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CHAPTER 11: DEFINITIONS

11-10: DEFINITIONS

In the interpretation of this Land Use Code the rules and definitions of this Sec. 11-10 shall be observed and applied, except when the context clearly indicates otherwise.

- Words used or defined in one tense or form shall include other tenses and derivative forms.
- Words in the singular number shall include the plural number, and words in the plural number shall include the singular number.
- The masculine gender shall include the feminine and the feminine gender shall include the masculine.
- The words "shall" or "must" are mandatory.
- The words "may" or "should" are permissive.
- The word "person" includes individuals, firms, corporations, associations, and any other similar entities.
- The word "county" means the County of Pitkin, Colorado.
- The word "state" means the State of Colorado.
- In case of any difference of meaning or implication between the text of this Land Use Code and any caption or illustration, the text shall control.

ABANDONMENT when used in the context of oil and gas extraction, means that the presumption of permanent abandonment of a well shall be based on the operator's filing with the Colorado Oil and Gas Conservation Commission. Presumption of permanent abandonment of a facility shall be based upon nonuse or operation for one (1) year without notification to the Community Development Department of the intent to resume operations under specified conditions, or as otherwise defined by the Colorado Oil and Gas Conservation Commission.

ACCESS means a paved or unpaved area intended to provide legal ingress or egress to a property.

ACCESSORY AUTOMOBILE PARKING means automobile parking required pursuant to Sec. 7-30-20, or otherwise provide for residents or patrons of a legal permitted use of the property as a convenience during their residence or patronage of the use. This use does not include the commercial storage of vehicles for periods of longer than one (1) month in return for payment, services, or patronage.

ACCESSORY STRUCTURE WITH BATHING FACILITY means any accessory structure that is not an accessory dwelling and that contains a bathing facility.

ACCESSORY USE OR ACCESSORY STRUCTURE means a use or structure that is naturally and normally incidental to, subordinate to, and devoted primarily to the principal use or structure on the land; does not change the basic character of the land use, as determined by its principal use or structure; is subordinate in area, extent and purpose to the principal use or structure served; contributes to the comfort, convenience or necessity of the

occupants of the principal use or structure served; and is located on the same lot or contiguous lots under the same ownership as the principal use or structure. In no event shall an accessory use be construed to authorize a use not otherwise permitted in the zone district in which the principal use is located, and in no event shall an accessory use or structure be established prior to the principal use or structure to which it is accessory. Accessory structures shall not be provided with kitchen or bath facilities sufficient to render them suitable for permanent residential occupation, unless approved pursuant to the provisions of this Land Use Code. This Use Category includes uses like, but not limited to, “Accessory Structure With Bathing Facility”, “Arts and Crafts Studio, Accessory,” “Bus Stop”, “Caretaker Dwelling Unit”, “Club House or Recreational Building”, “Day Care Home”, “Employee Dwelling Unit”, “Home Occupation”, “Satellite Reception Device”, “Solar Energy Collector”, “Temporary Commercial Use”, “Trail”, “Water Crossing or Diversion”, “Wind Powered Electric Generator”, and other uses that the Community Development Director determines belong in this Use Category.

ACCESSORY USE OR STRUCTURE, RR-LIR-AH/PUD means an accessory use or structure that is available under certain circumstances in the RR, LIR, and AH-PUD zone districts, but is not listed separately as a distinct form of accessory use or structure in this Land Use Code.

ACTIVITY ENVELOPE means one or more areas of a lot or parcel designated in accordance with this Land Use Code within which all development must occur, and that may include separate areas for different activities, including, but not limited to, a well or other water supply, septic system, landscaping, construction, grading, mitigation of environmental hazards, vegetation removal or disturbance, etc.

ACTIVITY OF STATE INTEREST includes the following activities:

- A. Site selection and construction of major new domestic water and sewage treatment systems and major extension of existing domestic water and sewage treatment systems;
- B. Site selection and development of solid waste disposal sites;
- C. Site selection of airports;
- D. Site selection of rapid or mass transit terminals, stations, and fixed guideways;
- E. Site selection of arterial highways and interchanges and collector highways;
- F. Site selection and construction of major facilities of a public utility;
- G. Efficient utilization of municipal and industrial water projects;
- H. Conduct of nuclear detonations.

ADDITION means the adding on to a structure, usually resulting in an increase in floor area.

ADJACENT means the land or property directly adjoining the property in question, or land located across an alley, easement, street, or highway from the property in question.

ADULT ENTERTAINMENT ESTABLISHMENT means an establishment opens to the public in which persons appear in a state of total or partial nudity for the purpose of entertaining the patrons of such establishments, irrespective of whether such establishments are licensed to serve alcohol or fermented malt beverages.

ADVERSELY AFFECTED PERSON means an applicant for traffic-generating development, a property owner whose land is adjacent to land subject to development exaction or impact fee requirements, and any division of Pitkin County government.

AFFORDABLE HOUSING OR EMPLOYEE HOUSING means dwelling units restricted to the housing size and type for individuals meeting asset, income and minimum occupancy guidelines as approved by the Board or its housing designee.

AGRICULTURE means the raising, producing, or keeping of plants or livestock, or cultivation and management of other crops or farm products. Accessory uses may include agricultural buildings, storage of grain, raising of livestock, feed preparation, and wholesale sales of products produced on-site.

AGRICULTURAL BUILDING means any building or structure used for agricultural purposes and not listed as a separate use in this Land Use Code, including but not limited to sheds, barns, hay storage buildings, corrals, and agricultural well structures. Agricultural buildings shall be detached from residential structures. An agricultural building is not a place where agricultural products are processed, treated or packaged.

AGRICULTURAL EQUIPMENT STORAGE BUILDING means a building used solely for the storage and repair of agricultural equipment.

AGRICULTURAL HOUSING means a dwelling unit used in support of a primary agricultural use on the property.

AGRICULTURAL OPERATION means a use of land for agriculture.

AGRICULTURAL PRODUCTS means fresh fruits and vegetables that are grown in the State of Colorado, or products from such produce (e.g., fruit juices or preserves).

AGRICULTURE STAND means a structure used for the sole purpose of selling agricultural or farm products.

AGRICULTURAL USE means any use of the land meeting the definition of Agriculture in this Land Use Code. This is a Use Category that includes uses like, but not limited to, the following: “Ranching”, “Farming”, “Blacksmithing”, “Farm Building”, “Commercial Firewood Splitting”, “Horse Boarding”, Kennel or Veterinary Clinic”. “Silviculture”, “Agricultural Uses, Unlisted”, and other uses that the Community Development Director determines belong in this Use Category. Confined animal feeding operations (CAFOs) are not included in this Use Category, or in any defined use with this Use Category.

AIRPORT means a facility for the landing and takeoff of aircraft, including but not limited to, Pitkin County Airport (a.k.a. Sardy Field), as well as related accessory uses such as aircraft servicing, storage, and leasing, car rental, and restaurant facilities.

ALLEY means a public way having less width than a street permanently reserved as a secondary means of access to abutting property.

ALLUVIAL FAN is an area of deposition where steep mountain drainages empty into valley floor, usually in arid regions. Flooding in these areas often includes characteristics that differ from those riverine or coastal areas.

ALLUVIAL FAN FLOODING (AREAS OF SHALLOW FLOODING) refers to flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

ALPINE SKI AREA AND SUPPORT FACILITIES means an area of land used for downhill skiing and related activities, including those structures and facilities necessary to prepare, maintain, and operate skiing facilities and to serve those involved in the sport.

AMUSEMENT OR ENTERTAINMENT ESTABLISHMENT means any land use or facility meeting the definition of an Entertainment or Recreation facility use and that is not an Adult Entertainment Establishment.

APPLICANT means any person submitting a development application.

ARCHITECTURAL FEATURE (EXTERIOR) means the architectural style, design and general arrangement of the exterior of a structure, including but not limited to, the texture, materials, windows, lights, signs and other fixtures appurtenant to a structure.

AREA AROUND A KEY FACILITY means an area immediately adjacent to and directly affected by a key facility.

AREA, GROSS means the total area of a site.

AREA OF STATE INTEREST means areas that contain:

- A. Mineral resource areas;
- B. Natural hazard areas;
- C. Areas containing, or having a significant impact upon, historical, natural or archaeological resources of statewide importance; and
- D. Areas around key facilities in which development may have a material effect upon the facility or the surrounding community.

ARTERIAL HIGHWAY includes those roads defined as arterial highways by Pitkin County, including:

- A. Highway 82 – West of Aspen to County Line, and
- B. Brush Creek Road.

ARTS AND CRAFTS STUDIO means a working place of painters, sculptors, potters, photographers, weavers, carvers, and similar occupations that require artistic skill that does not qualify as a Home Occupation or an accessory Arts or Crafts Studio.

ARTS AND CRAFTS STUDIO, ACCESSORY means an Arts or Crafts Studio that is accessory to a primary residential use, provided that no sales of arts, crafts, or other goods may take place on the premises.

ASPECT means the cardinal direction the land surface faces, characterized by north-facing slopes generally having heavier vegetation cover.

ASPEN URBAN GROWTH BOUNDARY means the area depicted on Attachment B (map) to Ordinance 023-2000, appearing in Chapter 3 as Figure 3-1 of this Land Use Code.

ATTENDEES means the number of persons participating in a Special Event or Temporary Land Use and Activities including those employed and/or volunteering for the duration of the activity.

ATTIC means an area between roof framing and the ceiling framing of the room(s) below.

AUTOMOBILE PARKING LOT, COMMERCIAL means an off-street area in which automobiles or other vehicles may be stored for temporary periods of time, not to exceed one (1) year, for compensation.

AUTOMOBILE SERVICE STATION means a building, parcel of land, or other premises, used for the retail dispensing of gasoline, diesel fuel, or other vehicle fuels, and/or the repair of motor vehicles. Accessory uses may include a car wash and the incidental sales of vehicle maintenance products.

AVALANCHE means a mass of snow or ice and other material that may become incorporated therein as such mass moves rapidly down a mountain slope.

AVALANCHE HIGH HAZARD ZONE means an area within which avalanches have return periods of thirty (30) years or less and/or will produce impact pressures of six hundred thirty (630) pounds per square foot (PSF) or more. The high hazard zone is characterized by either high frequency, high impact pressure, or both high frequency and high pressure. The Avalanche High Hazard Zone is also known as the Red Zone.

AVALANCHE MODERATE HAZARD ZONE means an area within which avalanches will occur at return periods in excess of thirty (30) years and/or will have impact pressures of less than six hundred thirty (630) pounds per square foot. Avalanche frequency and impact

pressures decrease toward the outer limits of this zone. When large avalanches occur and run to the outer boundaries of this zone, they can be very destructive in spite of their reduced probability and pressures. The Avalanche Moderate Hazard Zone is also known as the Blue Zone.

BARN means a building used to shelter or enclose livestock, feed, or field equipment, or otherwise used in support of an on-site agricultural operation. An indoor riding arena shall not be considered a barn.

BASE FLOOD means the flood having a one percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION (BFE) is the 100-year flood elevation or the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year (100-year flood).

BASE MAXIMUM FLOOR AREA means the largest amount of gross floor area that may be constructed on the lot or parcel pursuant to Table 5-1 without the approval of a GMQS allocation and without the utilization of TDRs.

BASEMENT means that portion of a structure, fifty (50) percent or more of which is below natural grade.

BATH FACILITY means facilities containing plumbing and/or fixtures installed or arranged to permit human bathing, which may include a bathtub, shower, handheld shower hose, or similar fixture.

BED AND BREAKFAST means the provision of short term incidental room and board in a dwelling unit as an incidental use to that of its occupancy as a dwelling unit.

BEDROOM means a room that can be used for sleeping, has closets and adjacent access to bath facilities.

BLACKSMITHING means the fabrication of metal objects used in agriculture or for architectural detailing, fences, railings, and similar items.

BOARD means the Board of County Commissioners of Pitkin County, Colorado.

BOARD OF ADJUSTMENT means the Pitkin County Board of Adjustment.

BREEZEWAY means a covered walkway that connects portions of the same structure or connects a principal structure to an accessory structure or use. A breezeway shall not be allowed, used, or designed to separate dwelling units or to create two (2) or more independent dwelling units from a single dwelling unit.

BUILDING means any structure, designed or built for the support, enclosure, shelter, or protection of persons, animals, chattels or property of any kind. A building includes yurts,

tepees, removable sheds, and similar uses, but does not include signs or fences as provided in subsection D in the definitions of "Development" within this section.

BUILDING HEIGHT – see Sec. 5-20-60.

BUILDING INSPECTOR means that person performing the duties of the Chief Building Official or other senior County official responsible for implementation of the building code then in effect, or the designee of the Chief Building Official.

BUILDING MATERIALS AND LANDSCAPING means a primary use of the land that includes the storage, repair, manufacture, rental and/or sales (including contract or subcontract installation) of such items as cabinets, kitchen appliances, plumbing fixtures, electrical fixtures, saunas, jacuzzis, pools, glass, furniture, office equipment, sheet metal, roofing, carpet and tile, decorative steel, masonry, sheetrock, paints, insulation, concrete products, solar energy equipment nursery stocks, hardware, lumber, wholesale and catalog sales operations, landscaping, and yard equipment and supply dealers, or the operation of a business related to such items, and that does not meet the definition of a home occupation.

BUILDING PERMIT means a permit issued by the Building Division of the Community Development Department that authorizes an owner or authorized agent to construct, alter, repair, move, demolish.

BUS STOP OR TRANSIT FACILITY means a facility where public transit or shuttle bus may pick up or drop off passengers, or where bus routes cross and passengers may change from one route to another. A bus stop may include a transit facility, where public transit vehicles other than busses may pick up or drop off passengers, and where routes for such vehicles cross and passengers may change from one route to another or from one mode of public transit to another.

CAMPGROUND means an outdoor facility designed for temporary overnight accommodation of human beings in tents or shelters for recreation, education, naturalist, or vacation purposes. A campground is a primary use of land. Common accessory uses include shower or toilet facilities or small retail sales of camping-related items operated solely for the benefit of those staying in the camping area.

CAMPING AREA means an area of land that is not the primary use of the property, but that is made available for temporary overnight accommodation of human beings in tents or shelters for recreation, education, naturalist, or vacation purposes.

CARETAKER DWELLING UNIT (CDU) means a separate, accessory dwelling that is deed restricted to occupancy by qualified residents, as defined in the employee housing guidelines, and is subject to the restrictions of Sec. 4-30-50(e) of this Land Use Code.

