugar cane;

2062 Sugar cane refining;

2063 Sugar beet refining;

2076 Vegetable oil mill;

2077 Animal and marine fats and oils;

2082 Malt beverage manufacturing of over sixty thousand (60,000) barrels per year;

2084 Wines, brandy and brandy spirits;

2085 Distilled and blended liquors;

22 Textile mill products;

24 Lumber and wood products except furniture, except:

2491 Wood preserving;

25 Furniture and fixtures;

26 Paper and allied products, except:

261 Pulp mills;

262 Paper mills;

263 Paper board mills;

27 Printing, heat set web process only;

28 Chemicals and allied products, except:

281 Industrial inorganic chemicals;

282 Plastic materials and synthetic resins, synthetic rubber, cellulosic, and other manmade fibers, except glass;

2822 Synthetic rubber;

2836 Biological products;

- 284 Soap; detergents and cleaning preparations, perfumes, cosmetics, and other toilet preparations;
- 2851 Paints, varnishes, lacquers, enamel, and allied products;
- 286 Industrial organic chemicals;
- 287 Agricultural chemicals;
- 289 Miscellaneous chemical products;
- 30 Rubber and miscellaneous plastics and products except:
 - 301 Tires and inner tubes;
- 31 Leather and leather products;
- 34 Fabricated metal products except machinery and transportation equipment except:
 - 3462 Iron and steel forgings;
 - 3463 Nonferrous forgings;
 - 3465 Automotive stampings;
- 35 Industrial and commercial machinery and computer equipment;
- 36 Electronic and other electrical equipment and components except:
 - 3612 Power, distribution, and specialty transformer;
 - 3613 Switchgear and switchboard apparatus;
 - 3621 Motors and generators;
 - 3624 Carbon and graphite products;
 - 3625 Relays and industrial;
 - 3629 Electrical industrial apparatus;
 - 3631 Household cooking equipment;
 - 3632 Household refrigerators and freezers;
 - 3633 Household laundry equipment;
 - 3639 Household appliances;
- 37 Transportation equipment;
- 38 Measuring, analyzing and controlling instruments, photographic, medical and optical goods, watches and clocks;
- 39 Miscellaneous manufacturing industries.

(166) *Manufacturing, fabrication, and assembly, heavy*: A manufacturing establishment whose operations include storage of materials; processing, fabrication, or assembly of products; and loading and unloading of new materials and finished products. Toxic, hazardous, or explosive materials may be produced or used in large quantities as an integral part(s) of the manufacturing process. Noise, odor, dust, vibration, or visual

impacts, as well as potential public health problems in the event of an accident, could impact adjacent properties. This definition includes, but is not limited to, all uses or products in the following SIC groups and the following uses:

- 2011 Meat packing plants;
- 2015 Poultry slaughtering;
- 2061 Sugar cane;
- 2062 Sugar cane refining;
- 2063 Sugar beet refining;
- 2076 Vegetable oil mill;
- 2077 Animal and marine fats and oils;
- 2082 Malt beverage manufacturing of over sixty thousand (60,000) barrels per year;
- 2084 Wines, brandy and brandy spirits;
- 2085 Distilled and blended liquors;
- 2491 Wood preserving;
- 261 Pulp mills;
- 262 Paper mills;
- 263 Paper board mills;
- 281 Industrial inorganic chemicals;
- 282 Plastic materials, and synthetic resins, synthetic rubber, cellulosic, and other manmade fibers, except glass;
- 2822 Synthetic rubber;
- 2836 Biological products;
- 284 Soap, detergents, and cleaning preparations, perfumes, cosmetics and other toilet preparations;
- 2851 Paints, varnishes, lacquers, enamels and allied products;
- 286 Industrial organic chemicals;
- 287 Agricultural chemicals;
- 289 Miscellaneous chemical products;
- 29 Petroleum refining;
- 295 Asphalt paving and roofing materials;
- 299 Miscellaneous products of petroleum and coal;
- 301 Tires and inner tubes;
- 32 Stone, clay, glass and concrete products;
- 321 Flat glass;
- 322 Glass and glassware, pressed or blown;

324 Cement, hydraulic;
325 Structural clay products;
3291 Abrasive products;
3295 Minerals and earths, ground or other otherwise treated;
3297 Non-clay refractories;
33 Primary metal industries;
3462 Iron and steel forgings;
3463 Nonferrous forgings;
3465 Automotive stampings;
3612 Power, distribution, and specialty transformer;
3613 Switchgear and switchboard apparatus;
3621 Motors and generators;
3624 Carbon and graphite products;
3625 Relays and industrial;
3629 Electrical industrial apparatus;
3631 Household cooking equipment;
3632 Household refrigerators and freezers;
3633 Household laundry equipment;
3639 Household appliances;
3711 Motor vehicles;
3713 Truck and bus bodies;
3715 Truck trailers;
3716 Motor homes;
3721 Aircraft;
3724 Aircraft engines;
3728 Aircraft parts and auxiliary equipment;
373 Ship and boat building;
374 Railroad equipment;
376 Guided missiles and space vehicles and parts;
3792 Travel trailers and campers;
3795 Tanks and tank components.
Asphalt and concrete plant;
Concrete, asphalt, and rock crushing facility.

(167) *Manufacturing, fabrication, and assembly, light*: A manufacturing establishment primarily engaged in the fabrication or assembly of products from prestructured materials or components. Because of the nature of its operations and products, little or

no noise, odor, vibration, glare, and/or air and water pollution is produced, and, therefore, there is minimal impact on surrounding properties. This definition includes all uses or products in the following SIC groups:

- 23 Apparel and other textile products;
- 375 Motorcycles, bicycles, and parts;
- 38 Instruments and related products except:
 - 384 Medical instruments and supplies;
 - 386 Photographic equipment and supplies.

- (168) *Marquee*: A rooflike structure of a permanent nature that projects from the wall of a building or its supports and may overhang the public way.
- (169) *Marquee sign*: A sign attached to, painted on, erected against or extending from a marquee.
- (170) *Mass transit railway system*: A system of conveyance available to the public which may include, but not be limited to, rail tracks and guideways, terminals, stations, passenger shelters, electrical power lines, maintenance and storage facilities, parking facilities, transportation control features or fixtures, and accessory uses as determined by the zoning administrator in accordance with section 59-38(a)10.
- (171) *Midpoint*: A point of a boundary line equally distant from the two (2) lot lines intersecting it at right angles or within forty-five (45) degrees of a right angle.
- (172) *Mortuary*: Establishments engaged in undertaking services, such as preparing the human dead for burial and in arranging and managing funerals. This definition includes crematories and mortuaries and all uses in the following SIC group:
 - 726 Funeral service and crematories.
- (173) *Motel*: One (1) or more buildings providing residential accommodations and containing rental rooms and/or dwelling units, each of which has a separate outside entrance leading directly to rooms from outside the building. Services provided may include maid service and laundering of linen, telephone and secretarial or desk service, and the use and upkeep of furniture. Up to twenty (20) percent of the residential units may be utilized for permanent occupancy.
- (174) *Motor vehicle*: Any vehicle that is self-propelled and can be legally operated upon streets and highways. For purposes of this definition, the term motor vehicle shall also include vehicles or implements used in farming or construction.
- (175) *Motor vehicle, inoperable*. Any motor vehicle that meets at least one (1) of the following criteria:
 - a. Vehicle is partially dismantled or wrecked; or
 - b. Vehicle cannot be self-propelled or move in the manner in which it originally was intended to move.

