

**Chapter 17.03**  
**BASIC DEFINITIONS**

Words contained in this Chapter are those having a special meaning relative to the purposes of this Title. Words not listed in this Chapter shall be defined by reference to a published standardized dictionary. Words used in the singular include the plural and words used in the plural include the singular.

**201 PLAN.** A regional plan for wastewater collection and treatment to prevent pollution of the State's water.

**ABUTTING PARCELS.** Parcels which are directly touching and have common parcel boundaries. Parcels separated by a public right-of-way are not considered abutting, but would be adjacent.

**ACCESS PERMIT.** A permit obtained from the City of Fruita, Mesa County, or the State of Colorado allowing access to a public street, road or highway.

**ACCESSORY DWELLING UNIT.** Also known as granny flat, elder cottage or accessory apartment. A separate self-contained dwelling unit including a separate kitchen and bathroom, which is located on the same parcel or lot but is secondary to a principal dwelling unit. An accessory dwelling unit may be attached to the principal dwelling unit or detached in an accessory structure.

**ACCESSORY STRUCTURE.** A detached subordinate structure, the use of which is customarily incidental to, and supportive of, the principal structure or the principal use of land, and which is located on the same parcel of ground with the principal structure or use.

**ACCESSORY USE.** A use conducted in conjunction with a principal use of a property and constitutes an incidental or insubstantial part of the total activity that takes place on the lot or is commonly associated with the principal use and integrally related to it.

**ADJACENT.** For purpose of this Land Use Code, shall mean surrounding property or use, any portion of which is within a three hundred and fifty (350) foot radius.

**ADMINISTRATIVE DECISION.** Any decisions regarding a land development application or development issue made by the Community Development Director, City Engineer or City Manager pursuant to this Title. The City Manager retains the final authority in administrative decisions.

**ADMINISTRATOR.** The Community Development Director as selected by the City Manager to serve within the Fruita Community Development Department.

**AFFORDABLE HOUSING UNIT.** Affordable housing unit is a low/moderate income housing unit which is financially sponsored by a government finance agency and/or which is developed or sponsored by a private non-profit affordable housing agency such as Housing Resources of Western Colorado, Habitat for Humanity, Family Health West, the Grand Junction Housing Authority, or any other entity or agency, as determined by the Fruita City Council.

**AGRI-BUSINESS.** A business and/or commercial use operated primarily for the support of agricultural needs. It may consist of products, materials, and equipment servicing and sales; storage and/or processing of agricultural products and/or animals; medical and/or technical support services.

**AGRICULTURAL PRODUCE.** Fruit, vegetables, eggs and honey prior to processing of any kind other than washing. Canned fruits or vegetables, preserves, wine, meat and dairy products shall not be considered agricultural produce for the purposes of this Title.

**ALLEY.** A service road providing a secondary means of public access to abutting property and not intended for general traffic circulation.

**ALTERATIONS TO HISTORIC SITE.** Any proposed modification to a designated historic site, structure or district which could have an affect on the character of the historic resource relative to the criteria by which it was designated. Examples of alterations to structures may include additions, any exterior modifications, including signage to be affixed to the facade, and any interior modifications that may affect the characteristics for which the structure was designated.

**ANIMAL CLINIC.** Facility used for the medical care and treatment of animals under the supervision of a licensed veterinarian with no outdoor accommodations for animals.

**ANIMAL HOSPITAL.** Facility used for the medical care and treatment of animals under the supervision of a licensed veterinarian with outdoor accommodations for animals.

**ANIMALS, AGRICULTURAL.** Those animals commonly associated with agricultural use; such as, cattle, horses, mules, burros, pigs, sheep, goats, rabbits, chickens, ducks and geese, whose primary value is commercial rather than personal enjoyment.

**ANIMALS, HOUSEHOLD.** Those animals which are commonly kept as pets, whose primary value is personal enjoyment. These animals shall not be raised for commercial purposes and shall be limited to common species whose presence in the neighborhood does not arouse unusual community odor, noise, health, interest or curiosity sufficient to attract the community residents to a specific neighborhood.

**ANIMALS, OTHER.** Those animals not defined as household animals or agricultural animals or exotic animals.

**ANNEXATION.** The process of incorporating an unincorporated portion of Mesa County into the boundaries of the city pursuant to the Municipal Annexation Act of 1965, Sections 31-12-101, et. seq., C.R.S.

**ANTENNA.** Any device designed and intended for transmitting or receiving television, radio, microwave signals, or other electromagnetic waves. An antenna includes all mounting and stabilizing items such as a tower, a pole, a bracket, guy wires, hardware, connection equipment and related items.

**APPEAL.** A request for a review of the City of Fruita staff's interpretation of any provisions of this Title.

**APPLICANT.** Any person, developer, subdivider, petitioner, property owner, firm, partnership, joint venture, association, corporation, group or organization who may apply for any land development permit, approval or decision governed or required by this Title.