CARRYING CAPACITY is a term borrowed from ecology that represents the upper limit of population growth that can be achieved in a particular area when individuals are introduced into that area. Carrying capacity is used in determining the potential of an area to absorb development. Specifically, the term includes, but is not limited to: (1) the level of land use, human activity, or development for a specific area that can be accommodated

permanently without an irreversible change in the quality of air, water, land or plant and animal habitats; (2) the upper limits of development beyond which the quality of human life, health, welfare, safety, or community character within an area will be impaired; (3) the maximum level of development allowable under current zoning considering the carrying capacity of the land from a physical and character based perspective.

CATEGORY AFFORDABLE HOUSING OR CATEGORY INCOME AND PRICE RESTRICTED HOUSING means housing meeting the definition of Category Affordable Housing in the employee housing guidelines.

CATEGORY EMPLOYEE HOUSING means affordable housing that has been deed restricted for particular income categories, as defined in more detail in the employee housing guidelines.

CEMETERY means a parcel of land or structure dedicated to, and at least a portion of which is being used for, the interment of human or animal remains. A cemetery may include crematories, mausoleums, and columbaria.

CERTIFICATE OF APPROPRIATENESS means an official form issued by the Community Development Department stating that the proposed work on a property designated on the Pitkin County Historic Register is compatible with its historic and architectural character and, therefore, the work may be completed as specified in the certificate and the County may issue any permits needed to do the work specified in the certificate.

CERTIFICATE OF NO EFFECT means an official form issued by the Community Development Department stating that the proposed work will have no detrimental effect on the character-defining features of a property designated on the Pitkin County Historic Register and, therefore, the work may proceed as specified in the certificate without obtaining further approvals and the County may issue any permits needed to do the work specified in the certificate.

CERTIFICATE OF TDR means a document that is issued by the Community Development Department that attests to the existence of transferable development rights (TDRs) that may be transferred to a particular receiver site. The Certificate constitutes an official determination by Pitkin County that the TDRs are eligible for transfer to a specific receiver site, subject to special review approval pursuant to Sec. 2-40-30 of this Land Use Code. The Certificate is not an opinion of title by Pitkin County in regard to the TDR(s) that are proposed to be transferred. In the event a Certificate of TDR is lost or destroyed, the Community Development Department may issue a replacement Certificate upon receipt of an affidavit confirming such loss or destruction by the owner of such original certificate and other documentation required by the County to ensure that the original Certificate will no longer be valid.

CHANGE IN USE means a change in the use of a building, structure or property to another use. Change in use shall include a change in use within allowed or special review uses within the same zone district.

CHARACTER means the distinct physical characteristics of a structure or area that set it apart from its surroundings and contribute to its individuality. Specifically with respect to structures, character means the density, height, coverage, setback, massing, fenestration, materials and scale of materials. With respect to an area, character means the nature of the area in terms of intensity of the use using the terms rural, suburban, or urban.

CIVIC AND INSTITUTIONAL USES means those non-commercial facilities or uses of land that are created or maintained by a governmental or non-profit entity to provide a service to the public, or an institution operated primarily to confer a benefit upon the public. The use or facility may be operated by a for-profit entity if the profits of operation are used to expand or improve the services being delivered to the public. This is a Use Category that includes uses like, but not limited to, the following: “Airport”, “Cemetery”, “Day Care Center”, “Hospital”, “Park, Playground, or Playfield”, “Major Public Utility”, “Minor Public Utility”, “Religious Institution”, “School or University”, “Sewage Disposal Area or Water Plant”, and other uses that the Community Development Director determines belong in this Use Category.

CLEARCUTTING. See **LOGGING.**

CLUB HOUSE OR RECREATIONAL BUILDING means an accessory structure used in connection with and accessory to a permitted outdoor recreational use, or an accessory structure that provides meeting space or clubhouse space for a residential development or neighborhood.

COLLECTION LINE, when used in the context of oil and gas extraction, means a pipeline to a well designed to collect produced or waste water and transport it to a central disposal area (evaporation pit or injection well).

COLLECTOR STREETS means those roads identified as collector streets by Pitkin County, including:

- A. Woody Creek Road
- B. Lower Red Mountain Road (up to and including intersection with Hunter Creek Road)
- C. Lower River Road
- D. River Road
- E. Snowmass Creek Road
- F. Capitol Creek Road

COMMERCIAL AGRICULTURE means any activity occurring on a property or the use of a property, including farming or ranching conducted for profit, which would cause the property to be classified as agricultural land as defined pursuant to Title 39, Colorado Revised Statutes.

COMMERCIAL DEVELOPMENT shall mean and include, but not be limited to, the expansion of existing or the construction of new office, retail, wholesale, warehouse, manufacturing, commercial recreation, restaurant/bar and service commercial operations.

COMMERCIAL MINERAL DEPOSIT means a natural mineral deposit of limestone used for construction purposes, coal, sand, gravel, and quarry aggregate, for which extraction by an extractor is or will be commercially feasible and regarding that it can be demonstrated by geologic, mineralogic or other scientific data that such deposit has significant economic or strategic value to the area, state, or nation.

COMMISSION means the Pitkin County Planning and Zoning Commission.

COMMON ELEMENTS means:

- A. In a condominium or cooperative, all portions of the condominium or cooperative other than the units; and
- B. In a planned community, any real estate within a planned community owned or leased by the association, other than a unit.

COMMON INTEREST COMMUNITY means real estate described in a declaration with respect to which a person, by virtue of such person's ownership of a unit, is obligated to pay for real estate taxes, insurance premiums, maintenance, or improvement of other real estate described in a declaration. Common interest communities may take three (3) different forms: condominiums; cooperatives; and planned communities. Ownership of a unit does not include holding a leasehold interest in a unit of less than forty (40) years, including renewal options. The period of the leasehold interest, including renewal options, is measured from the date the initial term commences. The condominium and cooperative form of common interest communities create separate ownership interests in units, and do not result in the subdivision of land or the creation of legally separate lots.

COMMON OWNERSHIP means owned by the same owner for the purpose of this definition, common ownership shall, when the form of ownership was created to avoid the provisions of this Land Use Code, include ownership by a business or legal entity in which the owner has a controlling interest, or ownership by his or her spouse, or ownership by a business or legal entity in which the owner and his or her spouse together have a controlling interest. Only one hundred (100) percent ownership of, or identical ownership interests in, adjacent, contiguous parcels shall constitute common ownership.

COMMUNITY DEVELOPMENT DIRECTOR means the person primarily responsible for building, planning and zoning administration for the County and city, or his/her designee.

COMPATIBLE means capable of existing together without conflict or ill effects. Specifically with respect to structures, compatible means consistent with, harmonious with, similar to and/or enhances the mixture of complementary architectural styles, either of an individual structure or the character of the surrounding structures. With respect to resource extraction activities, compatible means able to exist or act together harmoniously, considering noise levels, odors, potential fire hazard, visual impacts, effects to surface water

and groundwater quality/quantity, adequacy of the road system, air quality and surrounding land uses.

COMPRESSOR STATION, when used in the context of oil and gas extraction, means an installation consisting of one or more individual compressors, located on a gathering or transmission pipeline, or both.

CONDOMINIUM means a common interest community in which portions of the real estate are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of the separate ownership portions. A common interest community is not a condominium unless the undivided interests in the common elements are vested in the unit owners. Condominiumization creates separate ownership interests in units, and does not result in the subdivision of land or the creation of legally separate lots.

CONSTRAINED AREA shall have that meaning described in Sec. 7-10-50.

CONSTRAINED SITE means a site that has been designated as a Sending Site for Transferable Development Rights because of the difficulty or impossibility of approving development on the site, pursuant to Sec. 6-70.

CONTAINABLE DEVELOPMENT means development that will not fundamentally change or be incompatible with the character of a neighborhood or area. Containable development is also development that does not promote sprawl and that can be confined (or held) within its area.

CONTIGUOUS means a sharing of a common border at more than a single point of intersection and in such a manner that the shared boundaries are touching and not separated, except by boundaries or private rights-of-way, water courses or water bodies, or other minor geographical divisions of a similar nature running parallel and between the shared boundaries.

COOPERATIVE means a common interest community in which the real property is owned by an association, each member of which is entitled by virtue of such member's ownership interest in the association to exclusive possession of a unit. The creation of cooperative ownership interests does not result in the subdivision of land or the creation of legally separate lots.

CORROSIVE SOIL means soil that contains soluble salts that may produce serious detrimental effects in concrete, metal, or other substances that are in contact with such soil.

COUNTRY INN means a building located outside of an urban growth boundary on a parcel containing at least thirty-five (35) acres, designed for and occupied as a temporary dwelling place of individuals and providing no more than five (5) guest rooms, plus one (1) guest room per thirty-five (35) acres of land in excess of the first thirty-five (35) acres on the parcel, up to a maximum of ten (10) guest rooms.

COUNTY APPROVED SUBDIVISION means a platted subdivision or Planned Unit Development that the Board of County Commissioners or Planning and Zoning Commission

has approved according to the procedures set forth in this Land Use Code or prior versions of the Pitkin County Land Use Code. “County Approved Subdivision” as used herein does not include subdivisions created by court decree, settlement agreement, exemption pursuant to C.R.S. Sec. 30-28-101, subdivision exemption plat, lot line adjustment, or any other provision of law that does not require Board of County Commissioner approval pursuant to the procedures in this Pitkin County Land Use Code.

CRAWL SPACE (HORIZONTAL) means an area below the first usable floor of a building or portion of a building, excluding decks, patios and terraces. Horizontal Crawl Spaces are exempt from floor area calculations when less than five (5) feet six (6) inches in height. Horizontal Crawl Spaces do not exceed the footprint of the exterior walls of the structure above, except that Crawl Spaces may be detached from the principal structure when used for exterior uses such as Jacuzzis, spas, hospitality bars, water features, sprinkler systems, and pool mechanical areas. Such Crawl Spaces shall be no larger than necessary to accommodate necessary mechanical equipment and may not be used for other uses.

CRAWL SPACE (VERTICAL) means an enclosed, unfinished, and non-habitable area that may exceed five feet six inches (5’6”) in height and is located between the exterior of a foundation wall and the surface of the finished grade of a vertical or nearly vertical slope, which slope is retained by an engineered system which requires a separation between the foundation wall and the surface of the finished grade of the slope. Subject to the conditions in Section 5-20-70(d)2)

CREEK means any natural channel or depression through which water flows, whether continuously, intermittently, or periodically, including any artificial modification of the natural channel or depression.

CRITICAL FACILITY means a structure or related infrastructure, but not the land on which it is situated, as specified in, 7-20-40 (f) 9, that if flooded may result in significant hazards to public health and safety or interrupt essential services an operation’s for the community at any time before, during and after a flood.

CRITICAL USE HOURS means that time of day when disturbance is most likely to increase stress to and negatively impact wildlife.

CRITICAL USE PERIOD means that portion of the year (weeks or months) when disturbance is most likely to increase stress to and negatively impact wildlife.

CRYSTAL RIVER AREA means the area depicted on Attachment B (map) to Ordinance 023-2000, appearing in Chapter 1 as Figure 1-1 of this Land Use Code.

CUL-DE-SAC means a short local street terminating in a vehicular turnaround.

DAY CARE CENTER means a facility that provides regular supervision and care for periods of less than twenty-four (24) hours per day to six (6) or more children under the age of sixteen (16) years who are not related to the owner or operator of the center that is licensed, as required, by the State of Colorado.

DAY CARE HOME means a facility that provides regular supervision and care of fewer than six (6) children under the age of sixteen (16) years, provided that (a) if the day care home is developed in conjunction with a residential use, it shall meet the requirements of a home occupation, and (b) if the day care home is developed in conjunction with an institution or business, it shall be limited to use by the children of employees or guests of that institution or business.

DEBRIS-FAN FLOODPLAIN means a floodplain that is located at the mouth of a mountain valley tributary stream as such stream enters the valley floor.

DECISION-MAKING BODY means a board, commission, agency, or group (including Pitkin County staff, as applicable) that is authorized by this Land Use Code to make a final decision (which may still be subject to appeal) on a development approval or building permit application. A given board, commission, agency, or group may be a reviewing body for purposes of some types of applications and a decision-making body for purposes of other types of applications.

DEMOLITION means the act of demolishing a structure fully or totally.

DENSITY means a measurement of land development intensity, generally used for residential uses, derived from a ratio of land area to dwelling units. Density is measured by dividing the total number of dwelling units by total land area to arrive at a dwelling unit per land area ratio.

DESIGNATED AGENT, when used in the context of oil and gas extraction, means an agent designated by the owner or lessee, as defined by the Colorado Oil and Gas Conservation Commission.

DETENTION FACILITY means (a) a facility for the judicially required detention or incarceration of people, where inmates and detainees are under twenty-four (24) hour supervision by sworn officers, except when on an approved leave; or (b) group homes, halfway houses, or alternatives to incarceration for individuals previously convicted of sexual assaults, sexual abuse, or other sex-related criminal offences; or (c) group homes, halfway houses, or alternatives to incarceration containing any individual who will be subject to the issuance of an arrest or escape warrant if they leave the facility without permission. Provided that the use otherwise complies with this definition, a Detention Facility may include, by way of illustration, a prison, jail, probation center, juvenile detention home, or halfway house for sex offenders.

DEVELOPABLE, when used in the context of oil and gas extraction, means land considered to be developable for residential purposes if it does not have slopes exceeding thirty (30) percent, and is not located within a geologic hazard area, federally defined floodway, drainage channel or wetland area greater than one (1) acre.

DEVELOPER means any person or entity, including a governmental agency, undertaking any development as detailed in the definition of "Development" below.

DEVELOPMENT means the carrying out of any building activity, the making of any material change in the use or appearance of any structure or land, or the subdividing of land into two (2) or more parcels,

A. Development includes, but is not limited to, the following:

1. A reconstruction or alteration of the size or building footprint of a structure.
2. A change in the intensity of use of land, such as the establishment of, or an increase or decrease in, the number of dwelling units or floor area.
3. Commencement of drilling, mining, or excavation on a parcel of land.
4. Total demolition or partial demolition of a structure.
5. Clearing of land, including clearing or removal of vegetation, and including any significant disturbance of vegetation or substrate (soil) manipulation.
6. Deposit of refuse, solid or liquid waste, or fill on a parcel of land.
7. The construction, installation and operation of oil and gas facilities, facilities for logging, or facilities for mineral extraction.

B. For purposes of Scenic View Protection, "Development" shall be defined as any construction, vegetation or grading activity that changes the basic character or use of a parcel of land or that significantly alters the visibility of an existing use from the Scenic View Protection Area map described in Sec. 7-20-120(b).

C. Development includes all other activity customarily associated with it. When appropriate to the context, "development" refers to the act of developing or to the result of the act of development. Reference to any specific operation is not intended to mean that the operation or activity, when part of other operations or activities, is not development. Reference to particular operations is not intended to limit the generality of this definition.