- (176) *Motorized recreational vehicle length measurement*: The distance measured from the front bumper to the rear bumper, except, however, when extensions or projections are added beyond the front or rear bumpers, then the measurement shall also include such extensions or projections.
- (177) *Municipal solid waste*: The solid waste from community, commercial and industrial sources that does not contain hazardous waste as determined by the fire department and the department of environmental health.
- (178) *Museums, other special purpose cultural institutions*: A public or private facility, including an aquarium, operated as a repository or a collection of natural, scientific, or literary curiosities or objects of interest, not including the regular sale or distribution of the objects collected. Activities may include the sale of crafts work and artwork, boutiques, and the holding of meetings and social events. This definition includes, but is not limited to, all uses in the following SIC group:
- 84 Museums, botanical, zoological gardens.
- (179) *NAICS*: North American Industry Classification System as published by the U.S. Census Bureau.
- (179.5) *Noncommercial sign*: A sign expressing noncommercial speech generally in the form of an opinion on a particular subject, or support for, or opposition to, a particular cause, political or otherwise.
- (Ord. No. 417-08, § 1, eff. 8-15-08)
- (180) *Nursery*: Any land used to raise trees, shrubs, flowers and other plants for sale or for transplanting.
- (181) *Nursing home, hospice*: An establishment licensed by the state department of public health, which establishment maintains and operates continuous day and night facilities providing room and board, personal services and skilled nursing care, including hospices, specifically excluding, however, hospitals.
- (182) *Office: nondental or nonmedical*: Occupancy primarily for the provision of professional, executive, management, or administrative services; excluding, however, clinic or office, dental or medical.
- (Ord. No. 79-08, § 2, eff. 2-22-08)
- (183) *Off-site commercial sign*: A sign which directs attention to a business, commodity, service, entertainment or attraction sold, offered or existing elsewhere than upon the same zone lot where such sign is displayed. This definition does not include noncommercial signs.
- (184) *Oil, gas, production, drilling*: Production of and drilling for gas and oil, along with the installation of pumps, tanks, pits, treaters, separators and other equipment, transportation of petroleum products, and natural gas and natural gas liquids processing, all subject to approval by the development review committee as provided in section 59-362.

- (184.5) *Original grade*: The grade of the zone lot before construction begins. If there was a structure on the zone lot that was demolished, the grade prior to demolition of the structure. If there is no structure on the property, the natural grade of the property prior to any modification, except that in new developments original grade shall mean the approved and recorded grade. (Ord. No. 580-04, § 1, eff. 8-30-04)
- (185) *Outdoor general advertising device*: A sign relating to products, services or uses not on the same zone lot.
- (186) *Outdoor recreational facilities*: Unenclosed recreational facilities that require no permanent or substantial improvements erected above grade for their operation, except for fences, railings, goals, bleachers, team benches or other similar fixtures. Such uses may include outdoor skating rinks, basketball courts, soccer fields or other similar uses.
- (187) *Outdoor sales, flea market*: Retail sale of new or used goods, excluding motor vehicles and firearms, need not be enclosed.
- (188) *Outdoor sales, seasonal*: The outdoor retail sale of fruits and vegetables or other similar foods; including the roasting of chilies and corn.
- (189) *Owner*: Any owner of record and includes but is not limited to any person in whose name a property is recorded in the assessor's office.
- (190) *Parish house*: A residence for a minister, priest or rabbi in connection with the operation of a church.
- (191) *Parking of vehicles*: The assembling, or standing of vehicles for relatively temporary periods of time either with or without charge for such assembling and standing, but not for repair, sale or commercial storage thereof.
- (192) *Parking of vehicles, excess*: Parking of vehicles in excess of the minimum number of spaces required by section 59-316(3) for land uses within a T-MU district.
- (193) *Parks, public, open space, associated buildings*: An area of land which is developed or intended for development with landscaping and other features which promote recreational activities by the public. May be either publicly or privately owned.
- (194) *Pawn shop*: Any business that loans money on deposit of personal property or deals in the purchase or possession of personal property on condition of selling the same back again to the pledger or depositor, or loans or advances money on personal property by taking chattel mortgage security thereon, and takes or receives such personal property. This definition excludes motor vehicles.
- (195) *Pedestrian-active use*: Shall include retail sale; banking facility open to the public with at least one employee on site; eating place; personal and business service; hotel lobby; indoor and outdoor entertainment or recreation facility; dedicated public park; arts and cultural facility; and the frontage of entryways or stairways through which such uses are principally accessed, provided, however, that the following types of retail sales shall not be considered pedestrian-active uses: amusement center; sale of

automobiles; sale of auto trailers; sale of house trailers; sale of trucks; sale of auto and truck parts, accessories, tires and tubes; automobile gasoline filling station; boat sales; home building materials store; koshering of poultry sold at retail on the premises; motorcycle store; monument and tombstone sales; pawnshop; retail sale of medical and hospital equipment and supplies; and retail sale of packaged coal and wood for household use; and provided, further, that no adult use shall be considered a pedestrian-active use.

- (196) *Pedestrian and/or transit mall*: A public right-of-way and/or public rights-of-way from which general vehicular traffic shall be excluded except that public transportation vehicles, emergency vehicles and other vehicles by special permit may be allowed, and which shall have been specially constructed with amenities to enhance a primarily pedestrian environment.
- (197) *Permanent occupancy*: The use of housing accommodations or rooms on a month-to-month or year-to-year basis with a fixed rent for each period of occupancy.
- (198) *Permitted structure*: A structure meeting all the requirements established by this chapter for the district in which the structure is located.
- (199) *Permitted use*: Any use listed as a use by right, a use by temporary permit, a home occupation or an accessory use in any given district, and/or other uses allowed by section 59-54, powers (of the board of adjustment), and/or section 59-80, uses allowed in all districts unless restricted by special limitations, and/or any conditional use or use by special review which has been approved according to the required procedure.
- (200) *Person*: An individual including any receiver, guardian, personal representative, registered agent, fiduciary, or representative of any kind, and any corporation, partnership, firm, association, joint venture, or other legal entity.
- (201) *Photo studio, adult*: An establishment which, upon payment of a fee, provides photographic equipment and/or models for the purpose of photographing "specified anatomical areas."
- (202) *Plaza*: An open area at ground level accessible to the public at all times, and which is unobstructed from its lowest level to the sky. Any portion of a plaza occupied by landscaping, statuary, pools and open recreation facilities shall be considered to be a part of the plaza for the purpose of computing a floor area premium credit. The term "plaza" shall not include off-street loading areas, driveways, off-street parking areas or pedestrian ways accessory thereto.
- (203) *Plaza, enclosed*: A plaza with less than twenty-five (25) percent of its perimeter abutting a street or plaza.
- (204) *Plaza, entrance to*: An opening in a building wall, or between building walls, side lot lines or rear lot lines at ground level, unobstructed by any solid matter, but this shall not be construed to prohibit air curtains.

- (205) *Plaza, unenclosed*: A plaza with twenty-five (25) percent or more of its perimeter abutting a street or plaza.
- (206) *Police station*: Police protection centers operated by a governmental agency, including administrative offices, storage of equipment, temporary detention facilities, and the open or enclosed parking of patrol vehicles; excluding, however, correctional institutions.
- (206.5) *Political sign*: A sign expressing support for, or opposition to, a political candidate, political party, ballot or other election issue.
(Ord. No. 417-08, § 2, eff. 8-15-08)
- (207) *Portable sign*: Any sign that is not permanently affixed to building, structure or the ground.