**APPLICATION.** A written request for any land development permit, approval or decision governed or required by this Title. An application is not complete until each requirement of this Title is met and all fees are paid.

**AS BUILT DRAWING.** An engineering drawing indicating the final, as constructed location, grades, elevations, and construction details of streets, utilities, and other public facilities.

**ATTACHED.** Buildings joined and architecturally integrated by means such as common walls or a common roof.

**AUTO REPAIR SHOP.** A shop or place of business used for repair and maintenance of automobiles, trucks and other motor vehicle equipment. All motor vehicle equipment on the property shall carry a valid registration, have a registration or title applied for, or show a work order. Motor vehicle equipment, for which the shop operator holds no valid registration or work order shall be classified as salvage and junk and may not be kept, stored or worked on, in or on the property of an auto repair shop.

**AUTOMOBILE SALES ESTABLISHMENT AND LOTS.** An open area under private ownership used for the display, sale or rental of new and/or used motor vehicles where no repair work is done, except minor incidental repair of motor vehicles, to be displayed, sold or rented. An office/shelter structure as an accessory use is permitted.

**AWNING.** A projection from a building which shelters an area next to the building, supported entirely by the exterior wall of the building, composed of a covering of rigid or non-rigid material and/or fabric on a supporting framework that may be either permanent or retractable. Also known as a canopy.

**BASE DENSITY.** The maximum number of dwelling units/lots permitted by right, per gross acre, on a parcel of land within a zone district.

**BED AND BREAKFAST FACILITY.** A facility of residential character that provides sleeping accommodations with or without meals for hire on a day-to-day basis.

**BIKE LANE.** An area defined on a public roadway for exclusive use by bicyclists.

**BIKE PATH.** An off-street trail available for use by bicyclists. Also known as a trail.

**BLOCK.** A land area consisting of contiguous lots established by recorded plats; usually bordered by public ways or spaces.

**BLOCK FRONTAGE.** All property fronting on one side of a street between intersecting or intercepting streets, or between a street and a street right-of-way, waterway (wider than thirty (30) feet), or end of a dead-end street. An intercepting street shall determine only the boundary of the frontage of the side of the street that it intercepts.

**BONUS DENSITY.** The additional number of dwelling units permitted on a parcel of land above the base density permitted in a zone.

**BUFFER.** A distance separation between land uses or buildings. Buffers typically contain landscaping. Accessory uses or structures, dumpsters, parking areas, etc. are not permitted in designated buffer areas.

**BUILDING.** Any permanent roofed structure built for the shelter and enclosure of persons, animals, materials or property of any kind. Does not include mobile or manufactured homes, but does include covered decks, porches, gazebos and sheds.

**BUILDING DESIGN CAPACITY.** The maximum occupancy load of a building as provided by the most recent version of the International Building Code, adopted by the city.

**BUILDING ENVELOPE.** Lines enclosing a horizontal and vertical space in which a building is to be constructed, which lines indicate the maximum exterior dimensions of the proposed building, covered porches, breezeways and other portions of the building.

**BUILDING FACADE.** The exterior face of a building.

**BUILDING HEIGHT.** The maximum vertical distance measured from finished grade near foundation to the highest part of the structure, including roof equipment or attachments, but excluding antennas.

**BUILDING LOT.** A lot which meets the applicable requirements for construction of a building.

**BUILDING PERMIT.** A permit issued by the Mesa County Building Department, acting on behalf of the City of Fruita after receipt of a Planning Clearance for a building permit issued by the City Community Development Department, which allows the construction of a structure within the city.

**BUSINESS RESIDENCE.** A single residential dwelling unit, accessory to, and located on the same lot, as a structure primarily devoted to business or commercial uses.

**CANOPY.** See Awning.

**CARPORT.** A structure with roof providing space for the storage of one or more automobiles and enclosed on not more than two (2) sides by walls.

**C.C.I.O.A.** The Colorado Common Interest Ownership Act, Sections 38-33.3-101, et. seq., C.R.S., governing the formation and operation of common ownership communities and condominiums.

**CERTIFICATE OF OCCUPANCY.** Refers to the Certificate of Occupancy defined in the currently adopted International Building Code or the permission to occupy a development for the approved use, granted by the City of Fruita.

**CHANGE IN USE.** A change from one principal use of a building or land to another principal use of the building or land. There may or may not be an increase in the size of the existing building or extent of the use of the land, but one or more of the following factors are present and confirmed for the new use:

1. The new use has an off-street parking requirement under this Title which is greater than parking available and necessary for the previous use; or
2. The number of vehicle trips generated by the new use is or will be greater than the number of vehicle trips generated by the previous use as determined by the Institute of Transportation Engineers Trip Generation, latest edition; or
3. The amount of stormwater runoff or impervious (to drainage) surface area will be increased with the new use.
4. The amount of wastewater generated by the use will be greater than the previous use.