D. The following shall not be considered development:

1. Fences and walls that comply with the Department of Wildlife fence standards.
2. Fences and walls that are less than six (6) feet in height and are located:
 - a. On parcels assessed as "agricultural" by the Assessor's Office, or
 - b. On parcels free of 1041 wildlife concerns, or
 - c. Within an approved Activity Envelope, or
 - d. In areas of the County with site specific approvals or guidelines approved by the Board of County Commissioners relative to fencing.

E. For purposes of work within the Floodplain, “Development” shall be defined as any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

DEVELOPMENT APPLICATION means any written request for approval and/or issuance of a development order.

DEVELOPMENT PERMIT includes any permit, special review approval, subdivision approval, approval of growth management allotment, or any other official action by any official, council, commission, or board of the County having the effect of permitting development.

DEVELOPMENT RIGHT means the right to use a parcel of land for uses permitted in Table 4-1 and/or a separate estate in land that is severable from the fee simple estate to which it is appurtenant.

DIAMETER BREAST HEIGHT (D.B.H.) means the diameter in inches of a tree measured at four and one-half feet (4½) above the existing grade.

DISTRIBUTED ENERGY SYSTEMS means a collection of energy generation and storage resources that are not in a centralized location, but instead, spread out across an energy utility’s district where said resources will be used and connected to the grid at distribution level.

DOMESTIC WATER AND SEWAGE TREATMENT SYSTEM means a wastewater treatment plant, water treatment plant, or water supply system as defined in Section 25-9-102, C.R.S., 1973, and any system of pipes, structures, and facilities through which water supply is obtained, treated, and sold or distributed for human consumption or household use.

DORMITORY HOUSING means a structure or portion of a structure under single management that provides group sleeping accommodations for guests or residents in one (1) or more rooms for compensation, and that does not meet the definition of a Group Home. Occupancy of a dormitory unit shall be limited to no more than eight (8) persons. Each unit shall provide a minimum of one hundred fifty (150) square feet per person of net living area, including sleeping, bathroom, cooking, and lounge areas used in common. Standards for use and design of such facilities shall be established by the Aspen/Pitkin employee housing guidelines.

DRAINAGE AND EROSION CONTROL STRUCTURES means all facilities necessary to control the direction, depth, velocity and volume of water flow within a development, and to mitigate erosion and related water quality impacts resulting from development.

DRAINAGE PROBLEM(S) means any unsatisfactory condition(s) that may affect or result from the natural withdrawal of excess surface water or groundwater from the tract or from

the vicinity of the tract. Such conditions include, but are not limited to, low-lying areas not having adequate drainage outlets, shallow groundwater tables, or storm water runoff originating from developed or undeveloped areas on or adjacent to the tract.

DRY WASH CHANNEL and **DRY WASH FLOODPLAIN** means a small watershed with a very high percentage of runoff after torrential rainfall.

DWELLING means a permanent building or portion of a permanent building that is used as the private residence or sleeping place of one or more human beings, but not including hotels, lodge units, clubs, hospitals, temporary structures such as tents, railroad cars, trailers, street cars, prefabricated metal sections, or similar units.

DWELLING UNIT means a separately enterable room or combination of rooms, that contain kitchen or bath facilities and that are designed for or can be used as a residence by a single family or guests, independent of other families or guests. This use type includes without limitation any single-family dwelling units (including manufactured homes), duplex or multi-family dwelling units, and mobile homes. The abbreviation DU shall mean dwelling unit.

DWELLING UNIT, DUPLEX means a two-family dwelling with the units either side-by-side or in an over-under configuration. In the side-by-side configuration, the units share a common wall, while in the over-under configuration, they are stacked. A minimum of twenty (20) percent of the length of the two (2) walls in common shall be shared between the units, regardless of whether the wall is shared by all floors of the units. The shared walls in common shall not be the walls of a breezeway, or similar accessory structure, but may include the walls of a garage.

DWELLING UNIT, MULTI-FAMILY means a dwelling containing three (3) or more dwelling units, not including hotels and lodges, but including townhouses, with accessory use facilities limited to an office, laundry, recreation facilities and off-street parking used by the occupants. Where one (1) or more dwelling units are located above the ground floor in a structure where the ground floor is a non-residential use permitted by right or by special review, such units shall be considered as multi-family dwelling units.

DWELLING UNIT, SINGLE-FAMILY means an individual detached residential dwelling that is designed and intended to house one (1) family at a time and that is developed with open yards on all sides of the dwelling unit. Single-family dwelling unit does not include mobile homes or recreational vehicles, but does include a manufactured home. Single family dwelling units may take the form of alternative/nontraditional structures such as domes, yurts, teepees and elevated platforms and tree houses contingent upon compliance with the adopted building code requirements.

EAGLE (BALD OR GOLDEN) ACTIVE NEST SITE means a specific location in which a pair of eagles has at least attempted to nest within the last five (5) years. Any nest location that can be directly tied to courtship, breeding, or brooding behavior is considered active.

EAGLE (BALD ONLY) ROOST SITE means an area that provides diurnal and/or nocturnal perches for wintering bald eagles and includes a buffer zone extending one-quarter

(1/4) mile around these sites. These trees are usually the tallest available trees in the wintering area and are primarily located in riparian habitats.

EASEMENT means a property right given by an owner of land to another for specific limited use of that land.

EATING, MEETING and LODGING USE means facilities where prepared food or beverages are served to patrons for consumption, and/or where meeting facilities are provided, and/or where lodging and ancillary activities are provided to transient visitors and guests for a defined period. Accessory uses include providing food to guests staying at the facility or to outside visitors on a limited or occasional basis. This is a Use Category that includes uses like, but not limited to, the following: “Bed and Breakfast”, “Country Inn”, “Guest Ranch”, “Hotel, Motel, or Lodge”, “Resort Cabin”, “Restaurant and/or Bar”, “Timeshare or Fractional Ownership”, and other uses that the Community Development Director determines belong in this Use Category.

EDUCATIONAL CLASS means a use in which instructors provide instruction to students on topics such as yoga, health, art, the environment, or home, personal, or business skills, and that does not meet the definition of a school or university.

EMPLOYEE DWELLING UNIT (EDU) means a separate, accessory dwelling unit of less than one thousand five hundred (1,500) net livable square feet attached to, within, or detached from a principal dwelling unit situated on the same parcel. An EDU is deed restricted to occupancy by qualified residents, as defined in the employee housing guidelines, and is subject to the restrictions of Sec. 6-30-40(d) of this Land Use Code. An EDU shall not be considered a separate dwelling unit for density or sale purposes. The square footage of the EDU shall be included in the total allowed floor area of the applicable zone district.

EMPLOYEE HOUSING GUIDELINES means those written guidelines, policies, and definitions of terms related to the construction, provision, and or management of affordable housing units, and the calculation of affordable housing obligations, prepared by the Aspen/Pitkin County Housing Office, as adopted and amended from time to time by the Board of County Commissioners.

ENDANGERED SPECIES means those species designated by the Federal Government or the State of Colorado as any species that are in danger of extinction throughout all or a significant portion of its range as that definition may be amended by federal government laws or regulations from time to time, other than a species of the Class Insecta determined by the Federal Government or State of Colorado to constitute a pest whose protection under the provisions of this Act would present an overwhelming and overriding risk to man.

ENERGY STORAGE means any form of storing electrical energy for later use, including but not limited to: batteries, compressed gas, hydrogen systems, pumped hydroelectric, thermal, and flywheels.

ENGINEER means a registered professional engineer, licensed by the State of Colorado.

ENTERTAINMENT AND RECREATION is a use category including uses that provide indoor or outdoor recreation or entertainment activities. Accessory uses may include concessions, snack bars, parking, and maintenance facilities. This is a Use Category that includes uses like, but not limited to, the following: “Adult Entertainment Establishment”, “Alpine Ski Area & Support”, “Amusement or Entertainment Establishment”, “Campground”, “Golf Course”, “Nordic Ski Area and Support Facilities”, “Outdoor Recreational, Other”, “Riding Stable or Academy”, and other uses that the Community Development Director determines belong in this Use Category.

EVAPORATION, when used in the context of oil and gas extraction, means an excavated pit used for storing and evaporating wastewater produced in degasification activities, during drilling or production, or both, sometimes lined.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulation adopted by a community.

EXPANSION TO EXISTING MANUFACTURED HOME PARK OR SUBDIVISION means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs).

EXPANSIVE SOIL AND ROCK means soil and rock that contains clay and that expands to a significant degree upon wetting and shrinks upon drying.

EXTERIOR ENERGY STORAGE means any form of energy storage that is not contained within a residence.

EXTRACTOR means any person or entity, private or governmental, that extracts mineral deposits.

FAMILY means two (2) or more persons related by blood or marriage, or between whom there is another legally recognized relationship, or not more than five (5) unrelated persons occupying the same dwelling unit.

FAR. See **FLOOR AREA RATIO** .

FARMING means the raising of agricultural products for consumption or commercial sale. Products may include, but are not limited to, vegetables, grains, fruits, plants, Christmas trees, nursery stock, sod, and other similar products.

FATHERING PARCEL OR ORIGINAL PARCEL means any legally created lot or parcel of land that was owned in single and separate ownership prior to land division or subdivision.

FENCE means a structure that serves as a barrier intended to prevent escape or intrusion, to mark a boundary, to shield or screen from view, or to serve any similar purpose.

FINAL MAXIMUM FLOOR AREA means the largest amount of gross floor area that may be constructed on the lot or parcel pursuant to Table 5-1. GMQS allocations shall not be granted if floor area will exceed the final maximum floor area. TDRs may not be utilized to increase floor area beyond the final maximum floor area.

FINAL PLAT means a subdivision map approved by the County for recording with the County Clerk and Recorder, that fully conforms to the requirements of this Land Use Code.

FINANCIAL INSTITUTION means an establishment that provides retail banking services, mortgage lending, or similar financial services to individuals and businesses. This classification includes those institutions engaged in the on-site circulation of cash money and check-cashing facilities, but shall not include bail bond brokers. The establishment may or may not have drive-through facilities depending on the zone district in which it is located.

FINISHED GRADE means the elevation of the ground surface following development activity.

FIREWOOD SPLITTING, COMMERCIAL means an area where timber is located, prepared and stored for sale, primarily by delivery, to the public for use as fireplace wood.

FLOOD OR FLOODING means:

- A. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - 1. The overflow of inland or tidal waters.
 - 2. The unusual and rapid accumulation or runoff of surface waters from any source.

- B. The collapse or subsidence of a land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (A)(1) of this definition.

FLOOD INSURANCE RATE MAP (FIRM) means an official map of a community, on which the Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FLOOD ELEVATION STUDY) means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water

surface elevations, or an examination, evaluation and determination of mudslide (i.e. mudflow) and/or flood-related erosion hazards.

FLOODPLAIN (100 YEAR FLOODPLAIN) means any land area susceptible to being inundated by water from any source (see definition of flooding). (Flood Hazard Area): Flood hazard areas identified on the Flood Insurance Rate Map are identified as a Special Flood Hazard Area (SFHA). SFHA are defined as the area that will be inundated by the flood event having a 1-percent chance of being equaled or exceeded in any given year. The 1-percent annual chance flood is also referred to as the base flood or 100-year flood. SFHAs are labeled as Zone A, Zone AO, Zone AH, Zones A1-A30, Zone AE, Zone A99, Zone AR, Zone AR/AE, Zone AR/AO, Zone AR/A1-A30, Zone AR/A, Zone V, Zone VE, and Zones V1-V30. Moderate flood hazard areas, labeled Zone B or Zone X (shaded) are also shown on the FIRM, and are the areas between the limits of the base flood and the 0.2-percent-annual-chance (or 500-year) flood. The areas of minimal flood hazard, which are the areas outside the SFHA and higher than the elevation of the 0.2-percent-annual-chance flood, are labeled Zone C or Zone X (unshaded).

FLOODPLAIN ADMINISTRATOR - The community official designated by title to administer and enforce the floodplain management regulations.

FLOODPLAIN DEVELOPMENT PERMIT – A permit required before construction or development begins within any Special Flood Hazard Area (SFHA). If FEMA has not defined the SFHA within a community, the community shall require permits for all proposed construction or other development in the community including the placement of manufactured homes, so that it may determine whether such construction or other development is proposed within flood-prone areas. Permits are required to ensure that proposed development projects meet the requirements of the NFIP and this floodplain management ordinance.

FLOODPLAIN MANAGEMENT - The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

FLOODPLAIN MANAGEMENT REGULATIONS - Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

FLOOD CONTROL STRUCTURE - A physical structure designed and built expressly or partially for the purpose of reducing, redirecting, or guiding flood flows along a particular waterway. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

FLOODPROOFING - Any combination of structural and/or non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY (REGULATORY FLOODWAY) - The channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. The Colorado statewide standard for the designated height to be used for all newly studied reaches shall be one-half foot (six inches). Letters of Map Revision to existing floodway delineations may continue to use the floodway criteria in place at the time of the existing floodway delineation.

FLOOR means the top surface of an enclosed area in a building; i.e., the top of the wood flooring in wood frame construction. The term includes the floor of an area used for garages, indoor parking areas, storage accessways, breezeways, stairs, elevator shafts, basements and accessory uses and structures.

FLOOR AREA – see Sec. 5-20-70.

FLOOR AREA RATIO means the floor area of the building or buildings on a lot divided by the total lot area.

FOOT-CANDLE means a measurable industry standard equivalent to one (1) lumen (a measure of light) per square foot. No commercial property or properties containing mixed uses with a commercial component may exceed twenty (20) foot candles as measured three (3) feet above grade (approximate waist height).

FRACTIONAL FEE means a tenancy in common interest in improved real property created or held by two (2) or more persons, partnerships, corporations, or joint ventures (and similar entities) wherein the joint tenants have formally or informally arranged (by oral or written agreement or understanding) for the preferred or exclusive use by one (1) or more of the tenants in common during specified periods of time.

FREEBOARD - The vertical distance in feet above a predicted water surface elevation intended to provide a margin of safety to compensate for unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood such as debris blockage of bridge openings and the increased runoff due to urbanization of the watershed.

FREE MARKET UNIT means any dwelling unit that is not restricted to the housing size, type, income and occupancy guidelines of the Board of County Commissioners and its housing designee.

FRYING PAN AREA means the area depicted as “Frying Pan Valley” on Figure 1-1: Pitkin County Comprehensive Plan Area Boundaries in Chapter 1 of this Land Use Code .

FUEL BREAK means an area of land in which trees and other combustible vegetation have been or must be cleared in order to reduce the threat of wildfire.

FUNDAMENTAL CHANGE IN CHARACTER means that the development proposed is likely to result in a change in the character of an area so fundamental that its classification as rural, suburban or urban will change.