- (208) *Postal facility, contract or finance*: A facility that has distribution boxes, collection, and/or retail services for the general public, but no mail carriers, and that is located in high density areas as an accessory use only to principal uses, such as offices, multifamily complexes, planned residential developments, stores and shops, institutions, or schools.
- (209) *Postal facility, neighborhood*: A facility that has distribution boxes (cluster boxes) and collection services for the general public, mail carriers, and retail services; excluding, however, the distribution of bulk mail or packages to other postal facilities.
- (210) *Postal processing center*: A facility used for the collection, sorting, processing, and distribution of bulk mail or packages to other postal facilities or to the general public, and which may have some retail services for the general public, such as stamps, postcards, or postal insurance.
- (211) *Premises*: A general term meaning part or all of any zone lot or part or all of any building or structure or group of buildings or structures located thereon.
- (212) *Printing service, publishing, business support*: Establishments engaged in the provision of services of a clerical, office employment, protective, office printing and reproduction, air courier pickup and delivery "drop-off points," or minor processing services to businesses rather than to individuals. This definition includes the following list of uses (including SIC groups and all subcategories not elsewhere listed):
- 733 Mailing, reproduction, commercial art, and photography;
 - 734 Equipment rental and leasing;
 - 737 Computer programming, data processing, and other computer related services (except computer programming, 7371; prepackaged software, 7372; and computer system design, 7373);
 - 738 Miscellaneous business services;
 - 7699 Uses from SIC 7699 primarily engaged in providing repair and other services to businesses, and to a lesser extent individuals, that by the nature of their operation have little impact on adjoining property due to noise, odor, vibration, and/or air or water pollution. These uses include: repair of small or precision equipment, such as medical, dental laboratory, or drafting equipment; publishing; lithography.
- (213) *Processing*: Any operation changing the nature of material or materials such as the chemical composition or physical qualities. Does not include operation described as fabrication.
- (214) *Professional or personal services*: A service establishment including, but not limited to, barber shop, beauty shop, medical clinic, cleaner, bank, copy center, health club and other similar services.

- (215) *Projecting sign*: A sign or graphic, other than a wall sign, that is attached to and projects from the wall, soffit, or eave of a building, is not in the same plane as the wall, soffit, or eave to which it is attached, and identifies a use within that building.
- (216) *Property*: Any land, building, or other structure, or part thereof.
- (217) *Public facility*: Those facilities which provide services to the public including, but not limited to, utilities, stormwater detention and drainage, fire station, police station, library, transit station, heliport, stadium, arena, recreational center, community center, on-site co-generation facilities using gas turbines or gas fueled fuel cells, district heating and cooling facilities, park-n-ride facility, electric substation and gas metering station, but excluding publicly dedicated streets and utility transmission, distribution and service lines; need not be enclosed. Temporary special events as permitted by the City and County of Denver may be allowed at a stadium and/or arena. The landing of rotorcraft may be allowed at a stadium and/or arena which existed as of September 27, 1988, subject to the approval of the Federal Aviation Administration.
- (218) *Public office*: A facility for administrative activity conducted by a governmental entity. Typical uses include city hall, social security office, or special district headquarters.
- (219) *Railway facilities*: Passenger terminal, railway yard, maintenance or fueling facilities; need not be enclosed.
- (220) *Railway right-of-way*: Any existing railway right-of-way; but not including railway yard, maintenance or fueling facilities; need not be enclosed.
- (221) *Rear line of a zone lot*:
- a. If the zone lot has one (1) front line, the boundary opposite that front line shall be the rear line; however, if there be in addition an alley abutting the zone lot and the boundary line opposite the front line and the alley are not coincidental the rear line shall be fixed by the zoning administrator;
 - b. If the zone lot has two (2) front lines the boundary opposite the shorter front line shall be the rear line; provided, however, if there be in addition an alley abutting the zone lot and the boundary line opposite the shorter front line and the alley are not coincidental, or if the zone lot is a corner zone lot not abutted by an alley on a block oblong in shape, and the longer dimensions of the lot coincide in direction with the longer dimensions of the block, or if the zone lot has two (2) front lines of equal length, or two (2) front lines of equal length and located in one (1) of the business arterial district zones, the rear line shall be fixed by the zoning administrator;
 - c. If the zone lot has two (2) or more abutting alleys the rear line shall be fixed by the zoning administrator;
 - d. If the zone lot has three (3) or more front lines there shall be no rear line; except for zone lots having two (2) or more structures under a planned building group in a residential district;

- e. If the zone lot has an arterial front line, the rear line shall always be opposite the arterial front line;
- f. Whenever the zoning administrator is required to fix the location of the rear line of a zone lot, the zoning administrator shall do so on the basis of the orientation of existing structures on the zone lot and on adjacent properties, so as best to protect such structures and permitted uses of such properties from any offensive effects of accessory structures and uses which may, under this ordinance, be permitted in the rear portion of such zone lot.

(222) *Rear of zone lot*: That portion of the zone lot farthest removed from the abutting street on any zone lot not a corner lot.

(223) *Recreation services, indoor*: Establishments providing indoor sports or recreation by and for participants; excluding, however, community center. Any spectators would be incidental and attend on an irregular basis. This definition includes, but is not limited to, all uses in the following SIC groups and the following uses:

- 791 Dance studios, schools, and halls;
- 792 Producers, orchestras, entertainers;
- 793 Bowling centers;
- 7941 Sports clubs, managers, and promoters;
- 7991 Physical fitness facilities;
- 7993 Amusement center, coin-operated amusement devices;
- 7997 Membership sports and recreation clubs;
- 7999 Amusement and recreation (except batting cages, go-cart raceway, and golf course, miniature);
- Billiard parlor,
- Children's indoor play center;
- Martial arts studio,
- Music studio;
- Excluding adult establishment.

(224) *Recreation services, outdoor*: Commercial establishments engaged in providing outdoor amusement or entertainment services by and for participants. Any spectators would be incidental and on an irregular basis. This definition includes, but is not limited to, all uses in the following SIC groups and the following uses:

- 7948 Racing, including track operation;
- 7996 Amusement/special interest parks;
- 7999 Batting cages;
- 7999 Go-cart raceway;
- 7999 Golf course, miniature;

Tennis, racquet ball and/or handball club;

Skateboard center;

Excluding adult establishment.

- (225) *Recycling center, facility*: A facility at which recoverable resources, such as newspapers, magazines, glass, metal cans, plastic materials, tires, grass and leaves, and similar items, except mixed, unsorted municipal waste or medical waste are collected, stored, flattened, crushed, bundled or separated by grade or type, compacted, baled or packaged for shipment to others for the manufacture of new products. This use does not include SIC group 5015 (motor vehicle parts, used), which is listed as a separate use.
- (226) *Recycling collection station*: Establishments engaged in collecting recyclable paper, household items, glass, plastic, aluminum, or other materials for the purpose of resource recovery. Typical uses include collection centers that use portable receptacles for collecting containers made from metal, glass, paper, or plastic.
- (227) *Recycling plant, scrap processor*: A facility at which recoverable resources, such as newspapers, magazines, books, and other paper products; glass; metal and aluminum cans; waste oil; iron and steel scrap; rubber; and/or other products are recycled and treated to return such products to a condition in which they may again be used for production. This definition includes, but is not limited to, all uses in the following SIC group:
- 5093 Scrap and waste materials.
- (228) *Rental room*: A room rented for short-term or permanent occupancy, offered to the public for compensation and which may contain facilities for cooking.
- (229) *Repair service, consumer*: Establishments engaged in the provision of repair services to consumers and households; excluding, however, the repair of vehicles and related equipment. Typical uses include appliance repair or musical instrument repair businesses. This definition includes all uses in the following SIC groups:
- 725 Shoe repair and shoeshine parlors;
- 762 Electrical repair shops;
- 763 Watch, clock, and jewelry repair;
- 764 Reupholstery and furniture repair;
- 7699 Uses from SIC 7699 primarily engaged in providing repair and other services to individuals including repair of personal use property such as cameras, musical instruments, bicycles, and other services, including locksmiths and custom picture framing.
- (230) *Residence for older adults*: A single unit dwelling or multi-unit dwelling housing a number of unrelated mobile older adults (individuals fifty-five (55) or more years of age) in excess of the number of unrelated persons allowed per dwelling unit, receiving fewer services than a special care home. A residence for older adults shall not be considered a residential care use.