[**Note:** If there is a change from one principal use of a building or land to another principal use of a building or land, but there is no increase in the size of the existing building or extent of the use of the land and none of the above previous factors apply, a change of use shall not have occurred.]

**CHANNEL.** A natural or artificial low-lying area with definite bed and banks, which confines and conducts continuous or periodic flows of water.

**CHIEF BUILDING OFFICIAL.** The person appointed by the Fruita City Manager to administer the Building Codes, as adopted by the City of Fruita, for the city.

**CHILD CARE CENTER.** A facility for child care for less than 24 hours a day in a location which is maintained for the whole or part of a day for the care of two (2) or more children under the age of sixteen (16) years and not related to the owner of the center, whether such facility is operated with or without compensation for such care and with or without stated education purposes. The term includes facilities commonly known as "child daycare centers," "nursery schools," "kindergartens," "preschools," "play groups," "day camps," and "summer camps."

**CHILD CARE HOME.** A type of child care center that provides less than 24-hour care for two (2) to eight (8) children on a regular basis in a place of residence. Children in care are from different family households and are not related to the head of the household.

**CHURCH.** Any structure or building for organized public worship.

**CITY.** The City of Fruita.

**CITY ENGINEER.** The individual selected by the City Manager to serve as the appointed Chief Engineer for the City of Fruita.

**CIVIC CLUB.** A group of people organized for a common purpose to pursue common goals, interests, or activities, are not commercial in nature and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings and a constitution and bylaws.

**CIVIC SPACES.** Public areas, such as plazas, landscaped courtyards, alcoves or pocket parks that provide pedestrian rest areas and/or aesthetic relief.

**CLUSTER/CLUSTERED.** A group of dwelling units that are placed close together in order to preserve open space.

**CODE ENFORCEMENT OFFICER.** The individual hired by the Community Development Director to perform duties within the community that enforce adherence to the Land Use Code by all individuals for the health, safety and welfare of the community and the residents therein.

**COMMUNITY CORRECTIONS FACILITY.**

1. A facility providing residential or non-residential services operated under the direction of a Community Corrections Program, as defined by Sections 17-27-101, et. seq., C.R.S.; or
2. A facility providing residential or non-residential services substantially similar to that described in Section 17-27-102(3), C.R.S., although not being administered pursuant to Sections 17-27-101 et. seq., C.R.S., which is operated by a private individual, partnership, corporation or association.

A community corrections facility shall manage and supervise "offenders" in accordance with adopted standards and pursuant to a contract supervised and administered by an agency of the State of Colorado; such a facility is not required to be in direct privity of contract with the State so long as it is subject to the same, or equivalent, standards and rules applicable to a facility which is subject to Sections 17-27-101, et. seq., C.R.S. The applicant for a community corrections facility which is not administered pursuant to Sections 17-27-101 et. seq., C.R.S. shall identify, and provide as required by the Director, the rules and contract under which such facility is regulated and administered. A community corrections facility shall provide to the Director, upon request, evidence that the facility/program is subject to 'program audits' by the State, or an agent of the State, and is operating and has been operated in compliance with all applicable standards. "Offenders" means, for the purposes of this definition, a person accused or convicted of a felony, misdemeanor or other criminal offense.

**COMPOSITE SITE PLAN.** A site plan submitted and recorded with the platting of subdivisions. The composite site plan should show information not typically included on the plat, such as; specific driveway restrictions, non-typical building setback lines, developer/HOA maintained fencing, etc.

**CONCEALED OR STEALTH TELECOMMUNICATIONS TOWER.** Any tower or telecommunications facility which is designed to enhance compatibility with adjacent land,

buildings, structures and uses, including, but not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements and towers designed to not look like a tower; such as, light poles, power poles and trees. The term stealth does not necessarily exclude the use of un-camouflaged lattice, guyed or monopole tower designs.

**CONCEPT PLAN.** The optional first step of a Planned Unit Development proposal, pursuant to Chapter 17.17.

**CONDITIONAL USE.** A use which, because of its unique or varying characteristics, cannot be properly classified as an allowed use in a particular zone district. After due consideration, as provided for in Section 17.13.040 of this Title, of the impact upon neighboring land and of the public need for the particular use at a particular location, such conditional use may or may not be approved.

**CONDOMINIUM.** 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 portions. A common interest community is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

**CONDOMINIUM UNIT.** A unit in a condominium consisting of any enclosed room(s) occupying all or part of a floor(s) in a building of one or more floors used for residential, professional, commercial, or industrial purposes together with the interest in the common elements appurtenant to that unit.

**CONSERVATION EASEMENT.** A deed restriction placed on property that restricts its owner to specific limited uses of the property, typically agriculture or as passive, public or private open space.