GAS WELL, when used in the context of oil and gas extraction, means a well having a pressure and volume of natural gas; specifically, producing methane, often in combination with a variety of other substances such as butane, propane and carbon dioxide.

GATHERING SYSTEM, when used in the context of oil and gas extraction, means a system consisting of well (or gathering), lateral, and trunk pipelines transporting oil, gas or other products derived from oil and gas production to a central facility or transmission pipeline, and so classified under the U.S. Department of Transportation regulations.

GENERAL SERVICES means warehouses, wholesale and retail storage (with distribution office on the premises), maintenance and storage garages, bulk cleaning and dry cleaning, repair shops, and printing presses. This use also includes business related to the production, storage, distribution, and wholesale sale of food product, including a food and liquor residential delivery service, a catering business, a restaurant/bar supply service, a wholesale farm and ranch co-op, a creamery, a bakery with no retail outlet, a cold storage locker, and meat and other food, vegetable, or liquid processing.

GEOGRAPHIC INFORMATION SYSTEM (GIS) means an organized collection of computer hardware, software, geographic data, and personnel designated to efficiently capture, store, update, manipulate, analyze, and display all forms of geographically referenced information.

GEOLOGIC HAZARD means a geologic phenomenon that is so adverse to past, current or foreseeable construction or land use as to constitute a significant hazard to public health and safety or to property. The term includes, but is not limited to:

- A. Avalanches, landslides, rock falls, mudflows, and unstable or potentially unstable slopes;
- B. Mancos shale, talus slopes, and faults;
- C. Seismic effects;
- D. Radioactivity;
- E. Ground subsidence; and/or
- F. Areas of expansive soil and rock, corrosive soil, or situation.

GEOLOGIC HAZARD AREA means an area that contains or is directly affected by a geologic hazard.

GEOLOGICAL CONSTRAINTS shall include locations with areas that are or may become hazardous due to geologic conditions. Geological constraints shall include, but not be limited to, the following: avalanche areas; landslide areas, mancus shale areas and/or expansive soil and rock; rockfall areas; mud flow and debris fan areas; areas with unstable or potentially-unstable slopes and/or ground subsidence; areas with seismic effects or faults; areas with radioactive material; areas with talus slope(s).

GOLF COURSE means a land area and buildings that includes a golf course and/or putting green, and may also include a driving range, a clubhouse, and eating facilities for patrons of the golf course.

GRADE, FINISHED See **FINISHED GRADE**.

GRADE, NATURAL See **NATURAL GRADE**.

GRAPHIC DESIGNS means any artistic design or portrayal painted or otherwise placed directly on an exterior wall, fence, awning, window or other structure, that is visible from any outside area, and that has as its purpose artistic effect, and not the identification of the premises or the advertisement or promotion of the interests of any private or public firm, person, organization, service or product.

GREENHOUSE means a structure that is designed and used primarily for the purpose of growing trees, fruits, vegetables, flowers, grain, ornamental plants, or other crops. A greenhouse includes structures constructed of rigid or flexible materials, which may be used on a seasonal or year-round basis. A greenhouse may be moveable. A greenhouse does not include "row covers," which consist of a sunlight-admitting material laid directly over plants or over supports, or cold frames, with a height of 4' or less. A greenhouse includes hoop houses, cold frames, high tunnels and other structures with a height of more than 4' that are used to extend the growing season. A greenhouse is not a place where agricultural products are processed, treated or packaged.

GROCERY STORE means a retail establishment that is primarily engaged in sales of packaged food and produce, rather than food prepared for consumption on the premises or other goods.

GROSS FLOOR AREA – See Sec. 5-20-80.

GROUND-MOUNTED SOLAR ENERGY COLLECTOR means any solar energy collector that is not directly attached to a building via any ancillary development (racking assembly, balancing system, etc.)

GROUND SUBSIDENCE means a process characterized by the downward displacement of surface material caused by natural phenomena, such as removal of underground fluids, natural consolidation, or dissolution of underground minerals, or by man-made phenomena, such as underground mining.

GROUNDWATER means subsurface water within and below the zone of continuous saturation.

GROUP HOME means a permanent building that is owner-occupied or is a non-profit and used exclusively as a residence for not more than eight (8) persons not meeting the definition of a family who are sixty (60) years of age or older, or who are defined as “handicapped” under the federal Fair Housing Act Amendments 42 USCA §3601 or as “developmentally disabled” or “mentally ill” under C.R.S. 30-28-115, and who do not need skilled or intermediate care facilities. A facility with more than eight (8) persons, or that need skilled or intermediate care facilities, is categorized as a Nursing or Convalescent Home.

GROUP LIVING means a residential use characterized by residential occupancy of a structure by a group of people who do not meet the definition of “Household Living.” Tenancy is arranged on a monthly or longer basis, and the size of the group may be larger than a family. Generally, Group Living structures have a common eating area for residents. The residents may receive care, training, or treatment, and caregivers may or may not also reside at the site. Accessory uses commonly include recreational facilities and vehicle parking for occupants and staff. This is a Use Category that includes uses like, but not limited to, the following: “Dormitory Housing”, “Group Home”, “Nursing, Convalescent, Rest, or Retirement Home” and other uses that the Community Development Director determines belong in this Use Category.

GROWTH IMPACT means any activity that results in the need for additional employee housing or parking spaces; generates increased traffic demand, water and sewer needs, fire and police protection requirements, off-site drainage and road demands; or otherwise requires the provision of increased government services.

GUEST RANCH means a working ranch, on a parcel containing at least thirty-five (35) acres, with an accessory structure for the lodging or boarding of guests while they indulge in recreational activities on or adjacent to the ranch. A guest ranch shall have no more than ten (10) guest rooms, plus one (1) guest room per thirty-five (35) acres of land in excess of the first one hundred forty (140) acres on the parcel, up to a maximum of twenty (20) guest rooms. Occupancy by any guest shall not exceed thirty (30) consecutive days, or more than thirty (30) days in any six month period.

GUIDELINE means written statements, explanatory material, graphic renderings and/or photographs that are advisory recommendations intended to provide property owners and the public with specific examples of techniques and materials that can be used to achieve adopted standards. A guideline is an indication of County policy or preferences; however, compliance is not mandatory, but rather compliance is encouraged to further the County’s land use goals and policies.

HAY STORAGE BUILDING means a building used for the storage and protection of hay.

HEIGHT means the maximum vertical distance between the lowest point of natural or finished grade to the highest point of a structure or other feature. Also see: **BUILDING HEIGHT**.

HIGHEST ADJACENT GRADE – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HIGH-WATER MARK means, in the case of a creek, stream, or river, the waterline at the point of change from aquatic to terrestrial vegetation, or the high waterline of a stream discharge with an average recurrence interval of ten (10) years.

HISTORIC AND ARCHAEOLOGICAL RESOURCE AREAS means historic structures, sites, buildings, features and areas within unincorporated Pitkin County that are subject to the standards of Secs. 7-20-100 or 7-20-110.

HISTORIC PRESERVATION GUIDELINES means those historic preservation guidelines, if any, adopted by the Board of County Commissioners from time to time.

HOME OCCUPATION means a business, occupation or trade conducted entirely within a residential building or accessory structure for gain or support by a resident of the dwelling, and no other, that (1) is clearly incidental and secondary to the residential use of the building; and (2) does not change the essential residential character of the land use. Notwithstanding the foregoing, none of the following uses shall constitute a home occupation: antique shop, barber shop, beauty parlor, health or medical clinic, mortuary, nursing home, restaurant, veterinarian's clinic, building materials supply or installation, landscaping materials supply or installation, or dance studio.

HORSE BOARDING means the keeping, care, and feeding of horses not owned by the property owner.

HOSPITAL means a public or private facility, including in- and out-patient care, medical/dental services, wards, surgery services, laboratories, physical therapy services, diagnostic services, radiology services, emergency medical services, pharmacy services, administration offices, gift shops, waiting rooms, kitchens (to service hospital patients, staff and visitors), and similar uses; health service and prepaid health maintenance offices; ambulance garages; heliports; and associated parking lots.

HOTEL, MOTEL, OR LODGE means a building designed for and occupied as a temporary dwelling place of guests and providing five (5) or more room units where customary hotel services, including on-site operations and management services, are provided.

HOUSEHOLD means any group of individuals living together as a common household unit, and sharing a common bond such as a family relationship or common membership in a religious or non-profit organization requiring them to live together. This use does not include a group of individuals who are living together in order to receive therapy, medical assistance, or assistance with daily activities, unless such group is required by state or federal law to be treated as a household.

HOUSEHOLD LIVING means a residential use characterized by residential occupancy of a dwelling unit by a household. Tenancy is arranged on a month-to-month or longer basis (lodging where tenancy may be arranged for a period of less than thirty (30) days is classified under the "Tourist Accommodation" category), and includes various types of affordable

housing. Common accessory uses include recreational activities, raising of pets, gardens, personal storage buildings, hobbies, and parking of the occupants' vehicles. This is a Use Category that includes uses like, but not limited to, the following: "Duplex Dwelling Unit", "Mobile Home", "Mobile Home Park", "Multi-family Dwelling Unit", "Single Family Dwelling Unit", and other uses that the Community Development Director determines belong in this Use Category.

HOUSING DESIGNEE means the Board of County Commissioners, or a person or entity appointed by the Board of County Commissioners to provide advice on matters of affordable or employee housing.

IMMEDIATE FAMILY means a person related by blood or marriage who is a first cousin (or closer relative) and his or her children.

IMPAIRED means a structure substantially unsuitable in its existing condition for its intended use.

IMPERILED, when used in connection with wildlife species, shall have the same meaning assigned to the term by Colorado or federal wildlife protection legislation.

IMPERVIOUS COVER means materials placed over the surface of the ground (e.g., pavement, sidewalks, roofs, driveways) that reduce the infiltration of precipitation into the ground.

INCENTIVES FOR USE OF TDR RIGHTS means legislatively created bonuses and exemptions to enhance the preservation of lands within Sending Sites defined in this Land Use Code and encourage the transfer of development rights from lands inappropriate for development to Receiving Sites defined in this Land Use Code. The incentives for the use of TDR rights include floor area intensity bonuses and GMQS exemptions.

INDIRECT LIGHTING means a reflected light source only and does not include internal illumination or luminous materials.

INSTITUTE means an establishment performing research, teaching, and/or public outreach activities, but that does not meet the definition of a Research Facility or a School or University.

INTENSITY means a measurement of land development intensity, generally used for non-residential uses, derived from a ratio of land area to building floor area. Density is measured by dividing building floor area by total land area to arrive at a "floor area ratio".

INTERIOR ENERGY STORAGE means any form of energy storage that is contained within a residence.

INTERVAL ESTATE means a combination of: (i) an estate for years terminating on a date certain, during which years title to a time share unit circulates a month the interval owners in accordance with a fixed schedule, vesting in each such interval owner in turn for a period of time established by the said schedule, with the series thus established recurring annually until

the arrival of the date certain; and (ii) A vested future interest in the same unit, consisting of an undivided interest in the remainder in fee simple, the magnitude of the future interest having been established by the time of the creation of the interval estate either by the project instruments or by the deed conveying the interval estate. The estate for years shall not be deemed to merge with the future interest, but neither the estate for years nor the future interest shall be conveyed or encumbered separately from the other. Interval estate also means an estate for years where the remainder estate, as defined either by the project instruments or by the deed conveying the interval estate, is retained by the developer or his successors in interest.

JUNK YARD means a parcel of land used for the collecting, storing, or sale of waste paper, rags, scrap metal, or discarded materials; or for the collecting, dismantling, storage, salvaging or demolition of vehicles, machinery or other materials.

KENNEL OR VETERINARY CLINIC means an establishment that houses dogs, cats or other household pets, where grooming, breeding, boarding, training or selling of animals is conducted for compensation, or where animals and pets are admitted for examination and medical treatment. This use also includes animal boarding facilities and animal rescue shelters. Kennels use physical barriers such as chain-link fences in such a way that the dog, cats, and other household pets cannot escape; so-called “invisible fences” do not qualify as kennels.

KEY FACILITIES means:

- A. Airports;
- B. Major facilities of a public utility;
- C. Interchanges involving arterial highways; and
- D. Rapid or mass transit terminals, stations and fixed guideways.

KITCHEN means that portion of a structure that includes a stove, refrigerator, and sink.

LAND CLEARING OR GRUBBING means the effective removal of understory vegetation from a site that does not include the removal of any trees with a diameter breast height (D.B.H.) of greater than four (4) inches.

LANDSLIDE means falling, slipping or flowing of a mass of land from a higher to a lower level. refers to the downward and outward movement of slope-forming materials including soil, artificial fill, or a combination of these materials.

LEGALLY CREATED LOT OR PARCEL means a parcel or lot created and conveyed in accordance with Pitkin County Subdivision regulations in effect at the time of creation and/or conveyance.

LEGALLY CREATED STRUCTURE means any structure built in compliance with all necessary Pitkin County permits and land use approvals required at the time of construction.

LETTER OF MAP REVISION BASED ON FILL (LOMR-F) – FEMA’s modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.

LIGHT INDUSTRIAL means a use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products. Such use must be capable of operation in such a manner as to control the external effects of the manufacturing process, such as smoke, noise, soot, dirt, vibration, odor, etc. All outdoor storage associated with the use must be shielded from view from surrounding properties.

LIVESTOCK means domesticated animals kept or raised for use, pleasure or profit, including poultry, or any bovine, caprine, equine, ovine or suine animal, except those animals commonly kept as household pets, such as but not limited to dogs and cats.

LIVESTOCK RUN-IN OR LOAFING SHED means a three-sided building used solely for livestock protection.

LOCAL GOVERNMENT JURISDICTIONAL SIGN (applicable to incorporated municipalities only) means a sign that announces the entry into or proximity of a local governmental jurisdiction and assists the public in locating that jurisdiction.

LOCAL STREETS means those roads not defined as arterial highways, major roads, or collector streets in this Land Use Code.

LOGGING means the removal, damaging, or destruction of more than forty (40) trees or similar woody vegetation with a diameter breast height (D.B.H.) of six (6) inches or more per acre of land; removal of thirty (30) percent of the trees or similar woody vegetation per acre of land; harvesting of firewood or logs for commercial sale; tree removal within wetlands or riparian areas; land clearing (including but not limited to clear-cutting), and grubbing.

LOGO means an artistic design or portrayal painted or otherwise placed on a building wall or structure that is visible from any outside area and that is used, intended or designed to identify, advertise or promote the interests of any private or public firm, person, organization, service or product.

LOT means a parcel of land shown with a separate and distinct number or letter on a legally recorded plat in the office of the Pitkin County Clerk and Recorder.

LOT AREA – see Sec. 5-20-10.

LOT DEPTH means the shortest horizontal distance between the front and rear lines measured in the mean direction of the side lot lines.