- (231) *Residential, institutional / special*: Parish house, abbey, convent, monastery, priory or other similar residence for clergy, or institution of religious training, consular residence, residence for the employees, members or guests of a nonprofit corporation or association organized for a religious or charitable purpose.
- (232) *Residential accommodations*: Any building or part of a building used or intended to be used for sleeping accommodations by a person or group of persons. Other housekeeping facilities may be provided.
- (233) *Residential care use, large*: A residential structure which is the primary residence of nine (9) or more persons receiving residential care, a shelter for the homeless of any size, or a community corrections facility of any size. This use includes a residential treatment facility for substance abusers or the mentally ill which is the primary residence of nine (9) or more persons. This use shall not include: residence for older adults; nursing home, hospice; rooming and/or boarding house; safehouse; assisted living facility or a residential structure containing residents whose principal form of support is financial assistance.
(Ord. No. 57-09, § 2, eff. 1-30-09)
- (234) *Residential care use, small*: A residential structure which is the primary residence of eight (8) or fewer persons, but housing a number of unrelated persons in excess of the number of unrelated persons allowed per dwelling unit in the zone district or transitional housing of any size. This use shall not include a residence for older adults, community corrections facility, shelter for the homeless, rooming and/or boarding house, nursing home, safehouse or large special care home.
- (235) *Residential district*: Any RS-4, R-0, R-1, R-2, R-2-A, R-2-B, R-3, R-3-X, R-4, R-4-X, R-5, R-MU-20, R-MU-30 or R-X district.
(Ord. No. 244-07, § 1, eff. 6-8-07)
- (236) *Residential occupancy*: Any building or part of a building in which a person or group of persons are provided with sleeping accommodations. Other housekeeping accommodations may also be provided.
- (237) *Residential structure*: Any building or part of a building constructed with or as sleeping accommodations for a person or group of persons. Other housekeeping accommodations also may be provided.
- (238) *Retail*: Sale to the ultimate consumer for direct consumption or use and not for resale.
- (239) *Retail food establishment, mobile*: Readily movable motorized-wheeled vehicle designed and equipped to serve food or towed-wheeled vehicle designed and equipped to serve food. This definition shall not apply to uses which operate for less than thirty (30) consecutive minutes at each separate location.
- (240) *Retail, service, repair, consumer, large scale*: Establishments of more than thirty thousand (30,000) square feet of gross floor area engaged in the sale or rental of goods at retail, engaged in providing a service(s) to individuals, and/or engaged in the provision of repair services to consumers and households. This category includes all

uses listed under retail, service, repair, small scale, as well as department stores, warehouse clubs and superstores; limited to items which may be sold by any other use in this list. Repair, rental and servicing is limited to any article, except automobiles, trucks and trailers, the sale of which article is permitted in the B-3 district. This category excludes animal sales or service; building and garden materials, supplies, sales or rental; food sales or markets; and motor vehicle and related equipment sales, leasing, rental, or repair; as well as those uses listed under retail, service, repair, special.

This use includes any use from the following list of uses, or any similar use, as determined by the zoning administrator:

523 Paint, glass, and wallpaper stores;

53 General merchandise stores;

553 Auto and home supply stores;

56 Apparel and accessory stores;

572 Household appliance stores;

573 Radio, television, and computer stores;

593 Used merchandise stores;

594 Miscellaneous shopping goods stores;

599 Retail stores, except for the retail sale of fireworks.

Including uses from NAICS 812 except 8122, mortuaries and cemeteries;

81233 Industrial launderers and linen supply; 81291, pet care services; and

81293 Parking lots and garages;

7212 Garment pressing and agents for laundries and drycleaners;

7215 Coin-operated laundries and cleaning.

725 Shoe repair and shoeshine parlors;

762 Electrical repair shops;

763 Watch, clock, and jewelry repair;

764 Reupholstery and furniture repair;

7699 Uses from SIC 7699 primarily engaged in providing repair and other services to individuals including repair of personal use property such as cameras, musical instruments, bicycles, and other services, including locksmiths and custom picture framing.

(241) *Retail, service, repair, consumer, medium scale:* Establishments of more than ten thousand (10,000) square feet and not greater than thirty thousand (30,000) square feet gross floor area engaged in the sale or rental of goods at retail, engaged in providing a service(s) to individuals, and/or engaged in the provision of repair services to consumers and households. This category includes all uses listed under retail, service, repair, small scale. This category excludes animal sales or service; building

and garden materials, supplies, sales or rental; food sales or markets; and motor vehicle and related equipment sales, leasing, rental, or repair; as well as those uses listed under retail, service, repair, special.

- (242) *Retail, service, repair, consumer, small scale*: Establishments of ten thousand (10,000) square feet or fewer-of gross floor area engaged in the sale or rental of goods at retail, engaged in providing a service(s) to individuals, and/or engaged in the provision of

repair services to consumers and households. This category excludes animal sales or service; building and garden materials, supplies, sales or rental; food sales or markets; and motor vehicle and related equipment sales, leasing, rental, or repair; as well as those uses listed under retail, service, repair, special. All uses shall be enclosed unless otherwise indicated. This category includes the following list of uses:

- Apparel and accessories, dry goods (limited to soft lines only);
- Appliances, household;
- Art gallery, goods, supplies;
- Automobile accessories, including sale of packaged auto parts only, excluding auto or trailer rental, repairing, storage or dismantling on the premises;
- Barber, beauty shop;
- Bicycles;
- Boutiques;
- Camera, photographic supply and photo processing store;
- Computers, personal, typewriters, adding machines and related equipment and supplies;
- Drugs, apothecary, pharmacy (limited to sale of pharmaceuticals and medical supplies);
- Dry cleaner or laundry, collection and distribution station;
- Dry cleaning plant, perchlorethylene package plant only which:
 1. Uses petroleum derivative solvents for spotting only, and not as a general dry cleaning solvent;
 2. Does not discharge steam into the atmosphere under pressure;
 3. Does not dry clean clothes from collection stations, or from other plants removed from the subject plant;
- Electronics, home;
- Flower shops;
- Floor coverings, rugs, carpets, linoleum, tile;
- Furniture or furnishings, home or office, interior decorating shop;
- Gifts;
- Hardware;
- Hobby supplies;
- Jewelry (including repairing of jewelry, watches and clocks);
- Laundry, package plant only, which:
 1. Processes family wash only (no commercial or industrial work);
 2. Uses not more than one (1) shirt unit;
 3. Does not discharge steam into the atmosphere under pressure; and