**CONSTRUCTION.** For the purposes of this Title, any improvements made to land, existing buildings, or other above or below ground facilities, and any erection or installation of new structures or above or below ground facilities for which a Planning Clearance or other land development application approval is required by the Fruita Municipal Code.

**CONSTRUCTION PLAN.** Complete construction drawings of a facility or improvement, including but not limited to road plans and profiles, drainage plans and utility plans.

**CONVEYANCE OF THE LAND.** Transfer of all or a part of a title or equitable interest in land; the lease or assignment of an interest in land; the transfer of any other land interest.

**COOPERATIVE PLANNING AREA.** An area defined in an intergovernmental agreement between Mesa County, the City of Fruita, and the City of Grand Junction and generally located between 20 Road and 21 Road from the Bureau of Land Management Lands on the north to State Highway 6 & 50 on the south and extending south to the Colorado National Monument in areas between 18 ½ Road and 21 Road. The Cooperative Planning Area is also shown on the TDR/C Sending Area Map contained within the Transferable Development Rights/Credits Program Manual; also known as the Community Separator and Buffer Zone.

**COTTAGE OR COTTAGE CLUSTER.** A single lot or parcel of land developed with two or more detached single family dwellings.

**COUNCIL.** The Fruita City Council.

**COUNSELING CENTER.** A facility where individuals or small groups are provided professional counseling assistance with personal, emotional, marital, medical, or similar problems on an out-patient basis.

**COUNTY.** Mesa County.

**CUL-DE-SAC.** A local dead-end street terminating in a vehicular turnaround area.

**CURB FACE.** The vertical or shaped portion of a curb, facing the roadway, and designed to direct stormwaters.

**DAYCARE CENTER.** A facility for the care, protection and supervision of two (2) or more adults, on a regular basis, away from their primary residence, for less than twenty-four (24) hours per day.

**DAYCARE HOME.** A type of daycare center that provides less than 24- hour care for two (2) to eight (8) adults on a regular basis in a place of residence. Adults in care are from different family households and are not related to the head of the household.

**DECK.** Open floor space above ground level, without a roof. A deck over thirty (30) inches above finished grade (ground surface) requires a building permit.

**DECORATIVE WALL.** Masonry or masonry with wood, with surface variations so that it is dissimilar from a plain cinder block wall.

**DEDICATION.** Land, easements, or rights-of-way which are permanently conveyed to a public entity or utility and accepted by that public entity or utility.

**DEED.** A document conveying and evidencing a conveyance of land or a conveyance of an interest in land.

**DEED RESTRICTION.** A legal document recorded with the County Clerk and Recorder describing restricted activities on a lot or parcel of land.

**DEPARTMENT.** The Fruita Community Development Department.

**DESERT LANDSCAPING.** The use of landscaping materials, both vegetative and non-vegetative, which are native to an arid or semiarid climate. (See xeriscape.)

**DESIGN CAPACITY.** The practical capacity of a facility, whether a road, building, ditch, pond, or other structure determined by engineering analysis to be capable of accommodating the design volume or load.

**DESIGN CRITERIA AND CONSTRUCTION SPECIFICATIONS MANUAL.** City of Fruita regulations and standards concerning the construction of wastewater systems, sanitary sewer systems, street system and other transportation systems, storm drainage and erosion control systems, irrigation systems and others.

**DESIGN STANDARDS.** Local, State, or national criteria, specifications or requirements referenced within this Title and used for the design of public or private infrastructure such as, streets, sewers, and sidewalks.

**DEVELOPER.** A person, firm, partnership, joint venture, association, corporation, group or organization who shall participate as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale or lease of a development.

**DEVELOPMENT.** Construction, improvement, or remodeling of a building or placement of a use on a parcel of land. Development may be deemed to include all property adjacent or abutting, whether or not to be immediately planned or developed, under the same or substantially the same ownership. Development includes, but is not limited to any of the following: the division of a parcel of land into two (2) or more lots; the construction, reconstruction, conversion, excavation, clearing of roadways or building sites; the extension of utilities; landfill or land disturbance; any use or extension of the use of land; the placement of a use on any property; or any planned unit development. Development does not include movement of earth associated with crops and/or farming or landscaping.

**DEVELOPMENT APPLICATION.** See Application.

**DEVELOPMENT IMPROVEMENTS AGREEMENT (DIA).** An agreement between the city and a property owner and developer which provides for the construction, installation and development of public or shared improvements associated with a development and includes a performance guarantee and various exactions required by the city as further described in Chapter 17.21 of this Title.

**DEVELOPMENT RIGHT/CREDIT.** The ability to build one (1) dwelling unit in a Sending Area, as such ability is created and administered pursuant to an intergovernmental agreement and/or the regulations of the appropriate jurisdiction and Chapter 17.09 of this Title, concerning Transferable Development Rights/Credits. For purposes of its use in this Code, the term Development Right is also known as a Development Credit.