LOT LINE, FRONT means the property boundary line dividing a lot from the street. If no street, or more than one street, abuts the lot, then the front lot line means the property boundary line from which road access is obtained.

LOT LINE, REAR means the property boundary line opposite the front lot line.

LOT LINE, SIDE means any property boundary lines other than front or rear lot lines.

LOT WIDTH means the distance between the side lot lines measured congruent with the front yard setback line.

LOWEST FLOOR means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

MAINSTREAM FLOODPLAIN means an area adjacent to a perennial stream that is subject to periodic flooding.

MAJOR EXTENSIONS OF EXISTING SEWAGE TREATMENT SYSTEMS means any modification of existing sewage treatment plants to increase hydrologic capacity or upgrade treatment capability or any extension of existing main collector sewer lines or any extensions to service a population of twenty (20) or more people or the equivalent thereof in commercial or industrial wastewater.

MAJOR NEW DOMESTIC WATER SYSTEMS OR MAJOR EXTENSIONS OF EXISTING DOMESTIC WATER SYSTEMS means any new collection, pumping, storage or treatment facilities and any service line six (6) inches or greater in diameter or any combination of service lines serving a population of twenty (20) or more people or the equivalent amount thereof in commercial or industrial water service.

MAJOR NEW SEWAGE TREATMENT SYSTEM means any public sewage treatment system including all sewer lines and treatment facilities used in the collection and treatment of wastewater.

MAJOR ROADS means those roads identified as major roads by Pitkin County, including:

- A. Highway 82 east of Aspen to the County line;
- B. Castle Creek Road;
- C. Maroon Creek Road;
- D. County Road 19 (from the Slaughter House Bridge to Highway 82 across the Smith Bridge);

- E. Crystal River Road (State Road 133);
- F. Owl Creek Road.

MAJOR UTILITY LINES means an electric utility line with capacity over 115 KV, or a water or sewer line more than twelve (12) inches in diameter.

MANUFACTURED HOME means a factory-built single family residence that is manufactured or constructed in compliance with 42 USC §5401, but that is not constructed or equipped with a permanent hitch or other device allowing it to be moved, other than for the purpose of moving to a permanent site, and that does not have permanently attached to its body or frame any wheels or axles.

MANUFACTURED HOME PARK OR SUBDIVISION - A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MASS TRANSIT means a coordinated system of transit modes providing transportation for use by the general public.

MATTERS OF STATE INTEREST means an area of State interest or an activity of State interest, or both.

MAXIMUM EXTENT FEASIBLE means that all possible efforts to comply with the regulation or minimize potential harm or adverse impacts have been undertaken. Economic considerations may be taken into account but shall not be the overriding factor in determining “maximum extent feasible.”

MAXIMUM EXTENT PRACTICABLE means under the circumstances, that reasonable efforts have been undertaken to comply with the regulation or requirement, that the costs of compliance clearly outweigh the potential benefits to the public or would unreasonably burden the proposed project and that reasonable steps have been undertaken to minimize any potential harm or adverse impacts resulting from noncompliance.

MEDICAL OR DENTAL CLINIC means a facility for a group of one or more physicians or dentists for the examination and treatment of human outpatients, provided that patients are not kept overnight except under emergency conditions, regardless of whether such facility is operated on a for profit or non-profit basis. This definition includes facilities for physical therapy, massage therapy, chiropractors, and similar uses.

MEETING HALL OR CONFERENCE CENTER means a facility for the holding of events, including but not limited to, meetings, group gatherings, weddings, receptions, conferences, seminars, and educational courses that do not meet the definition of a school or university, on an occasional basis. Typical accessory uses include food preparation and eating, recreation, entertainment, and meeting rooms.

MERGER means that a lot or parcel is inseparably a part of another lot, parcel, or subdivision and cannot be severed from it or separated out into a new lot, parcel, or subdivision without the prior approval of Pitkin County.

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

MINERAL AND GRAVEL EXTRACTION means the exploration for and removal of natural mineral deposits of limestone used for construction purposes, coal, sand gravel, and quarry aggregate by removing the overburden lying above such deposits and mining directly from the deposits thereby exposed. The term includes but is not limited to open cut mining, open pit mining, strip mining, quarrying and dredging, and the operation of concrete batch plants.

MICRO HYDROELECTRIC ENERGY SYSTEM means a small (up to 500 kw) electric generation system that relies on natural surface water flows for the purpose of electric energy generation. These facilities do not rely on use of a dam, water storage, or other man-made impoundment which would impede minimum stream flows.

MINERAL EXPLORATION means prospecting and exploration stages of mining. The prospecting stage involves the initial search for an area that may contain mineral deposits. This search utilizes geological, geophysical, geochemical and topographical surveys. The exploration stage involves a review of an area to determine whether it contains mineral reserves in a quantity that could be commercially mined. This stage utilizes preliminary drilling and trenching to obtain samples of ore deposits or to remove samples for testing.

MINERAL RESOURCE AREA means an area in which minerals are located in sufficient concentration in veins, deposits, bodies, beds, fields, pools or otherwise, as to be capable of economic recovery. The term includes, but is not limited to, any area in which there has been significant mining activity in the past, there is significant mining activity in the present, mining development is planned or in progress, or mineral rights are held by mineral permit or valid mining claim with the intention of mining.

MINIMUM USABLE OPEN SPACE See Sec. 5-20-90 and Table 5-1.

MOBILE HOME means a structure transportable in one or more sections, that is built on a chassis and designed to be used as a dwelling unit, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, and electrical systems contained in the structure, and that does not meet the requirements of 42 USC §5401. The term does not include pick up campers, travel trailers, motor homes, recreational vehicles, converted busses, tent trailers, or other transportable structures designed for temporary use. Structures that meet the requirements of 42 USC §5401 are Manufactured Homes rather than Mobile Homes.

MOBILE HOME PARK means any plot of ground upon which two (2) or more mobile homes occupied or intended to be occupied for dwelling or sleeping purposes are located for any period of time, regardless of whether or not a charge is made for such accommodations and whether or not the mobile home and/or land are owned by the occupants.

MOBILE HOME PARK (MANUFACTURED HOME PARK OR SUBDIVISION) means any plot of ground upon which two (2) or more mobile homes occupied or intended to be occupied for dwelling or sleeping purposes are located for any period of time, regardless of whether or not a charge is made for such accommodations and whether or not the mobile home and/or land are owned by the occupants.

MOTION DETECTOR means a mechanism that turns on lights only when activated by motion and will remain on during the activity and for a set period of time (typically less than thirty (30) minutes) following the last detection of motion.

MUDFLOW means the downward movement of mud in a mountain watershed because of peculiar characteristics of extremely high sediment yield and occasional high runoff.

MULTIPLE COMPLETION WELL, when used in the context of oil and gas extraction, means a well equipped to produce oil and/or gas separately from more than one reservoir.

NATURAL GRADE means the natural elevation of the ground surface prior to development. If it shall be determined that the natural grade has been disturbed immediately prior to development, the Community Development Director shall establish what had been the natural grade.

NATURAL HAZARD means a steep slope, geologic hazard, a wildfire hazard, or a flood hazard.

NATURAL HAZARD AREA means an area containing or directly affected by a natural hazard.

NATURAL RESOURCES OF STATEWIDE IMPORTANCE means areas limited to shorelands of major publicly owned reservoirs and significant wildlife habitats in which the wildlife species, as identified by the Division of Wildlife of the Department of Natural Resources, in a proposed area could be endangered.

NEIGHBORHOOD means the area adjacent to or surrounding existing or proposed development characterized by common use or uses, density, style and age of structures and environmental characteristics.

NET ALLOWABLE DENSITY means that density allowed in the appropriate zone district, reduced by any offset otherwise provided for in the Pitkin County Land Use Code (e.g., for slope density reduction), exclusive of the density associated with any deed-restricted housing that is provided according to this Land Use Code.

NET LIVABLE SQUARE FOOTAGE is a calculation used to determine the interior living area of an affordable housing unit, including caretaker and employee dwelling units, which is more specifically defined in the Aspen/Pitkin County employee housing guidelines, as amended from time to time.

NEW CONSTRUCTION means, for the purpose of determining insurance rates, structures for which the “start of construction” commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, “new construction” means structures for which the “start of construction” commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the initial installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

NONCONFORMING LOT. See **SUBSTANDARD SIZE LOT.**

NONCONFORMING STRUCTURE means any building or structure that was established pursuant to the zoning and building laws in effect at the time of its development, but that is no longer in compliance with the regulations imposed by this Land Use Code. A structure that meets the requirements of this Land Use Code, but that contains a use that is not permitted in the zone district in which it is located, is not a non-conforming structure, but rather a conforming structure with a non-conforming use.

NONCONFORMING USE means any use of land, building or structure that was established pursuant to the zoning and building laws in effect at the time of its development, but which use is no longer permitted under the regulations imposed by this Land Use Code for the zone district in which it is located. A use that is permitted by this Land Use Code that occurs in a structure that is not in conformance with this Land Use Code is not a non-conforming use, but rather a conforming use in a non-conforming structure.

NON-MOTORIZED MINERAL EXPLORATION means stream-panning using non-motorized equipment, collection of rock or ore samples for assay using non-motorized equipment or excavation of prospect holes using hand tools.

NON-RESIDENT, when used in the context of affordable/employee housing, shall mean someone who is not a resident as defined in the employee housing guidelines.

NORDIC SKI AREAS AND SUPPORT FACILITIES means a primary use of land that includes an area of land used for cross-country skiing and related activities, including those structures and facilities necessary to prepare, maintain, and operate cross-country skiing

facilities and to serve those involved in the sport. Motorized use of the trail is not permitted, except for trail grooming. Non-commercial nordic ski trails or private use trails are permitted as accessory uses in most zone districts where this use is not permitted as a principal use.

NO-RISE CERTIFICATION – A record of the results of an engineering analysis conducted to determine whether a project will increase flood heights in a floodway. A No-Rise Certification must be supported by technical data and signed by a registered Colorado Professional Engineer. The supporting technical data should be based on the standard step-backwater computer model used to develop the 100-year floodway shown on the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM).

NORMAL MAINTENANCE AND REPAIR OF A NON-CONFORMITY means any work done in a period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing.

NOXIOUS WEEDS means any alien, introduced, or undesirable plant species that infests either land or water resources and causes physical and economic damage and may threaten local native plant species.

NURSING, CONVALESCENT, REST, OR RETIREMENT HOME means a health facility used for or customarily occupied by persons recovering from or suffering from infirmities of age, that may provide meals, lodging, and continuing nursing care for compensation. This use generally provides a higher level of nursing care and living assistance than that provided by a Group Home. This term also includes assisted living facilities that are customarily occupied by persons recovering from or suffering from the infirmities of age, in which residents are provided assistance with daily living activities but are not provided with nursing care.

OFF-STREET PARKING means land anywhere except public right-of-way, that is used for the purpose of parking, storing, or displaying motor vehicles, trailers, motorcycles, mobile homes, and similar items. Off-street parking shall be paved with an all-weather surface or be covered with gravel and maintained in usable condition at all times.

OFFICE means a use where business, professional, or governmental services are made available to the public. It includes a building for use by those such as realtors, travel, advertising or insurance agents, and property managers providing both products and services. An office shall also include the home office of a company that sells products at retail or wholesale, or that provides professional services. In addition, it includes a building for use by those such as lawyers, architects, engineers, accountants, and other professionals who primarily provide services rather than products. It does not include medical or dental clinics or financial institutions.

OFFICE AND CLINIC USES means those uses of land and facilities used to conduct business or to provide professional services or treatment in an indoor office setting. This is a Use Category that includes uses like, but not limited to, the following: “Financial

Institution”, “Medical or Dental Clinic”, “Office”, “Research Facility”, and other uses that the Community Development Director determines belong in this Use Category.

OFFICER OR OFFICIAL means an officer or official of the City of Aspen, Pitkin County or the State of Colorado.

OFFICIAL ZONE DISTRICT MAP means the official map authorized in Sec. 1-80 establishing the zone districts in Pitkin County, as amended from time to time.

O.G.C.C. means the Oil and Gas Conservation Commission of the State of Colorado.

OIL AND GAS EXTRACTION means the exploration for and removal of oil and gas from the ground by drilling and/or pumping.

OIL AND GAS FACILITIES means:

- A. An individual well site built and operated to produce petroleum and/or natural gas (methane), including auxiliary equipment required for such production, i.e., separators, dehydrators, pumping units, tank batteries, and other equipment located within the perimeter of the well site pad, employing engines or motors with a cumulative horsepower rating of less than two hundred (200) bhp.
- B. Gas gathering lines and water collection lines serving oil and gas facilities, including trunk and lateral lines.
- C. Facilities associated with gas gathering lines and water collection lines, such as: drip stations, vent stations, pigging facilities, chemical injection stations, transfer pump stations and valve box, where such equipment or facilities employ engines or motors with a cumulative horsepower rating of less than two hundred (200) bhp.
- D. An individual well head compression and multiple well compression facility powered by motors or engines with a cumulative horsepower rating of less than two hundred (200) bhp,
- E. Storage yards or construction staging areas occupying one (1) acre or less.
- F. Compressor stations and associated facilities that serve multiple wells employing engines and/or motors with a cumulative horsepower rating of two hundred (200) bhp or more.
- G. Water injection stations and associated facilities.
- H. Storage yards and construction staging yards that occupy an area of one (1) or more acres.
- I. Any facility related to the production of oil and/or gas that contains engines and/or motors with a cumulative horsepower rating of two hundred (200) bhp or more.

- J. Gas treating facilities that serve multiple wells or gathering systems.
- K. Pipelines for which the power of eminent domain is available.

OPEN MINING means the mining of natural mineral deposits of limestone used for construction purposes, coal, sand gravel, and quarry aggregate by removing the overburden lying above such deposits and mining directly from the deposits thereby exposed. The term includes, but is not limited to, such practices as open cut mining, open pit mining, strip mining, quarrying and dredging.

OPERATING PLAN, when used in the context of oil and gas extraction, means a general description of a facility identifying purpose, use, typical staffing pattern, seasonal or periodic considerations, routine hours of operating, source of services/infrastructure, and any other information related to regular functioning of that facility.

OPERATOR, when used in the context of oil and gas extraction, means that individual or firm engaged in all or a portion of the extraction operations at a well or other facility; usually the lessee of the mineral estate, although day-to-day operations may be contracted to another firm.

OTHER PRINCIPAL USES means commercial or industrial uses that are permitted by right or by special review in various zone districts, but do not fit other commercial or industrial use categories as defined in this Land Use Code. This is a Use Category that includes uses like, but not limited to, the following: “Cellular Telephone Facility”, “Junk Yard”, “Radio or TV Transmitting Station”, “Use by Federal Permit”, and other “Uses Not Listed” that the Community Development Director determines belong in this Use Category.