4. Does not launder clothes from collection stations, or from other plants removed from the subject plant;
Laundry, customer self-service only;
Locksmith and locks;
Luggage;
Medical, hospital equipment and supplies, hearing aids, orthopedic and prosthetic devices and appliances fabrication, repair and sale, limited to prescription work only;
Music (sheet and recorded), and musical instruments;
Office supplies;
Optical goods, optician;
Paint and wallpaper;
Photographic studio, including processing and developing;
Picture frame shop, may include assembly and retail sale of custom-made frames, "do-it-yourself" assembly by customers, retail sales of ready-made frames and/or retail sales of artwork, prints or posters;
Repair, rental and servicing, limited to any product the sale of which product is a use by right in the B-2 or B-3 districts;
Services, professional and personal;
Sewing machines, limited to models for individual home use, may include instruction in sewing on an individual or class basis;
Shoes and shoe repair;
Specialty store, limited fabrication and retail sale of artwork and/or craftwork or other objects similar in character as determined by the zoning administrator; such use may include classes explaining the fabrication of objects and shall be limited to five employees;
Sporting goods; provided, however, any sale of guns shall only be permitted as an accessory use to the use by right;
Stationery;
Tailor (pressing, altering and repairing of wearing apparel);
Television and radio store and repair shop;
Tobacco;
Toys;
Vacuum cleaners;
Variety store selling only those items which may be sold by any other use by right in the B-2 zone district;
Any similar use, as determined by the zoning administrator, excluding adult establishments.

(243) *Retail, service, repair, special*: Establishments engaged in the sale or rental of goods at retail, engaged in providing a service(s) to individuals, and/or engaged in the provision of repair services that may have significant impacts to surrounding neighborhoods in terms of noise, air, odor or other pollution; automobile traffic; hours of operation; outdoor sales; or the nature of the goods sold or the services provided. These establishments include, but are not limited to:

- Appliances;
- Auctioneer;
- Automobile and truck parts, accessories, tires and tubes;
- Beauty shop equipment and supplies;
- Business machines, equipment sales, service;
- Coal or wood for household use, sale at retail only;
- Firearms;
- Health equipment and supplies;
- Health treatment on the payment of a fee or admission charge;
- LP gas, retail sale;
- Monuments, need not be enclosed; provided, however, that any outdoor display shall be screened from abutting properties by means of some planting, a fence or wall;
- Public bath/spa;
- Repair, rental and servicing, limited to any article the sale, warehousing, fabrication or assembly of which is permitted in the district;
- Television and radio equipment;
- Any commodity the fabrication or assembly of which is a permitted use in this district;
- Any similar use, as determined by the zoning administrator, excluding adult establishments.

(243.1) *Retaining wall*: A wall which is designed to, and in fact does, retain the earth on one (1) side at a higher elevation than the earth on the other side. Only that portion of the wall that actually retains earth shall be considered a retaining wall the remainder shall be a fence or wall and be measured as set forth in section 59-2(112.1).

(Ord. No. 363-06, § 2, eff. 6-16-06)

(244) *Retreat center*: A building or group of buildings providing meeting or conference facilities for groups of persons who are the members, employees and/or guests of a religious, charitable or other nonprofit organization, and which may also include dining facilities and temporary residential accommodations for persons attending such meetings or conferences and their guests; but not a hotel or motel.

- (245) *Roof line*: The highest point on any building or structure where a exterior wall or parapet wall encloses roof or floor area, including floor area provided for housing mechanical equipment.
- (246) *Roof sign*: A sign attached to the roof of a building which sign projects above the highest point of the roof of the building or the roof of that portion of the building to which it is attached.
- (247) *Room*: Any enclosed division of a building containing over seventy (70) square feet of floor space and commonly used for living purposes, not including lobbies, halls, closets, storage space, bathrooms, utility rooms and unfinished attics, cellars or basements. An enclosed division is an area in a structure bounded along more than seventy-five (75) percent of its perimeter by vertical walls or partitions, or by other types of dividers which serve to define the boundaries of the division.
- (248) *Rooming and/or boarding*: The furnishing of lodging with or without meals for compensation to permanent guests.
- (249) *Rooming and/or boarding house*: A residential structure which provides lodging with or without meals, is available for permanent occupancy only and which makes no provision for cooking in any of the rooms occupied by paying guests.
- (250) *Rotorcraft*: Any aircraft deriving its principal lift or support in the air from one (1) or more rotors or from the vertical component of the force produced by rotating airfoils.
- (250.5) *Rowhouse*: a multiple unit residential structure in which each dwelling unit has a separate entrance directly to the exterior and no part of any dwelling unit is constructed vertically above any part of another dwelling unit.
- (Ord. No. 53-08, § 1, eff. 2-8-08)
- (251) *Safehouse*: A residential structure which provides residents a place of refuge from abusive people or dangerous social situations. Such structure does not provide refuge for fugitives from justice. Such use may be allowed under the title of "rooming and/or boarding house" or "multiple unit dwelling."
- (252) *Sand or gravel quarry*: An open pit from which sand, gravel is taken to be processed for commercial purposes.
- (253) *School, elementary or secondary*: A public or private school meeting all requirements of the compulsory education laws of the state and providing instruction to students in kindergarten through grade twelve (12) and schools that provide preparatory schooling for children of any age younger than the state age of mandatory attendance. Secondary schools consist of middle schools and high schools, generally grades seven (7) through twelve (12).
- (Ord. No. 341-06, § 1, eff. 6-9-06)

- (254) *School, vocational, professional or other*: Education or training in business, commerce, language, or other similar activity or occupational pursuit, or in the use of specialized, technical, or technological equipment or office machines, and not otherwise defined as home occupation, college or university, or elementary or secondary school.
- (255) *School, vocational, professional or other, small*: Education or training in business, commerce, language, or other similar activity or occupational pursuit, or in the use of specialized, technical, or technological equipment or office machines, of more than five (5), but not more than fifty (50) students and without boarding of the students. Typical uses include auto mechanic, clerk/typist, and medical technician schools.
- (256) *Semi-trailer*: Any vehicle of the trailer type so designed and used in conjunction with a truck-tractor that some part of its own weight and that of its own load rest upon or is carried by a truck-tractor.
- (257) *Service, repair, commercial*: Establishments primarily engaged in providing services to commercial and business establishments. Operations may include large-scale facilities and storage of merchandise and equipment outside enclosed buildings. Commercial services includes the following list of uses (including SIC groups and all subcategories not elsewhere listed):
- Building maintenance service;
 - Laundry or dry cleaning, commercial, industrial;
 - 721 Laundry, Cleaning, and Garment Services;
 - 735 Equipment Rental and Leasing;
 - 7623 Refrigeration Service and Repair;
 - 7692 Welding Repair;
 - 7694 Armature Rewinding Shops;
 - 7699 Establishments from SIC 7699 primarily engaged in providing repair and other services to businesses and, to a lesser extent, individuals, that by the nature of their operation could impact adjoining property due to noise, odor, vibration, and/or air or water pollution. Uses include repair or servicing of large or heavy machinery, such as engines and appliances, and welding, blacksmith, or gunsmith shops; and septic tank or sewer cleaning services; but not to include agriculture and farm equipment, industrial truck repair, and motorcycle repair.
- (258) *Setback space*: The required distance, and the land resulting therefrom, between a zone lot line and the closest possible line of a conforming structure.
- (259) *Sexually oriented commercial enterprise*: A massage parlor, nude studio, modeling studio, love parlor, encounter parlor or any other similar commercial enterprise whose major business is the offering of a service which is intended to provide sexual stimulation or sexual gratification to the customer but not including: (a) a business licensed to sell alcoholic beverages, any bookstore or theater, (b) a business operated or

employing licensed psychologists, licensed physical therapists, licensed cosmetologists or licensed barbers performing functions authorized under the license held, and a business operated by or employing licensed physicians or licensed chiropractors engaged in the healing arts.