**DEVELOPMENT SCHEDULE/PHASING SCHEDULE/FILING SCHEDULE.** A schedule approved by the City Council showing the order and timing for the start and completion of various parts of a development. Such a schedule is mandatory and considered a condition of approval of a subdivision to be completed in phases or filings.

**DIRECTOR.** The Director of the City of Fruita Community Development Department.

**DISBURSEMENTS AGREEMENT.** An agreement recorded in the records of the County Clerk and Recorder which binds a developer and/or landowner to expend funds required for the construction of development improvements, and which provides for the escrow of funds controlled by a financial institution and the city to secure the completion of improvements.

**DOWNTOWN AREA.** The area within the city designated in the Fruita Community Plan as Downtown Mixed Use.

**DOWNTOWN CORE.** The area designated on the Fruita Community Plan as Downtown Mixed Use south of Pabor Avenue. This area extends from Pabor Avenue south to the railroad tracks and from Little Salt Wash to Elm Street.

**DRIVEWAY.** A paved or unpaved area used for the ingress and/or egress of vehicles and allowing access from a street to a building or other structure or facility. Also known as a driving aisle when used in reference to a parking lot.

**DUPLEX.** A building containing two (2) dwelling units totally separated from each other by an unpierced wall extending from ground to roof located on a single lot and all under the same ownership.

**DWELLING, CARETAKER.** A dwelling designed for a resident to oversee a commercial or industrial establishment.

**DWELLING, MULTI-FAMILY.** A building containing three or more dwelling units arranged, designed for, and intended for occupancy of three (3) or more family units independent of each other, having independent cooking and bathing facilities located on a single lot and all under the same ownership.

**DWELLING, SINGLE-FAMILY, ATTACHED.** One of two (2) or more single family dwelling units having a common or party wall separating dwelling units with each dwelling unit located on a separate lot.

**DWELLING, SINGLE-FAMILY, DETACHED.** A residential building containing not more than one (1) dwelling unit entirely surrounded by open space on a single lot. This includes modular houses.

**DWELLING UNIT.** One (1) or more rooms designed, occupied, or intended for occupancy as a separate living quarter, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

**DWELLING, ZERO LOT LINE.** A single-family dwelling unit located on a lot in such a manner that one (1) or more of the building's sides rest directly on a lot line.

**EASEMENT.** An ownership interest in real property entitling the holder thereof to use, but not full possession, of that real property.

**ELECTRONIC MESSAGE BOARDS.** A sign with electronically changeable copy.

**ENGINEER.** An engineer licensed or registered by the State of Colorado.

**EQUIPMENT.** Rolling stock or movable personal property except that, for the purpose of this Title, it shall not include those items defined as heavy equipment.

**ESCROW AGREEMENT.** A legal instrument binding a developer and/or landowner to apply funds held in trust by a financial institution for the construction of required improvements of a development or other specified purpose.

**EVIDENCE.** Any map, documentary or testimonial material offered by a person in support of a specific claim, condition, or assertion.

**EXOTIC ANIMALS.** Those animals not defined as household pets or agricultural animals.

**EXTRACTIVE USES.** Surface and/or subsurface natural resources which may be extracted from the land. This includes exploratory drilling or mining, but excludes individual water well drilling.

**FACADE.** The exterior walls of a building exposed to public view or that wall viewed by persons not in the building.

**FAMILY.** Any number of persons living together on the premises as a single unit, but shall not include a group of more than four (4) individuals not related by blood, marriage or adoption. Notwithstanding the foregoing, a family shall be deemed to include four (4) or more persons not related by blood, marriage, adoption, or legal custody occupying a residential dwelling unit and living as a single household, if the occupants are handicapped persons as defined in Title VIII, Part 3 of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, or disabled persons as defined by '24-34-301, C.R.S. A household that includes persons identified above shall not be excluded from the necessary persons employed in the care and supervision of such handicapped or disabled persons.

**FARM AND RANCH STRUCTURES AND USES.** Those structures and uses devoted to the shelter and/or raising of livestock, poultry, feed, flowers, crops, field equipment or other agricultural items, with or without a dwelling unit. Also known as Agricultural structures and uses.

**FARMERS MARKET.** A structure or place where agricultural produce is brought for the purposes of retail sales. (Note: A farmers market differs from a produce stand in that there may be more than one (1) seller allowed per parcel of land and the structure from which produce is sold at a farmers market need not be portable or capable of being dismantled or removed from the site.)

**FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA).** The federal agency responsible for the National Flood Insurance Program which includes the Flood Insurance Rate Maps (FIRM) and Federal Flood Insurance Zones.

**FEED LOT.** An area which is used for custom feeding of livestock where charges are made to owners of livestock for yardage, feed and feed processing.

**FENCE.** A barrier constructed to mark a boundary or to prevent exit from or entry onto or into premises or property and/or to screen premises or property from view regardless of the material

used, except vegetative materials, including walls but not retaining walls. A fence is considered a structure.