OUTDOOR RECREATION, OTHER means a use of land that includes a temporary or continuing outdoor recreation activity not listed as a separate use in this Land Use Code, including but not limited to outfitting and guide services for hunters, fishermen, and hikers, as well as ecotourism uses consistent with other requirements of this Land Use Code, whether provided on a commercial or non-commercial basis. Individuals engaged in outdoor recreational uses unrelated to an outfitter or guide service are excluded from this definition. Rifle ranges and shooting ranges are excluded from this use. Outdoor camping areas that are an accessory use of land, or that provide temporary accommodation on a non-commercial basis, are included in the definition of Camping Areas.

OVERALL RANGE means the area that encompasses all known seasonal activity areas within the observed range of a bighorn sheep, elk and/or mule deer population.

OVERBURDEN means all of the earth and other materials that lie above natural mineral deposits of limestone used for construction purposes, coal, sand, gravel and quarry aggregate and also such earth and other materials disturbed from their natural state in the process of open mining.

OWNER means any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety with concurrent legal or beneficial title to the whole or to part of a building or land.

PARCEL OF LAND means any quantity of land and water that is capable of being described with such precision that its location and boundaries may be established, and that is designated by its owner or developer as land to be used or developed as a unit, or that has been used or developed as a unit.

PARK means publicly owned lands used for active or passive recreational purposes or as a refuge for wildlife.

PARK, PLAYGROUND OR PLAYFIELD means a tract of land designated for use by the public for active or passive recreation.

PASTURE means land covered with grass or other native or cultivated plants that is used for grazing livestock.

PEREGRINE FALCON ACTIVE NEST SITE means a specific location in which a pair of peregrines has at least attempted to nest within the last five (5) years. Any nest location that can be directly tied to courtship, breeding, or brooding behavior is considered active.

PERSON means an individual, corporation, governmental agency or body, business trust, estate, trust, partnership, association, two (2) or more persons having a joint or common interest, or any other entity.

PERSONAL SERVICE OUTLETS means establishments that provide services and goods related to household living or everyday needs. Examples of personal service outlets include post office substations, self-service laundries, dry-cleaning collection and distribution stations, barber and beauty shops, shoe repair shops, grocery, drug and liquor and photo studios, and internet service access points,.

PHOTOCELL means a mechanism that is activated by sunlight, turning lights on at dusk and off at dawn to illuminate an area for the entire night.

PLANNED COMMUNITY means a common interest community that is not a condominium or cooperative. A condominium or cooperative may be part of a planned community.

PLAT means a surveyed and scale-drawn map and supporting materials of certain described land, subdivisions, and sections prepared as an instrument for recording of real estate interests with the County Clerk and Recorder showing the location of lots and streets and other details as required by this Land Use Code.

POLLUTION, when used in the context of oil and gas extraction, means the contamination or other degradation of the physical, chemical or biological properties of water or air, including change in temperature, taste, color, turbidity or odor, or such discharge of any liquid, gaseous, solid, radioactive or other substance into water or air as will or is likely to create a nuisance or render such water or air harmful, detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational or other beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

POTENTIALLY UNSTABLE SLOPES means slopes that equal or exceed a thirty (30) percent gradient, which tend to be susceptible to a landslide, a mudflow, a rock fall, and/or accelerated creep of slope-forming materials.

PRE-APPLICATION CONFERENCE means an informal conference held between the staff and an applicant for any land use application. The conference is for the purpose of obtaining information and guidance prior to formal filing of the application and may be held jointly or individually with any member of the local reviewing staff as such are recommended by the Community Development Department.

PRESERVATION SITE means one type of Sending Site for transferable development rights, as defined in Sec. 6-70.

PRINCIPAL BUILDING OR STRUCTURE means the building or structure in which the principal use of a parcel of land is conducted. A principal building maintains heated, enclosed access between various building components.

PRINCIPAL USE means the main purpose of activity for which land or any building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

PRODUCING (IN PRODUCTION), when used in the context of oil and gas extraction, means the development stage in which marketable oil and gas are extracted from a well; it may also signify the extraction level at which the quantitative terms of the lease are fulfilled.

PROJECT-RELATED IMPROVEMENTS mean those road capital improvements and right-of-way dedications that provide direct access to the development. Direct access improvements are typically located within or adjacent to a development site and include but are not limited to the following: (a) driveways and streets leading to and from the development; (b) right and left turn lanes leading to those driveways and streets; (c) traffic control measures for those driveways; and (d) internal streets.

PROSPECTING. See **MINERAL EXPLORATION.**

PUBLIC FACILITIES means major capital improvements, including but not limited to, transportation, sanitary sewer, solid waste, drainage, potable water, education, and parks and recreation facilities, as well as those uses included in the definitions of major public facilities, major public utilities, and minor public utilities in this Land Use Code.

PUBLIC FACILITIES, MAJOR, means a large or specialized public facility owned by a government agency or non-profit entity and necessary to provide public health or safety services to the citizens of the County. Specific uses include, but are not limited to, (a) emergency medical response facilities; (b) landfills; (c) detention facilities; (d) a wind powered electric generator with a rated capacity of 250 KW or greater; and (e) the following types of uses as defined or referred to in C.R.S. 24-65.1-104: arterial highway; collector highway; interchanges involving arterial highways; rapid transit terminals, stations, or fixed guideways.

PUBLIC LANDS FOR DEDICATION AND OWNERSHIP means parks, playground, schools, drainage channels, trails, highways, roads and streets, or other areas of land to be dedicated to public use and requiring acceptance by the Board.

PUBLIC RIGHT-OF-WAY means a right-of-way dedicated or appropriated to the general public.

PUBLIC UTILITIES, MAJOR, means a public utility facility typically serving a significant subarea of the County that normally requires the construction of new buildings or structures, and that often has employees at the site. This use includes, but is not limited to, the following types of uses as defined or referred to in C.R.S. 24-65.1-104: domestic water and sewage treatment system; transmission line, power plants, or substations of electric utilities (excluding distribution lines); and pipelines and storage areas of utilities providing natural gas or other petroleum derivatives (other than pipelines providing services to no more than ten (10) single family dwellings). Major utility facilities have potentially significant impacts on an area of the County by virtue of their appearance, noise, size, traffic generation, externalities, or other operational characteristics. Specific uses include, but are not limited to (1) Activities related to the construction of any electric power line over one hundred fifteen (35) KV; (2) Activities related to the extension of domestic water and sewage treatment systems to any area that previously did not have such systems; and (3) Water transmission, storage, or distribution systems.

PUBLIC UTILITIES, MINOR means the development or maintenance by public utilities or the County of a utility facility that does not qualify as a major public utility, and specifically including underground, surface or overhead gas, electrical, steam, and fuel facilities, including towers, poles, wires, mains, drains, sewers, pipes connecting individual homes or structures to existing water or sewer facilities, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants, and similar equipment.

QUIET ZONE means the area within one-half (1/2) mile of a school, hospital, institution of learning, court, rest home or other designated area where exceptional quiet is necessary, while the such places are in use.

RADIO OR TV TRANSMITTING STATION means a facility for the transmission of radio and/or television signals, with or without a tower.

RADIOACTIVITY means a condition related to various types of radiation emitted by radioactive materials that occur in natural deposits of rock, soil and water.

RANCHING means the practice of keeping livestock on fields for the purpose of grazing and feeding. Confined animal feeding operations (CAFOs) are not included in this definition.

RAPID TRANSIT means the element of a mass transit system involving a mechanical conveyance on an exclusive lane or guideway constructed solely for that purpose.

RAPTOR ACTIVE NEST SITE means a specific location in which a pair of hawks, owls, or falcons other than eagles or peregrine falcons, has at least attempted to nest within the last

five (5) years. Any nest location that can be directly tied to courtship, breeding, or brooding behavior is considered active.

RARE AND/OR IMPERILED SPECIES means those plant communities and animal species ranked G3, S3, G2, S2, G1 or S1 by the Colorado Natural Heritage program.

A. G/S1 means critically imperiled globally/state because of rarity (five (5) or fewer occurrences in the world/state); or very few remaining individuals; or because of some factor of its biology making it especially vulnerable to extinction.

B. G/S2 means imperiled globally/state because of rarity (six (6) to twenty (20) occurrences), or because of other factors demonstrably making it very vulnerable to extinction throughout its range.

C. G/S3 Vulnerable through its range or found locally in a restricted range (twenty-one (21) to one hundred (100) occurrences).

RECEIVING SITE means a parcel of land to which development rights are transferred within Pitkin County in accordance with the standards, criteria and procedures of Secs. 2-40-30 and 6-70.

RECONSTRUCTION means the re-establishment or reassembly of an existing structure in the same or a different location on the property.

RECREATIONAL VEHICLE means a vehicle which is:

1. built on a single chassis;
2. 400 sf or less when measured at the largest horizontal projections;
3. designed to be self-propelled or permanently towable by a light duty truck; and
4. designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

REDSTONE "A" LOTS means those areas within the "A" Lots created pursuant to Resolution No.77-15 and so designated in the Revised Plat and Addition to a portion of the Redstone Subdivision recorded in Book 5 at Page 65.

REFERRAL AGENCIES means any agencies or person who may, in the opinion of the Community Development Department or the Board, be affected by the proposal or be otherwise competent to provide relevant information or analysis concerning the potential impacts of the proposal.

RELIGIOUS INSTITUTION means a facility used primarily for non-profit purposes by a legally established faith organization to provide assembly and meeting areas for religious activities. Accessory uses include parking, caretaker's housing, buildings ancillary to a religious function, pastor's housing, and group living facilities, such as convents. Examples include but are not limited to churches, temples, synagogues, mosques, and monasteries.

REMODELING means the renovation of an existing structure that does not change: (a) the original size or location of the footprint of the structure; (b) the use of the structure; or (c) the floor area of the structure.

REPLACEMENT means the complete removal of all or a portion of a structure and substitution of the original structure with a new structure. A replacement structure may change the original size and location of the footprint of the structure.

RESEARCH FACILITY means facilities where research is performed, research programs are tested, and written research findings are produced, and that includes activities that do not meet the definition of an office. Accessory facilities for the manufacture, fabrication, processing, or assembly of products used in such research, or in support of such research, are permitted. This definition does not include general laboratories for testing chemical, electronic, or other products or facilities where manufacture, fabrication, processing, or assembly activities predominate over related research activities.

RESIDENT, when used in context of affordable housing, means a resident as defined in the employee housing guidelines.

RESIDENTIAL USE means used or intended for use exclusively for dwelling purposes, but not including hotel or lodge rooms.

RESORT CABIN means a building designed for temporary recreational purposes in rural mountainous terrain and used to accommodate individuals on a term occupancy basis. If a resort cabin contains a bath and kitchen, then it must comply with the density requirements of the underlying zoning.

RESOURCE USES means those land uses, activities, and structures used to remove timber, minerals, gravel, oil and/or gas from the ground in accordance with all applicable laws and regulations. This is a Use Category that includes uses like, but not limited to, the following: “Logging”, “Mineral and Gravel Extraction”, “Oil and Gas Extraction”, and other uses that the Community Development Director determines belong in this Use Category.

RESTAURANT OR BAR means an establishment where food and drink are prepared, served, and consumed primarily within the principal building, and where alcoholic beverages may be served if the operator has a valid license permitting the sale of such beverages.

RESTORATION means the bringing back to an unimpaired condition of an existing structure in the same location on the property.

RETAIL SALE OF GOODS means drug, book, delicatessen, stationery, liquor, florist, or specialty apparel shops, sporting goods, hardware, radio and TV stores, electronic stores, or any other place where goods are sold to the public at retail, and that are not listed as a separate use (for example, are not listed as a Personal Service Outlet) in this Land Use Code.

RETAINING PIT, when used in the context of oil and gas extraction, means earthen excavation used for the purpose of retaining or storing substances associated with the drilling or operation of oil and gas wells.

REVIEWING BODY means a board, commission, agency, or group that is authorized by this Land Use Code to review a development approval or building permit application and to make a recommendation, but not a final decision, regarding the application. A given board, commission, agency, or group may be a reviewing body for purposes of some types of applications and a decision-making body for purposes of other types of applications.

RIDGELINE means the highest elevation, or apparent highest elevation of a hill or mountain, or part of a hill or mountain, when viewed from a defined vantage point.

RIDING STABLES OR ACADEMIES means a principal use of land that includes a parcel of land and related structures used for providing horse riding lessons, or for providing an area where individuals can ride horses independently, as well as related facilities necessary for the operation and maintenance of those land areas and facilities regardless of whether such activities are provided on a commercial or non-commercial basis. Horse boarding may be provided as an accessory use.

RIGHT-OF-WAY means the land on which facilities, such as roads, railroads, canals, utilities, and other similar uses exist or may be constructed.

RIPARIAN HABITAT means plant communities contiguous to and affected by surface and subsurface hydrologic features of perennial or intermittent lotic and lentic water bodies (rivers, streams, lakes, or drainage ways). Riparian areas have one (1) or both of the following characteristics: a) distinctly different vegetative species than adjacent areas, and b) species similar to adjacent areas but exhibiting more vigorous or robust growth forms. Riparian areas are often transitional between wetland and upland.

RIVER means the Roaring Fork, Crystal, and/or Frying Pan Rivers.

ROAD CAPITAL IMPROVEMENT means transportation planning, preliminary engineering, engineering design studies, land surveys, alignment studies, right-of-way acquisition, engineering, permitting, and construction of all necessary features for any road construction project on a road in the County's road system, undertaken to accommodate traffic resulting from new traffic-generating development.

ROOF-MOUNTED SOLAR ENERGY COLLECTOR means any solar energy collector that is directly attached to a building via any ancillary development (racking assembly, balancing system, utility boxes, etc.)

RURAL means country-like or agricultural. Rural areas are generally characterized by large open spaces, lower density residential development and agricultural uses.

RURAL AREA means (1) for purposes of the Growth Management Quota System, unincorporated Pitkin County excluding the area comprised of the Aspen Urban Growth Boundary, and (2) for other purposes, that part of the unincorporated area of Pitkin County located outside of the defined urban growth boundaries of Aspen, Snowmass, Basalt, and Carbondale.

SALES AND SERVICE USES means a use category that includes a parcel of land or structure used to sell new or used goods to the public, either at retail or otherwise, or to service or repair goods (not including vehicles or equipment). Operations are generally in an indoor environment, but may include outdoor storage for inventory, supplies or equipment. In the case of arts and crafts studios, it includes the creation of those goods offered for sale. This is a Use Category that includes uses like, but not limited to, the following: “Arts and Craft Studio”, “Building Materials and Landscaping”, “General Services”, “Personal Service Outlet”, “Retail Sale of Goods”, and other uses that the Community Development Director determines belong in this Use Category.