- (260) *Shelter for the homeless*: A facility which has as its primary function the provision for overnight sleeping accommodations for homeless people. Such accommodations shall be in undivided sleeping space, offered for little or no financial compensation, and shall be operated in a manner which encourages short-term occupancy by residents. Such facility may include accessory support services but shall not be operated in such a manner that changes its primary function to a use classified as follows: community corrections facility, hospital, nursing home, rehabilitation center for the handicapped, or residence for older adults. A shelter for the homeless shall be considered a large residential care use.
- (261) *Shop*: A use devoted primarily to the sale of a service or a product or products but the service is performed or the product to be sold is prepared in its finished form on the premises. Packaging is not considered to be preparation.
- (262) *Short-term occupancy*: The use of housing accommodations or rooms by a person or persons for periods less than one (1) month.
- (263) *SIC*: Standard Industrial Classification as published by the U.S. Census Bureau, has been replaced by the NAICS.
- (264) *Side line of a zone lot*: Any boundary of a zone lot which is neither a front line nor a rear line.
- (265) *Sign*: A sign is any object or device or part thereof situated outdoors or indoors which is used to advertise or identify an object, person, institution, organization, business, product, service, event or location by any means including words, letters, figures, designs, symbols, fixtures, colors, motion illumination or projected images. Signs do not include the following:
- a. Flags of nations, or an organization of nations, states and cities, fraternal, religious and civic organizations;
 - b. Merchandise, pictures or models of products or services incorporated in a window display;
 - c. Time and temperature devices not related to a product;
 - d. National, state, religious, fraternal, professional and civic symbols or crests;
 - e. Works of art which in no way identify a product.
- (266) *Sign with backing*: Any sign that is displayed upon, against or through any material or color surface or backing that forms an integral part of such display and differentiates the total display from the background against which it is placed.

(267) *Sign without backing*: Any word, letter, emblem, insignia, figure of similar character or group thereof, that is neither backed by, incorporated in or otherwise made part of any larger display area.

(267.5) *Solar panel, flush mounted*: A solar energy collection device mounted to the roof of a structure in such a manner that the device is not more than one (1) foot above the roof surface to which it is attached, and mounted so that the device is in a plane which is parallel to the surface of the roof to which it is attached, and mounted so that the edge of the device is at least two (2) feet in from the edge of the roof to which it is attached. (See Illustration 1.)

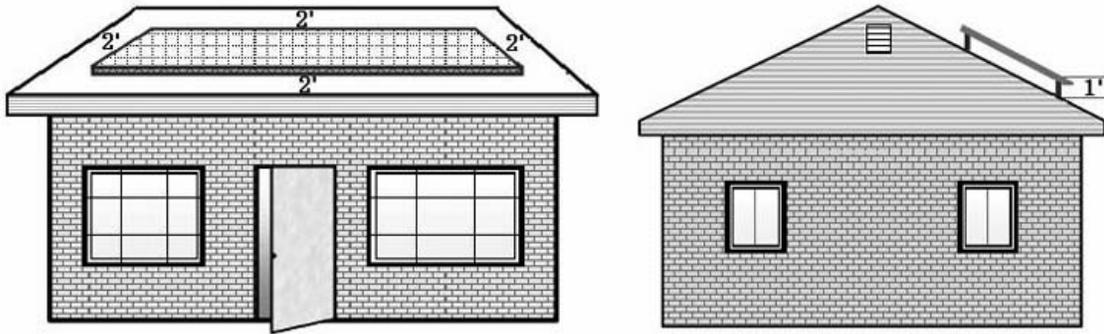


Illustration 1

(Ord. No. 53-08, § 2, eff. 2-8-08)

(268) *Solid waste facility*: An establishment in which municipal solid waste is collected, separated by material, compacted, baled or packaged for shipment to others for the manufacture of new products or for disposal. No manufacturing, remanufacturing, fabrication or processing of new products shall occur in this facility. This title may include a transfer station.

(269) *Special care home*: A special care home is either a single unit dwelling or a multi-unit dwelling housing a number of unrelated persons in excess of the number of unrelated persons allowed per dwelling unit in the zone district in which the dwelling unit is

located, where such persons are living as a single housekeeping unit and are receiving more than twelve (12) hours per day of on-premises treatments, supervision, custodial care or special care due to physical condition or illness, mental condition or illness, or behavioral or disciplinary problems. A special care home, depending on its size, shall be considered a large or small residential care use.

(270) *Specified anatomical area* shall include:

- a. Less than completely and opaquely covered:
 1. Human genitals and/or pubic region;
 2. The area of the buttock which is located around the lower backbone between straight lines drawn from the outermost point of the pelvis on the side of the body to the ischial tuberosity;
 3. The area of the female breast described as follows: the areola and the lower quadrant of each breast as defined by two (2) lines which crisscross the breast and intersect at right angles at the areola. Such lines also intersect at a forty-five-degree angle the vertical axis of the body as represented by the backbone when viewed from the front of the body;
- b. Human male genitals in a discernibly turgid state, even if completely or opaquely covered.

(271) *Specified sexual activities* shall include:

- a. Human genitals in a state of sexual stimulation or arousal;
- b. Acts of human masturbation, sexual intercourse, oral or anal sex, or sodomy;
- c. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast.

(272) *Sports and/or entertainment facility*: Establishments designed, intended, or used primarily for indoor or outdoor spectator events including, but not limited to, professional and amateur sporting events, concerts, theatrical presentations, or motor vehicle racing. Typical uses include coliseums, arenas and sports stadiums.

(273) *Storage*: The act of depositing goods, wares and merchandise in any structure, part of a structure or warehouse, gratuitous or otherwise, shall be called storage.

(274) *Storage services*: The use of a structure or part of a structure designed for storing nonhazardous goods; business, personal, or household effects; and other items of personal property by or with permission of the owner of that personal property.

(275) *Store*: A use devoted exclusively to the retail sale of a commodity or commodities.

(276) *Story*: That part of a building between the surface of a floor and the ceiling immediately above.

(277) *Street*: A public thoroughfare, avenue, road, highway, boulevard, parkway, driveway, lane, court or private easement providing, generally, the primary roadway to and egress from the property abutting along its length.