**FILING.** A portion of a development where a plat is created showing only the lots to be developed at the time of recording of such plat, plus a large remainder lot (as a single parcel) reserved for future filings.

**FINAL PLAN.** The last most detailed plan submitted to the city for approval as part of the subdivision or development review process.

**FINAL PLAT.** A survey map establishing real estate interests for recording with the County Clerk and Recorder prepared by a registered surveyor. This survey shall be marked on the ground so that streets, blocks, lots and other divisions thereof can be identified and drawn in accordance with the requirements of this Title.

**FIRE FLOW SURVEY.** A testing of fire hydrants to determine capacity by volume and pressure for fire fighting purposes in accordance with the requirements of the local Fire Marshal.

**FLEA MARKETS.** A flea market, swap shop, or similar activity by whatever name, where the use involves the setting up of two (2) or more booths, tables, platforms, racks, or similar display areas for the purpose of selling, buying, or trading merchandise, goods, materials, products or other items offered for sale outside an enclosed building. Flea markets do not include any of the following activities: garage sales, produce stands, or fund raising activities done by a non-profit organization.

**FLOODPLAIN.** An area adjacent to a watercourse which may be subject to flooding as a result of an increase in water flow beyond a normal high water mark.

**FLOOR AREA.** The total horizontal area of all floors in a building.

**FLOOR AREA, GROSS.** The total square footage of a building measured within the exterior face of exterior walls or the centerline of walls separating two (2) abutting buildings, including all floors of a multistory building whether finished or unfinished.

**FLOOR AREA, NET.** The square footage of the primary use area of a building including restrooms, hallways and stairwells, but not including normally unoccupied areas such as garages, storage rooms, furnace areas, or any space where floor-to-ceiling height is less than six (6) feet and six (6) inches.

**FRONTAGE.** The frontage of a parcel of land is considered that distance where a property line is common with a road right-of-way line. This does not include property lines common with an alley right-of-way.

**GARAGE, PUBLIC.** A structure, or portion thereof, attached or detached, and accessory to the principal building on a parcel of land for the storage of motor vehicles. A structure other than a private garage used for the housing of motor vehicles or where vehicles are stored or kept for remuneration, hire or sale. This garage shall not be considered an "Auto Repair Shop".

**GARAGE (YARD) SALE.** A sale of used clothing or household goods held at the seller's home.

**GASOLINE SERVICE STATION.** Buildings and/or surfaced area where automotive vehicles may be refueled and/or serviced. This service shall not include tire recapping, body painting and repair, or engine repair, which requires removal of the head or pan of the engine.

**GEOLOGIC HAZARD AREA.** An area identified by a qualified State or federal government agency as containing or being directly affected by a geologic hazard.

**GEOTECHNICAL REPORTS.** A report describing the engineering and construction properties of soils at a site based on drilling and sampling information and which provides recommendations for foundations, utility lines, and pavement design within the development.

**GOVERNING BODY.** The Fruita City Council.

**GRADE.** The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than five (5) feet from the building, the point between the building and a line five (5) feet from the building.

**GRADE, FINISHED.** The level of the soil after completion of site development.

**GRADE, HIGHEST ADJACENT.** The highest natural elevation of the ground surface prior to construction next to the proposed wall of a structure.

**GRADE, NATURAL.** The undisturbed ground level which may be determined by on-site evidence (vegetation, ground level on adjacent land, elevation of adjacent streets and roads, soil types and locations, etc.).

**GREENHOUSE.** See Nursery-Greenhouse.

**GROSS ACREAGE.** The area of a proposed development, including proposed dedications of easements, rights-of-way or other property rights, but excluding existing dedicated rights-of-way.

**GROSS LEASABLE AREA.** The total building area, expressed in square feet and designed for tenant occupancy and exclusive use, including any basements, mezzanines, or upper floors, as measured from exterior walls or the centerline of walls separating two (2) abutting buildings, but excluding any space where floor-to-ceiling height is less than six (6) feet and six (6) inches.

**GROUND COVER.** Rocks, mulch, grass or other plants and similar materials used to keep soil from being blown or washed away.

**GROUND SUBSIDENCE.** 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 manmade phenomena such as underground mining.

**GROUND WATER.** Subsurface water found within and below the zone of continuous saturation.

**GROUP HOMES.** The 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. The residents may receive care, training or treatment, as long as the care givers also reside at the site. Group home does not include a home for adults who have been charged or convicted and are under court supervision for any violent crime, but shall include homes for adjudicated delinquent children.

**GROUP HOMES, LARGE.** A group home for more than eight (8) persons or for less than eight (8) persons when on-site medical or psychological treatment, therapy, or counseling is provided for all or some of the residents of the group home.