SATELLITE RECEPTION DEVICE means a satellite signal reception or transmission device, that is used for the reception and/or transmission of satellite signals, including but not limited to, television signals, AM and/or FM radio signals, telemetry signals, data communications signals, or any other reception or transmission signals using free air space as a medium, whether for commercial or private use.

SCHOOL OR UNIVERSITY means a legally created and publicly or privately owned facility providing education to the public, or to patrons either free of charge or for a fee. Examples include public elementary, middle, and high schools; private or parochial elementary, middle, and high schools, public or private colleges, trade or vocational schools, martial arts, yoga, and art schools.

SECURITY FENCING when used in the context of oil and gas extraction, means a six (6) foot chainlink fence topped by three strands of barbed wire, or the equivalent, with a gate that can be secured.

SEISMIC EFFECTS means direct and indirect effects caused by an earthquake or an underground detonation.

SENSITIVE SPECIES means those plant and animal species identified by the USFS Region 2 Forester for which population viability is a concern, as evidenced by significant current or predicted downward trends in habitat capability that would reduce a species’ existing distribution.

SEPARATE OWNERSHIP means that a lot or parcel is neither contiguous with nor adjacent to another lot or parcel or real property owned by the same owner.

SERVICE YARD means any yard utilized for storage of material accessory to or used in conjunction with the principal commercial use of a lot or structure.

SETBACK means the area between a structure and the property line of the lot on which the structure is located. The setback shall be unoccupied and unobstructed from the ground upward, except for fences or as otherwise provided in this Land Use Code. In measuring a setback, the horizontal distance between the lot line and the closest projection of a principal or accessory building shall be used.

SEVERE WINTER RANGE means that part of the overall range where ninety (90) percent of the bighorn sheep, elk and/or mule deer individuals are located when the annual snow

pack is at its maximum and/or temperatures are at a minimum in the two (2) worst winters out of ten (10).

SEWAGE DISPOSAL AREA OR WATER PLANT means a public or private facility owned by a public utility, by the County, by an entity under contract to a public utility or the County, or by a special district formed for that purpose, and operated for the treatment of water prior to consumption by humans, or for the treatment or disposal of waste and related products.

SHUT-IN, when used in the context of oil and gas extraction, means to close a valve on a well so that it stops producing.

SIDEWALK means that portion of the sidewalk area that is paved with an all-weather surfacing for use by pedestrians.

SIDEWALK AREA means that portion of a street between the curb line or the lateral line of a roadway, and the adjacent property line intended for the use of pedestrians, including the terms border area, parkway, park strip, planting strip, or similar designations.

SIGN means any object, device, display, symbol, light or structure, fixed to, painted on, placed on or incorporated in the building surface or structure, or free-standing upon the site, which is designed to be visible from outside and used, intended or designed to convey or direct information or a message, or designed to convey or direct information or a message to the public concerning the identification of the premises or to advertise or promote the interests of any private or public firm, person, organization, service or product.

SIGN, FREE-STANDING means any sign that is permanently affixed to the ground, that is self-supporting by a stand or legs or other self-supporting structure used solely for that sign, and that is physically separated from any building or structure.

SIGN, OFF-SITE means a sign that directs attention to a business, commodity, service, entertainment, attraction, or product sold, offered or existing elsewhere than upon the same lot where such sign is located. The term shall include outdoor advertising signs (billboards), unless otherwise pre-empted by state or federal law.

SIGN, PORTABLE OR WHEELED means a sign not permanently affixed to the ground, a building or other permanently affixed structure, which may be moved from place to place and that may, but not necessarily, be mounted on wheels.

SIGN, PROJECTING means any sign, other than a free-standing sign, affixed to or supported by a building or structure, which projects beyond the surface of that portion of the building or structure to which it is affixed or supported by more than six (6) inches.

SIGN, ROOF means a sign created, placed or maintained in whole or in part upon, against, or directly above the roof or parapet line of a building.

SIGN STRUCTURE means any structure that is designed specifically for the purpose of supporting a sign, has supported, or is capable of supporting a sign. This definition shall

include any decorative covers, braces, wires, supports or components attached to or placed around the sign structure. A building with a sign affixed to its exterior is not a sign structure.

SIGN, TEMPORARY means a non-permanent sign erected, affixed or maintained for a short, usually fixed, period of time.

SIGN, WALL means any sign painted or placed on, incorporated in, or affixed to a building wall, window or canopy, or any sign consisting of cut-out letters or devices affixed to a building wall, window or canopy with no background defined on the building wall, window or canopy, with the exposed face of the sign located in a place substantially parallel to the wall, window or canopy surface on which it is placed.

SILTATION means a process that results in an excessive rate of removal of soil and rock materials from one location and rapid deposit thereof in adjacent areas.

SILVICULTURE means the development and/or maintenance of a forest or wooded preserve that does not meet the definition of logging.

SITE means one or more parcels with one or more structures.

SITE PLAN means that plan described in Sec. 7-10-50.

SITE SPECIFIC DEVELOPMENT PLAN means a development plan described in Sec. 2-20-170(b).

SKI AREA means all ski slopes and trails and other places under the control of a ski area operator and administered as a single enterprise within the State of Colorado.

SKYLINE means, in the context of scenic view regulations, to project above a defined ridgeline such that a structure silhouettes against the sky when viewed from one or more defined vantage points.

SLOPE means the gradient of the ground surface that is definable by degree or percent.

SNOW DUMPING/TRUCK/STORAGE shall be defined as follows:

An activity in which a property owner accepts snow from off-site. The use of dump trucks and other heavy equipment is involved with the moving of the snow.

SOIL means the relatively loose, incoherent earth material of whatever origin that overlies bedrock.

SOLAR ACCESS means the accessibility of a parcel or building to sunshine allowing for solar energy collection either actively or passively.

SOLAR ENERGY COLLECTOR means a device for the passive collection of solar energy for use in the heating of water or the generation of electricity, together with related wires and pipes necessary for operation.

SOLAR FACILITY means any ground-mounted solar generators that occupy one-quarter (1/4) acre of land or more and generates two (2) Mega-Watts (MW) or more. Solar Facilities are considered Major Public Utilities.

SOLAR FARM means any collection of ground-mounted solar generators that occupies one-quarter (1/4) acre of land or more but generates less than two (2) Mega-Watts (MW).

SOUR GAS, when used in the context of oil and gas extraction, means natural gas containing hydrogen sulfide (H₂S) and is toxic if inhaled in amounts of 4.0 ppm or greater.

SPACING, when used in the context of oil and gas extraction, means acreage dedicated to each well producing from the same formation. Spacing regulations are established by the Colorado Oil and Gas Conservation Commission.

SPECIAL EVENT means an organized group activity at one or more specified locations which take place over a single day or several consecutive days at which a group of persons may gather, with or without the payment of an admission charge. A special event that: (a) takes place at a property or in a building or structure that has received a special review use permit authorizing that type of event (such as a special events venue); (b) occurs as part of the day-to-day operation of a school, religious center, community center, athletic field or similar building/structure or site that was constructed and is primarily used as a place for community gathering; or (c) is authorized in a ski area or public/institutional master plan, shall not require a special events permit.

Special events include, but are not limited to, the following and similar activities:

- Athletic events, including organized races and competitive group activities;
- Entertainment events, including a concert, carnival, festival, or fair;
- Fund raiser;
- Trade show; and
- Wedding, block party, neighborhood gathering or similar type of group celebration.

SPECIAL EVENT COMMITTEE means an administrative group consisting of representatives of those agencies involved in the special events permitting process or whose resources may be impacted by the event. Agencies represented on the group may include, but not be limited to the Pitkin County Sheriff, Fire Departments, Roaring Fork Transit Agency, Community Development, Emergency Manager, and Environmental Health.

SPECIAL EVENTS VENUE means a parcel of land, building or structure that has not otherwise been granted a land use approval to operate as a place of public assembly or for the conduct of special events but which is used or intended to be used for special events more than three (3) times during a calendar year.

SPECIAL FLOOD HAZARD AREA (AREA OF SPECIAL FLOOD HAZARD) is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

SPRAWL means the continuous, haphazard, uncoordinated development outside of an Urban Area that does not provide or properly plan for concentration of more intense uses and the efficient and economical provision of public facilities and urban services. Sprawl development tends to promote additional development, especially in connection with the provision of public facilities and urban services.

STANDARD means a definite rule, principle, or measure established by authority, and with which compliance is mandatory unless expressly waived or varied according to this Land Use Code.

START OF CONSTRUCTION - The date the building permit was issued, including substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 12 months of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STATE OR FEDERALLY LISTED THREATENED OR ENDANGERED SPECIES CRITICAL HABITAT means:

A. Specific areas within the geographical area occupied by the species at the time it is listed in accordance with the provisions of section 4 of the Endangered Species Act (ESA), on which are found those physical or biological features (constituent elements) (a) essential to the conservation of the species and (b) that may require special management considerations or protection; and

B. Specific areas outside the geographical area occupied by the species at the time it is listed in accordance with the provisions of section 4 of the ESA, upon a determination by the Secretary of the Interior that such areas are essential for the conservation of the species. [ESA §3 (5)(A)] Designated critical habitats are described in 50 CFR §17 and 226.]

STREAM. See **CREEK.**

STREET means a public way, other than an alley, that affords the principal means of access to abutting property, including private streets.

STREET, ARTERIAL See **ARTERIAL STREET**.

STREET, COLLECTOR See **COLLECTOR STREET**.

STREET, LOCAL See **LOCAL STREET**.

STRUCTURE means anything constructed, installed, or portable, that requires location on the ground. It includes yurts and tepees and movable buildings that can be used for housing, business, commercial, agricultural, or office purposes, either temporarily or permanently. "Structure" also includes roads, walkways, paths, fences, swimming pools, tennis courts, signs, sheds, and other accessory construction. "Structures" do not include fences or walls used as fences as provided in subsection D of the definition of "Development" within this section; poles, lines, cables, or other transmission or distribution facilities of public utilities; bus shelters less than two hundred (200) square feet in size.

SUBALPINE AND ALPINE ECOSYSTEMS means those ecosystems in Pitkin County which are located between nine thousand (9,000) to eleven thousand four hundred (11,400) and eleven thousand four hundred (11,400) to fourteen thousand feet (14,000') in elevation, respectively. The subalpine ecosystem includes forests dominated by Engelmann spruce and fir, that can be intermixed with distinct stands of lodgepole pine and aspen Douglas fir forests, and can also extend up into the lower limits of the subalpine environment. Meadows are found throughout the subalpine zone and tend toward increasing soil moisture and decreasing size with increasing elevation. The alpine tundra ecosystem is found above tree limit, and is characterized by the absence of trees. Several distinct plant communities are found in the alpine ecosystem, including low shrubs, cushion plants, small forbs and lush meadows of sedges and grasses. Among other qualities, subalpine and alpine ecosystems function to collect, store, filter and distribute water for all the in-stream, agricultural, municipal, domestic, industrial and recreational purposes for which water is essential.

SUBDIVIDER OR DEVELOPER, for purposes of the subdivision of land, means the person including the owner, or agent for the owner, dividing or proposing to divide land so as to constitute a subdivision to be shown on a recorded plat.

SUBDIVISION OR SUBDIVIDED LAND means:

A. A tract or parcel of land that is divided into two (2) or more lots, tracts, sites, parcels, separate interests, interests in common, or other division, unless exempted pursuant to Chapter 2 of this Land Use Code. Interest means any and all interest in the surface of land (including leasehold interest) but excluding any and all subsurface interests. Included (not by way of limitation) within the definition of "subdivision" or "subdivided land" are:

1. A parcel of land to be used for the construction (for lease or sale) of a planned community (commercial or residential), apartments, or multi-family units, whether or not constructed on a previously subdivided lot or parcel (unless such land,

when previously subdivided, was accompanied by a filing of an application for improvements (with substantially the same density) that complied with all provisions of the state subdivision law and County subdivision regulations and was approved thereunder).

2. A parcel of land to be used for the construction of a hotel, lodge, motel or dormitory.

3. A parcel of land to be used for a mobile home park without regard as to whether park spaces are to be leased or sold.

4. A parcel of land (not previously subdivided) to be used for the construction of two (2) or more commercial or industrial spaces for rent (without regard to the term of such leaseholds).

5. A parcel of land (with or without improvements) leased (for other than utility or roadway purposes) for a period (including renewal terms) of twenty (20) years or longer; provided, however, that no lands subject to such leaseholds created prior to the effective date hereof shall be deemed to have been subdivided merely by reason of such leasehold interest.

6. The conversion of residential units into units capable of separate ownership in a planned community form, but not including timeshares, condominiums, or cooperatives.

B. No subdivision of land shall be deemed to have occurred merely by reason of the establishment of a public right-of-way (for access or utility purposes) across such land by the County or state government without regard as to whether such right-of-way was acquired by dedication or established by prescription, unless fee ownership of the public right-of-way has been conveyed to and accepted by the County, or has been conveyed to a third party for access or utility purposes with the consent of the County.

C. In the event that two or more contiguous parcels of land, previously separately conveyed (or described), shall come under single ownership, the division of such land into two (2) or more lots, tracts, sites, parcels, separate interests, interests in common, or other division, even if divided along the line of a previously described or conveyed parcel, shall constitute a subdivision of land. Nothing herein shall be deemed to apply to a lot shown on any recorded subdivision plat, unless such subdivision plat shall not have received those approvals required by state or local law.

D. Unless the method of disposition is adopted for the purposes of evading this definition, the terms "subdivision" and "subdivided land" as defined in subsection A shall not apply to any division of land:

1. That could be created by any court in this State pursuant to the law of eminent domain, or by operation of law, or by order of any court in this State if the Board of County Commissioners of the County in which the property is situated is

given timely notice of any such pending action by the court and given opportunity to join as a party in interest in such proceedings for the purpose of raising the issue of evasion of the County's subdivision regulations prior to the entry of the court order and if the Board does not file an appropriate pleading within twenty (20) days after receipt of such notice by the court;

2. That is created by a lien, mortgage, deed of trust, or any other security instrument;
3. That is created by a security or unit of interest in any investment trust regulated under the laws of this State or any other interest in any investment entity;
4. That creates cemetery lots;
5. That creates an interest in oil, gas, minerals, or water that is severed from the surface ownership or real property; or
6. That is created by the acquisition of an interest in land in the name of the husband and wife or other persons in joint tenancy, or as tenants in common, and any such interest shall be deemed for the purpose of this definition as only one interest.
7. That creates parcels of land, each of which comprises thirty-five (35) or more acres of land and none of which is intended for use by multiple owners.
8. That creates legally separate real estate interests through creation of condominiums pursuant to C.R.S. 33-33.3-101, *et seq.* or Section 38-33-101, *et. seq.*, cooperatives pursuant to C.R.S. 33-33.3-101, *et. seq.* or Section 33-33.5-101, *et. seq.* and timeshares pursuant to C.R.S. 38-33-111, as those provisions may be amended or replaced from time to time. The creation of these interests shall not result in the subdivision of land, the creation of legally separate lots, nor shall it be considered an event of subdivision.