- (278) *Street front*: Any boundary line of a zone lot or parcel of land that runs parallel to and within twenty (20) feet of the right-of-way of a street or highway designated and assigned an individual name or number by the legislative action of the city.
- (279) *Street property line*: A common boundary between private property and a dedicated street or alley.
- (280) *Structural feature*: Any part of a structure which is designed for or indicative of the intent to accommodate any given use.
- (281) *Structure*: Anything which is constructed or erected and the use of which requires more or less permanent location on ground or attachment to something having permanent location on ground, not, however, including wheels; an edifice or a building of any kind; any production or piece of work, artificially built up or composed of a parts and joined together in some definite manner. (Entrances not more than two (2) feet above grade and vents not more than three (3) feet above grade, which are features of bomb or fallout shelters, shall not be considered a structure or structural feature for purposes of setback computations).
- (282) *Studio, professional*: A place where works of art are created, displayed and sold, or instruction of the arts to students occurs in the fields of painting, drawing, sculpture, etching, craftwork, fine arts, photography, bridge, or similar fields; but not including health treatment or the use of kilns exceeding twenty (20) square feet in size.
- (283) *Tandem parking*: The parking of two (2) vehicles either end to end, vertically stacked, or front to back in a parking space so that if both vehicles are parked one vehicle must be moved in order for the other vehicle to exit the parking space.
- (284) *Telecommunications facilities*: The plant, equipment and property, including but not limited to, cables, wires, conduits, ducts, pedestals, antennas, towers, alternative tower structures, electronics and other appurtenances used to transmit, receive, distribute, provide or offer telecommunications services.
(Ord. No. 763-05, § 2, eff. 10-28-05)
- (285) *Telecommunications service*: The providing or offering for rent, sale or lease, or in exchange for other value received, or for the provision of any emergency telecommunications purposes, of the transmittal of voice, data, image, graphic and video programming information between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite or similar facilities, with or without benefit of any closed transmission medium.
(Ord. No. 763-05, § 3, eff. 10-28-05; Ord. No. 364-06, § 2, eff. 6-16-06)
- (286) *Telecommunications support facilities*: Support buildings, structures and equipment cabinets containing electrical and mechanical equipment and devices used for the reception of or transmission of voice, data, image, graphic and video programming information between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite or similar facilities.
(Ord. No. 763-05, § 4, eff. 10-28-05)

- (287) *Temporary sign*: Any sign or advertising display constructed of cloth, canvas, fabric, paper, plywood or other light material intended to be displayed for a short period of time.
- (288) *Terminal, freight, air courier services*: Facilities for handling freight, with or without storage and maintenance facilities. This definition includes, but is not limited to, all uses in the following SIC groups and the following uses:
- 421 Trucking and courier services;
 - 423 Trucking terminal facilities;
 - Railroad terminal facilities;
 - 4513 which includes:
 - Courier services, air;
 - Letter delivery, private: air;
 - Package delivery, private: air;
 - Parcel delivery, private: air.
- (289) *Terminal and service facility for bus system*: Establishments primarily engaged in furnishing mass passenger transportation over regular routes and on regular schedules, the operations of which may be principally outside of a single municipality, contiguous municipalities, a municipality and its suburban areas or a regional transportation district. Also included in this definition are parking lots provided for the use of passengers or employees of the transit provider.
- (290) *Terminal, public transportation, local*: Establishments primarily engaged in furnishing local and suburban mass passenger transportation over regular routes and on regular schedules with operations confined principally to a municipality, contiguous municipalities, a municipality and its suburban areas or a regional transportation district. Also included in this definition are parking lots provided for the use of passengers or employees of the transit provider.
- (291) *Theater*: A structure used for dramatic, operatic, motion pictures or other performance, for admission to which entrance money is received and no audience participation or meal service allowed.
- (292) *Theater, adult*: A theater used for the presentation of material distinguished or characterized by an emphasis on material depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.
- (293) *Theater, indoor*: Establishments engaged in the provision of cultural, entertainment, and other events to spectators as well as those involving social gatherings. Typical uses include theaters, and multiplex cinemas. This definition includes, but is not limited to, all uses in the following SIC group:
- 7832 Motion picture theaters, except drive-in;
 - Theater, studio;
 - Excluding adult establishment.

- (294) *Theater, studio*: A structure used for dramatic, operatic, motion pictures or other similar performances, excluding, however, any form of adult amusement or entertainment. Seating capacity is limited to one hundred (100) people and meal service may be included with the performance. Performances must be concluded by 10:30 p.m. on Sunday through Thursday and by 11:30 p.m. on Friday and Saturday.
- (295) *Tourist home*: one (1) or more buildings, each building containing only one (1) or more guest rooms.
- (296) *Tower*: Any structure designed and constructed primarily for the purpose of supporting one (1) or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, and other similar structures, including alternative tower structures. This term also includes any antenna or antenna array attached to the tower structure.
(Ord. No. 763-05, § 5, eff. 10-28-05)
- (297) *Tower height*: The distance measured from the lowest point at grade within ten (10) feet of the tower to the highest point on the tower, including the base pad and any antenna.
(Ord. No. 763-05, § 6, eff. 10-28-05)
- (298) *Trailer*: Any vehicle without a motor or other means of self-propulsion designed to carry property primarily on its own structure and to be drawn by a motor vehicle. Trailers shall include but shall not be limited to the following: utility trailers, boat trailers, flatbed trailers, camper trailers, home-made trailers, and fifth-wheel trailers not designed to be used in conjunction with a truck-tractor.
- (299) *Trailer camp or court*: Any premises where one (1) or more trailer coaches are parked for living and sleeping purposes, or any premises used or set apart for the purpose of supplying to the public parking space for one (1) or more trailer coaches for living and sleeping purposes, and which include any buildings, structures, vehicles or enclosure used or intended for use as a part of the equipment of such trailer camp or court.
- (300) *Trailer length measurement*: The distance measured between the rear-most portion of the trailer and either the trailer-connecting hitch or the front-most portion of the trailer, whichever is greater. Measurements shall include bumpers, accessories, watercraft stored on the trailer, and any permanent extensions or projections from the trailer. Measurements shall not include any temporary extensions or projections such as "slide-outs" when they are in the closed position.
- (301) *Transitional housing*: A residential structure housing a number of unrelated persons in excess of the number of unrelated persons allowed per dwelling unit in the zone district, where such persons are provided with individual bedrooms, where the primary service offered at the facility is related to transitioning into permanent housing and all services provided are not sufficient to constitute a special care home

and where occupancy of such housing is primarily made available for more than thirty (30) days and less than two (2) years. Transitional housing shall be considered a small residential care use.

- (302) *Truck length measurement*: The distance measured from the front bumper to the rear bumper, except, however, when extensions or projections are added beyond the front or rear bumper, then the measurement shall also include such extensions or projections.
- (303) *Underground parking*: A parking surface which is located a minimum of eight (8) feet below the street level and is covered by a structure which provides a surface for another use.
- (304) *University or college*: An educational institution which offers specialized instruction in any of several fields of study and/or in a number of professions or occupations and is authorized to confer various degrees such as the bachelor's degree. Such institutions may include any number of buildings on adjacent zone lots or on zone lots directly across streets or alleys from each other. They may include a variety of uses such as classroom buildings, administrative offices, sports facilities, residential dormitories, research facilities and other related uses operated by the governing board of the institution within the campus or on adjoining zone lots. Amusement devices may be maintained and operated as a part of this use provided such devices are located in the student center, lounge or residential dormitories and do not occupy an area more than ten (10) percent of the ground level floor area of the structure.
- (305) *Unobstructed open space*: Land with no buildings thereon, except clubhouses and other similar recreational facilities, fenced or walled trash facilities and pits for household garbage cans. Notwithstanding the definitions noted above, the following provisions apply to the specified zone districts:
- a. Except as otherwise provided herein, in the R-0, R-1, R-2 and R-2-B zone districts unobstructed open space shall include any areas which are open to the sky including driveways; driving aisles, unenclosed parking spaces (except in the R-2 P.B.G.'s); porches, terraces, patios or decks the surface of which is two and one half (2 ½) feet or less above grade; and unenclosed areas covered by a trellis or arbor. In the R-0, R-1 and R-2 zone districts, the following portions of the zone lot shall not be deemed to be unobstructed open space: any area bordered by walls on more than three sides; any porch, terrace, patio or deck enclosed by any railing, wall, or similar structure in excess of three (3) feet in height above the surface of the porch, terrace, patio or deck; and any area beneath a projecting architectural or structural element such as balconies, bay windows, or second floor projections, excepting eaves.
 - b. In the Cherry Creek North (CCN) zone district the term "unobstructed open space" is synonymous with the term "open space" where required setback areas do not count as part of the open space.