**GROUP HOMES, SMALL.** An owner occupied group home for the exclusive use of not more than eight (8) persons who do not receive or require on-site medical or psychological treatment, therapy, or counseling, but some or all of whom are receiving on-site physical assistance with day-to-day living activities. The limit of eight individuals includes both those receiving and those providing assistance.

**HABITABLE FLOOR.** Any floor usable for living purposes, which includes: working, sleeping, eating, cooking, recreation, or a combination thereof.

**HARDSCAPE.** Stone, brick, rock, sand, textured or shaped concrete, decorative walls and/or pedestrian facilities (i.e. benches, tables, play equipment, walking or bike paths).

**HAZARD PRONE AREA.** An area which has not yet been officially designated by the State or federal government as a geological hazard area but where historical evidence, climatological data, surface or subsurface geological, topographical, vegetative, or on other onsite naturally occurring factors indicate a relatively greater risk of property damage than exists on other parcels in the city.

**HAZARDOUS SUBSTANCE.** Any material that, by reason of its toxic, corrosive, caustic, abrasive or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance.

**HEALTH CLUB.** An establishment that provides facilities for exercise activities; such as, running, jogging, aerobics, weight lifting, court sports and swimming, as well as, locker rooms, showers, massage rooms, saunas and related accessory uses.

**HEALTH DEPARTMENT.** The Mesa County Health Department.

**HEARING.** See Public Hearing.

**HEAVY EQUIPMENT.** Any vehicle with a gross weight greater than fifteen thousand (15,000) pounds which is used primarily for commercial purposes, including but not limited to,

trucks, earthmovers, backhoes and loaders, but not including recreational vehicles or farm equipment.

**HEDGE VEGETATION.** A plant which will grow, with regular trimming, to a height of four (4) to six (6) feet maximum.

**HELIPAD.** A facility without the logistical support provided by a Heliport (See Heliport) where helicopters take off and land. Helipads do not include facilities for maintenance, repair, fueling or storage of helicopters.

**HELIPORT.** An area used for the take-off and landing of helicopters and fuel facilities (whether fixed or mobile) or appurtenant areas for parking, maintenance, and repair of helicopters.

**HIGH WATER MARK.** The ordinary high water level or bank of a stream, river, lake or impoundment which, in the absence of evidence to the contrary, shall be presumed to be the edge of the vegetation growing along the shore.

**HILLSIDE DISTURBANCE.** Includes any and all areas of the building site disturbed during construction by grading or excavation and temporary or permanent construction for all buildings, parking areas, driveways, roads, sidewalks, and other areas of concrete, asphalt, or other construction materials.

**HOME OCCUPATION.** A commercial or business use within a dwelling unit by the residents thereof, which is incidental or secondary to the principle use of the dwelling for residential purposes.

**HOMEOWNERS ASSOCIATION (HOA).** A formally constituted non-profit association made up of the property owners and/or residents of a fixed area, which association is formed for the purpose of assuming permanent responsibility for costs and upkeep of common areas, common elements, open space, irrigation system, and similar shared facilities or to enforce the covenants for a development whether or not there are shared facilities.

**HOSPITAL.** Any building used for overnight accommodation and medical care of human patients including sanitariums, but excluding clinics, rest homes and convalescent homes.

**HOTEL.** A structure providing short term lodging or boarding for guests for not more than thirty (30) consecutive days, including lodges and motels.

**HUMAN SCALE.** Buildings and spaces built in scale with each other and in scale with the human use of these buildings and spaces. Buildings scaled to human physical capabilities have steps, doorways, railings, work surfaces, seating, shelves, fixtures, walking distances, and other features that fit well to the average person.

**ILLUMINATION, DIRECT.** When applied to the lighting of signs, lighting by means of an unshielded light source (including neon tubing) which is effectively visible as a part of the sign, where light travels directly from the source to the viewer's eye.

**ILLUMINATION, INDIRECT.** When applied to the lighting of signs, lighting by means of a light source directed at a reflecting surface in a way that illuminates the sign from the front, or a light source that is primarily designed to illuminate the entire building facade upon which a sign is displayed. Indirect illumination does not include lighting which is primarily used for purposes other than sign illumination; e.g., parking lot lights, or lights inside a building that may silhouette a window sign, but are primarily installed to serve as inside illumination.

**ILLUMINATION, INTERNAL.** When applied to the lighting of signs, lighting by means of a light source that is within a sign having a translucent background, silhouetting opaque letters or designs, or which is within letters or designs that are themselves made of a translucent material.

**IMPOUND LOT.** A lot for the storage of vehicles which have been towed or otherwise moved to the lot by a towing carrier permitted to operate pursuant to Sections 40-13-101 et. seq. C.R.S., in which lot no vehicle dismantling or repair work occurs.