SUBSTANDARD SIZE LOT means any lot or parcel, no matter what the size, that does not meet the minimum requirements for lot width or area as set forth in this Land Use Code, when a building permit is sought.

SUBSTANTIAL DAMAGE means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT means any reconstruction, rehabilitation, addition, or other improvements of a structure, that cost of which equals or exceeds 50 percent of the market value of the structure before “start of construction” of the improvement. This includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions or
2. Any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “histories structure”.

SUBURBAN means a predominantly low-density residential area and/or small-scale commercial area located immediately outside of and physically and socio-economically associated with an urban area, municipality or a city.

SYSTEM IMPROVEMENT means an improvement to a public road planned and scheduled on the Pitkin County 20-Year Road Improvement Plan.

TEMPORARY LAND USES AND ACTIVITIES means a use that is established for a limited duration of time with the intent to discontinue the use at the end of that time period so the use does not become a permanent land use or activity. By way of example, temporary land uses and activities:

- (a) May be required during the construction phase of development (such as a construction trailer);or
- (b) May be uniquely seasonal in nature (such as a farm stand, holiday tree stand or farmer’s market).

Filming of a movie, television show, commercial or promotional spot and still photo shoots are also considered to be temporary land uses and activities.

TEMPORARY STRUCTURE means a tent or similar type membrane construction erected for a period of less than one-hundred (180) days or for a duration specified in an approval. Temporary structures are commonly associated with Special Events and/or Temporary Land Uses and Activities.

THREATENED SPECIES means those species designated by the federal government or the State of Colorado as being any species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range, as that definition may be amended by federal government laws or regulations from time to time.

TIMER means a mechanism that activates the light source at dusk and turns it off at a selected time several hours later, well before dawn.

TIMESHARE means "interval estate," "timeshare estate," "timespan estate," and also includes those other terms as defined in C.R.S. 38-33-110, as such may be amended from time to time.

TIMESHARE DISCLOSURE STATEMENT means a written, sworn statement described as required by the timesharing regulations of this Land Use Code.

TIMESHARE/FRACTIONAL OWNERSHIP means a contractual or membership right of occupancy (that cannot be terminated at the will of the owner) for life or for a term of years, to the recurrent, exclusive use or occupancy of a lot, parcel, unit, or specific or nonspecific segment of real property, annually or on some other periodic basis, for a period of time that has been or will be allotted from the use or occupancy periods into which the property has been divided.

TOURIST ACCOMMODATION means hotel, motel, lodge, or any building primarily used or intended to be used for the purpose of providing overnight lodging facilities on a short-term basis to the general public for compensation, with or without meals, and that has common facilities for reservation and cleaning services, combined utilities and on-site management.

TOURIST ACCOMMODATION UNIT means any unit intended to be occupied principally by visitors to Pitkin County, located in a facility that offers customary on-site management and operation services for visitors. This use shall include units found in a lodge, hotel, motel, tourist dormitory, resort cabin, guest ranch, or similar facility, but shall exclude any high country hut, tourist camping or similar facility that does not provide on-site management and operation services or that does not meet the definition of dwelling unit in this Chapter 11. Also excluded shall be dwelling units that are principally residences as defined in this Chapter 11, and are subject to residential growth management quota system allotments even though they may from time to time be used by visitors.

TRAFFIC-GENERATING DEVELOPMENT means development designed or intended to permit a use of the land that will contain more dwelling units or floor space in a manner that increases the generation of vehicular traffic.

TRAIL means a multi-purpose easement designed for non-motorized means of travel. A trail may include a facility for the parking of motor vehicles that provides safe access to the trail. This is an accessory use of land.

TRANSFERABLE DEVELOPMENT RIGHTS OR TDRS are the right to sever development rights that exist under the land use regulations, codes and plans of Pitkin County for lands that have been designated within the Rural/Remote zone district and to transfer such rights to lands that are designated as suitable for on-site development. Once a development right is severed from a preservation site, it becomes a transferable development right or TDRs until it is attached to a receiver site.

TRANSMISSION PIPELINE, when used in the context of oil and gas extraction, means a pipeline transporting oil, natural gas or any other products derived from oil and gas production, which is defined as a transmission pipeline by the Department of Transportation regulations under the Natural Gas Pipeline Safety Act of 1968, as amended.

TREE means a woody plant with an erect perennial trunk, that at maturity is thirteen feet (13') or more in height and that has a more or less definite crown of foliage.

UNIT, in the context of common interest communities, means a physical portion of the common interest community that is designated for separate ownership or occupancy and the

boundaries of which are described in or determined from the declaration. If a unit in a cooperative is owned by a unit owner or is sold, conveyed, voluntarily or involuntarily encumbered, or otherwise transferred by a unit owner, the interest in that unit that is owned, sold, conveyed, encumbered, or otherwise transferred is the right to possession of that unit under a proprietary lease, coupled with the allocated interests of that unit, and the association's interest in that unit is not thereby affected. The creation of units as part of common interest communities does not result in the legal subdivision of land or the creation of legally separate lots.

UNSTABLE OR POTENTIALLY UNSTABLE SLOPE means an area susceptible to a landslide, a mudflow, a rock fall, or accelerated creep of slope-forming materials.

URBAN means of, relating to, characteristic of, or constituting a municipality or city. Urban areas are generally characterized by moderate and higher density residential development, commercial development and industrial development.

URBAN AREA means lands located within adopted Urban Growth Boundaries or the townsite of Redstone.

URBAN GROWTH BOUNDARY means a limitation on urbanization of land or the types of development that can occur outside of areas surrounding existing municipalities and unincorporated settlements, that is negotiated between one or more governmental entities, and that concerns areas over which those governmental entities have regulatory jurisdiction.

USABLE OPEN SPACE See Sec. 5-20-90.

USES BY FEDERAL PERMIT means any use of land or activities on the land or facilities related to those uses or activities approved pursuant to a permit issued by an agency of the federal government, and that have off-site impacts on unincorporated areas of the County not in federal government ownership.

VEHICLE AND AIRCRAFT SALES AND SERVICE means the sale and rental of vehicles and aircraft, including accessory gas and fueling stations, related trucking services, bus and taxi storage and repair, and car washes.

VEHICLE AND EQUIPMENT means pertaining to the maintenance, sale, or rental of motor vehicles and related equipment. This category includes automobile parts and sales, new and used automobile sales on the same lot, outside display and storage of vehicles and equipment, heavy machinery sales and service, new boat sales and service, automobile body repair, automobile assembly, painting, upholstery and rebuilding, automobile service office or garage, tire re-treading, tire dealers, and trailer rental, sale, display, and/or storage uses. Accessory uses may include incidental repair and storage, offices, and sales of parts. This is a Use Category that includes uses like, but not limited to, the following: "Automobile Service Station", "Vehicle and Aircraft Sales and Service", and other uses that the Community Development Director determines belong in this Use Category.

VESTED PROPERTY RIGHT means the right to undertake and complete the development and use of property under the terms and conditions of a site specific development plan, as set forth in C.R.S. 24-68-101 et. seq.

VIOLATION means the failure of a structure or other development to be fully compliant with the community's regulations.

VISITOR TRIP means one automobile arrival or departure, regardless of how many individuals are in the automobile.

WATER CROSSING OR DIVERSION means a ditch, pipe, bridge, culvert, structure for irrigation, drainage, flood control, or water diversion, or other pathway in which or through which water is moved or allowed to move from one point to another, in accordance with Colorado law, for purposes of irrigation, agricultural use, or domestic use within Pitkin County.

WEAK SOIL AND ROCK means soil, rock or man-made fill that lacks strength to support light loads imposed by residential dwellings or structures or similar loads, that may settle unevenly under loads imposed by such structure, particularly upon application of water, or that is susceptible to slipping, flowing or creeping due to gravity or leveling as a result of wetting and drying.

WETLANDS means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation; provided that lands that are periodically irrigated for agricultural purposes are not considered to be wetlands as the term is used in this Land Use Code.

WILDFIRE BEHAVIOR means the predictable action of wildfire under given conditions of slope, aspect and weather.

WILDFIRE HAZARD means a wildfire phenomenon that is so adverse to past, current or foreseeable construction or land use as to constitute a hazard to public health and safety or to property. The term includes, but is not limited to (a) slope and aspect, (b) wildfire behavior characteristics, and (c) existing vegetation types.

WILDFIRE HAZARD AREA means an area containing or directly affected by a wildfire hazard.

WILDFIRE HAZARD CLASSES means the differentiation of wildfire hazard areas into various levels of severity by considering wildfire behavior, vegetation types and slope. Wildfire Hazard Classes are described in the chart below.

WILDFIRE AREAS, LOW AND MEDIUM HAZARD means those areas which shall consist of the following: (in all cases mapping will be field verified by the Colorado State Forest Service, the Pitkin County Sheriff's Department or a person certified by Pitkin County

as an expert in wildfire hazard areas and wildfire mitigation, sometimes referred to in this Land Use Code as "wildfire experts"):

- A. Areas designated as "A -- Low Hazard: Trees and Grass", "B -- Medium Hazard: Trees" wildfire hazard on Pitkin County's adopted wildfire hazard area maps.
- B. Areas that are not mapped but are identified by wildfire experts as areas containing "A -- Low Hazard: Trees and Grass," "B -- Medium Hazard: Trees" wildfire hazard.
- C. Areas that are incorrectly mapped and are identified by wildfire experts as areas containing "A -- Low Hazard: Trees and Grass," "B -- Medium Hazard: Trees" wildfire hazard.

WILDFIRE AREAS, SEVERE HAZARD means those areas which shall consist of the following: (in all cases mapping will be field verified by the Colorado State Forest Service, the Pitkin County Sheriff's Department or a person certified by Pitkin County as an expert in wildfire hazard areas and wildfire mitigation, sometimes referred to in this Land Use Code as "wildfire experts"):

- A. Areas designated as "C -- Severe Hazard: Trees" or "X -- Severe Hazard: Brush" wildfire hazard on Pitkin County's adopted wildfire hazard area maps.
- B. Areas that are not mapped but are identified by wildfire experts as areas containing "C -- Severe Hazard: Trees" or "X -- Severe Hazard: Brush" wildfire hazard.
- C. Areas that are incorrectly mapped and are identified by wildfire experts as areas containing "C -- Severe Hazard: Trees" or "X -- Severe Hazard: Brush" wildfire hazard.

WILDLIFE HABITAT means an area that includes: any area mapped by the Division of Wildlife on Species Activity Maps (SAM) or Natural Diversity Information System (NDIS) maps; Colorado Natural Heritage Program (CNHP) maps of rare and imperiled species and natural communities; or any area determined by Pitkin County or the Division of Wildlife to include: any portion of a wetland; riparian habitat; ungulate winter range, severe winter range, and or winter concentration areas; wildlife migration corridors or migration habitat; wildlife production, birthing, calving, or rearing areas; waterfowl, wading bird, feeding, nesting, or breeding habitat; significant mountain sage-, aspen-, or mountain shrub-dominated habitat; rare, sensitive, threatened, or endangered species habitat.

WILDLIFE HIGHWAY CROSSING means an area where bighorn sheep, elk, and/or mule deer movements traditionally cross roads or railroads, presenting potential conflicts between the animals and motorists/trains.

WILDLIFE MIGRATION CORRIDOR means a specific mapable site through which large numbers of bighorn sheep, elk and/or mule deer migrate and loss of which would result in a change to migration routes and/or significant negative impacts on migration behavior.

WILDLIFE MIGRATION HABITAT means that habitat between winter range and summer range where elk spend significant periods of time (often weeks) prior to their final seasonal destination. This is also known as transition range.

WILDLIFE MIGRATION PATTERN means a subjective indication of the general direction and pattern of the movements of migratory bighorn sheep, elk and/or mule deer.

WIND POWERED ELECTRIC GENERATOR means a machine by which mechanical energy supplied by the wind is changed to electric energy. A wind powered generator with a rated capacity of 250 kW or less may be an accessory use subject to the provisions of Sec. 4-30-50(j), while a wind powered generator with a higher rated capacity is categorized as a major public facility.

WINTER CONCENTRATION AREA means those areas that are part of the winter range where densities of bighorn sheep, elk and/or mule deer are at least two hundred (200) greater than the surrounding winter range density during the same period used to define winter range in the average five (5) winters out of ten (10).

WINTER MAINTENANCE OF ROADWAYS AND DRIVEWAYS includes plowing, blading, scraping, and snow removal. Winter maintenance of roadways and driveways is prohibited in the Rural/Remote zone district, except for access to residential development sites approved prior to January 2, 1996, that have been historically and continually served by privately winter maintained driveways or roadways.

WINTER RANGE means that part of the overall range where ninety (90) percent of the individuals are located during the average five (5) winters out of ten (10) from the first heavy snowfall to spring green-up.

WIRELESS COMMUNICATON FACILITY (WCF) Means an unstaffed facility for the transmission and reception of radio or microwave signals used for commercial communications. A WCF provides data and telecommunications services, including commercial mobile services, commercial mobile data services, unlicensed wireless services and common carrier wireless exchange access services, as defined by federal laws and regulations.

WORKING DAY means Monday through Friday, 8:00 A.M. to 5:00 P.M., excluding legal holidays.

YARD means an open space that shall be unoccupied and unobstructed from the natural grade skyward, except for encroachments permitted in Sec. 5-20-100.

YARD, FRONT means a yard extending the full width of the lot, the depth of which is measured as described in Sec. 5-20-40.

YARD, REAR means a yard extending the full width of the lot, the depth of which is measured as described in Sec. 5-20-40.

YARD, SIDE means a yard extending the length of the lot between the front and rear yard setbacks (or lot line in the absence of yard requirements), the width of which is measured as described in Sec. 5-20-40.

(Code repealed and reenacted Ord. 14-D-2006, 07-05-08 § 11-10 (part) amended [Ord. 012-08, 04-09-08](#); [Ord. 024-07, 10-02-07](#); [Ord. 010-08, 03-26-08](#); [Ord. 019-09, 06-24-09](#); [Ord. 025-09, 10-14-09](#); [Ord. 011-11, 08-10-11](#); [Ord. 002-13, 01-23-13](#); [Ord. 007-13, 04-24-13](#); [Ord. 031-2013, 12-18-13](#); [Ord. 032-13, 12-18-13](#); [Ord. 008-14, 04-23-14](#) [Ord. 040-2019 \(part\) 11-20-2019](#))

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