- (306) *Use*: The purpose for which land or structures thereon is designed, arranged or intended to be occupied or used, or for which it is occupied, maintained, rented or leased.
- (307) *Use by right*: A use which is listed as a use by right in any given zone district in this chapter. Uses by right are not required to show need for their location.
- (308) *Use by temporary permit*: Listed uses which may be permitted in any given district provided that the need for the use in the district can be established to the satisfaction of the department of zoning administration as herein provided.
- (309) *Utility, major impact*: Above-grade utilities exceeding ten thousand (10,000) square feet of gross site area that has a substantially larger-than-local impact. This definition includes all uses in the following SIC groups and the following uses:
- 4911 Electric services including wind and solar generating stations;
 - 4922 Natural gas transmission;
 - 4923 Natural gas transmission and distribution;
 - 4924 Natural gas distribution;
 - 4925 Mixed, manufactured, or liquefied petroleum gas production and/or distribution;
 - 493 Combination electric and gas, and other utility services;
 - 494 Water supply;
 - 495 Sanitary services;
 - 496 Steam and air-conditioning supply;
 - 497 Irrigation systems.
- Solid waste facility;
- Other similar facilities.
- (310) *Utility, minor impact*: Above-grade utilities of less than ten thousand (10,000) square feet of gross site area that have a localized impact on surrounding properties and are necessary to provide essential services. This definition includes all uses in the following SIC groups:
- 4813 Telephone communications, except radiotelephone, limited to telephone switching stations;
 - 4911 Electric services, limited to electrical substations, and electrical relay switching stations; if electric substation transformers are exposed, there shall be provided an enclosing fence or wall at least six (6) feet high and adequate to obstruct view, noise and passage of persons or materials;
 - 4923 Natural gas transmission and distribution, limited to natural gas distribution substations;
 - 494 Water supply, limited to utility pumping stations.

(311) *Vehicle, equipment sales, leasing, service, rental*: Sales, leasing, or rental, and related servicing, of:

- (a) Trucks in excess of one-and-one-half (1½) tons or equipment for use in agriculture, mining, industry, business, transportation, building, or construction; or
- (b) Automobile hitches or trailers, house trailers, recreational vehicles, and boats, but excluding commercial wrecking, dismantling, or junkyard.

Also, establishments primarily engaged in servicing, repairing, overhauling, inspecting, licensing, and maintaining aircraft. These establishments typically include administrative offices, warehousing of aircraft parts inventories, employee locker rooms, and cafeterias.

(312) *Vehicle storage, commercial*: The assembling or standing of operable vehicles for periods of more than one (1) day. Such use shall not include the storage of damaged, dismantled or impounded vehicles.

(313) *Wall sign*: A sign attached to, painted on or erected against a wall, fascia, parapet wall or pitched roof of a building or structure, and no part of which sign projects above the highest point of the roof and whose display surface is parallel to and extends not more than twenty-four (24) inches from the wall to which it is attached and extends not more than eight (8) inches from the fascia to which it is attached or, if attached to a pitched roof, the bottom of its display surface does not extend more than six (6) inches vertically from the roof surface and the top of its display surface does not extend more than forty-eight (48) inches horizontally from the roof surface.

(314) *Warehouse*: A warehouse is a structure or part of a structure, for storing goods, wares and merchandise, whether for the owner or for others, and whether the same being public or private warehouse.

(315) *Warehousing*: The depositing or securing of goods, wares and merchandise in a warehouse.

(316) *Wholesale*: Sale for resale not for direct consumption.

(317) *Wholesale trade, general, storage of toxic and/or hazardous materials*: Establishments primarily engaged in selling durable and nondurable goods to retailers; to industrial, commercial, institutional, farm, building trade contractors, or professional business uses; or to other wholesalers. Activities may include physically assembling, sorting, and grading goods into large lots and breaking bulk for redistribution in smaller lots. Operations with more than twenty-five (25) percent of sales to retail customers require the appropriate business zone district. This definition includes, but is not limited to, all uses or products in the following SIC groups and uses:

- 501 Motor vehicles, parts, and supplies (except motor vehicle parts, used, SIC group 5015);
- 505 Metals and minerals, except petroleum;
- 508 Machinery, equipment, and supplies;

- 515 Farm-product raw materials;
- 516 Chemicals and allied products;
- 5191 Farm supplies.

Sale at wholesale and/or storage of toxic or hazardous materials as determined by the fire department. This includes, but is not limited to, refrigeration equipment and supplies, chemicals, and allied products and petroleum products.

- (318) *Wholesale trade, light, storage of nontoxic, nonhazardous materials*: An establishment primarily engaged in selling durable and nondurable goods to retailers; to industrial, commercial, institutional, farm, building trade contractors, or professional business uses; or to other wholesalers. Activities may include physically assembling, sorting, and grading goods into large lots and breaking bulk for redistribution in smaller lots in such a way as to have a minimal impact on surrounding properties. Operations with more than twenty-five (25) percent of sales to retail customers require the appropriate business zone district. This definition includes all uses or products in the following SIC groups and uses:

- 502 Furniture and home furnishings;
 - 503 Lumber and construction materials;
 - 504 Professional and commercial equipment;
 - 506 Electrical goods;
 - 507 Hardware, plumbing, and heating equipment;
 - 509 Miscellaneous durable goods (except scrap and waste materials, SIC group 5093);
 - 511 Paper and paper products;
 - 512 Drugs, proprietaries, and sundries;
 - 513 Apparel, piece goods, and notions;
 - 514 Groceries and related products;
 - 518 Beer, wine, and distilled beverages;
 - 519 Miscellaneous nondurable goods (except farm supplies, SIC group 5191).
- Postal processing center;
- Storage services;
- Sale at wholesale and/or storage or warehousing of nontoxic, non-hazardous materials as determined by the fire department.

- (319) *Window sign*: A sign which is applied or attached to, or located within three (3) feet of the interior of a window, which sign can be seen through the window from the exterior of the structure.

- (320) *Wind energy conversion system*: Any mechanism including blades, rotors and other moving surfaces designed for the purpose of converting wind into mechanical or electrical power.

(321) *Wind sign*: Any sign in the nature of a series of two (2) or more banners, flags, pennants or other objects or material which shall call attention to a product or service, fastened in such a manner as to move upon being subjected to pressure by wind or breeze.

(322) *Zone lot*: The land designated as the building site for a structure; also, the land area occupied by a use or a structure. Such land area shall be composed of a single parcel of contiguous land and may be designated as a zone lot only by the owner or owners thereof. All designations of zone lots shall be filed with the department of zoning administration. Upon application to and approval by the department of zoning administration, the boundaries and area of a designated zone lot may be amended if full compliance with all requirements of this chapter can be maintained. In cases where the designation has been recorded, whenever such an amendment is granted, the department shall record in the office of the clerk such releases and new designations, or appropriate records thereof, as are appropriate to indicate the amendment. Whenever it becomes necessary to determine the zone lot for a structure or a use operating or existing prior to the effective date of this chapter, such determination shall be made by the aforesaid department.

(Ord. No. 03-361, § 1, 5-23-03)

Cross reference—Definitions and rules of construction generally, § 1-2.

Secs. 59-3—59-15. Reserved.