**IMPROVEMENTS.** Street pavements, curbs, gutters, sidewalks, paths, bikeways, sedimentation control facilities, revegetation, water lines and mains, irrigation systems, storm sewers, wastewater collection lines and wastewater mains, irrigation systems, lateral wastewater lines, drain ways, gas lines, electric and telephone lines and appurtenances, street signs, street lights, lot pin monuments, range point boxes, cable television lines, fiber optic cables, recreational facilities, landscaping, fire hydrants, and traffic control devices and any other item required for compliance with the regulations of this Title or the conditions of approval in a development.

Public Improvements shall be deemed to include water lines, water mains, fire hydrants, wastewater collection lines and mains, public recreational facilities, traffic control devices, public roads, curb, gutter, sidewalk, bike paths and other facilities conveyed to the city.

Private Improvements include all development improvements not conveyed to the city or other governmental entity; such as, natural gas facilities, telephone lines, electric lines, cable television system facilities, irrigation systems, drainage facilities and homeowner association common area facilities.

**INTENSITY.** The number of dwelling units per acre for residential development and gross floor area/level of activity and impacts of activity for non-residential development.

**IRRIGATION OR IRRIGATED.** Water used, whether or not potable, to sustain or grow landscapes or flora.

**JUNK.** Any waste, scrap, surplus, or discarded material, including but not limited to, metal, glass, paper, appliances not used for their intended purposes, junk vehicles, dismantled machinery, discarded construction materials, cardboard or fabric which is worn, deteriorated, and may or may not be used again in some form, but excluding animal wastes and human sewage.

**JUNK VEHICLE.** Any motor vehicle, trailer, or semi-trailer that is not operable in its existing condition because of damage or because parts necessary for operation are removed, damaged or deteriorated; or, is not capable of being lawfully driven on a public highway or street pursuant to the minimum standards set forth in Title 42 of the Colorado Revised Statutes. Any such motor

vehicle, trailer, or semi-trailer shall be presumed to be a junk vehicle if no current Colorado license plates are displayed thereon, or if Colorado license plates have been invalid for more than sixty (60) days.

**JUNK YARD.** Any yard, lot, land, parcel, building or structure, or part thereof, used for storage, collection, processing, purchase, sale, salvage or disposal of used or scrap materials, equipment, vehicles or appliances. The term "Junk Yard" shall include "Wrecking Yard" and "Salvage Yard." Junk Yard does not include storage of vehicles used for agricultural purposes on a property used for agricultural purposes, or facilities qualifying as motor vehicle repair shops.

**JURISDICTION.** The sphere of responsibility of the Fruita City Council or a tax-assessing district.

**KENNEL.** A facility in which five (5) or more animals of the same species are housed, groomed, bred, boarded, and/or trained in return for compensation, and/or sold, and which may offer incidental medical treatment.

**LAND DEVELOPMENT APPLICATION.** A written request submitted for any approval, permit, or action required by this Land Use Code.

**LANDLOCKED PARCEL.** A parcel of land without access of record with the County Clerk and Recorder to a public right-of-way.

**LANDSCAPE AREA.** An area set aside from structures and parking which is developed with plantings, woods, stone, brick, rock, sand, textured or shaped concrete and/or pedestrian facilities (i.e. benches, tables, play facilities, paths, etc.).

**LANDSLIDE.** A mass movement where there is a distinct surface of rupture or zone of weakness, which separates the slide material from more stable underlying material.

**LAND SURVEY PLAT.** A plat which shows the information developed by a monumented land survey and includes all the information required by C.R.S. Section 38-51-106.

**LAND USE.** List of uses within categories enumerated in Section 17.07.060 of this Title for various uses of land in the city.

**LAND USE CODE OR CODE.** Unless otherwise specified, refers to this Title 17 of the Fruita Municipal Code.

**LETTER OF CREDIT.** A letter from a bank or other financial institution which guarantees that sufficient funds may be drawn on the financial institution to cover the cost of constructing the required improvements in a development.

**LOADING SPACE.** An off-street portion of a parcel for the temporary parking of commercial vehicles while loading or unloading materials for use or sale on the parcel.

**LODGE.** A structure providing short term lodging or boarding for guests for not more than thirty (30) consecutive days, including hotels and motels.

**LOT.** A parcel of land as established by recorded plat.

**LOT AREA, NET.** The area of land enclosed within the property lines of the lot excluding adjacent streets and alleys.

**LOT AREA, GROSS.** The horizontal area within the exterior boundaries for the subject property, including: any streets and required improvements, easements, reservations or dedications.

**LOT, CORNER.** A lot abutting upon two (2) or more intersecting streets.

**LOT COVERAGE.** Lot coverage is measured as a percentage of the total lot area covered by buildings. It is calculated by dividing the square footage of a building cover by the square footage of the lot. All covered patios, decks, porches and accessory buildings are included in the calculation. Roof eaves are not included.

**LOT DEPTH.** The horizontal distance measured from the front property line to the rear property line. If front and rear property lines are not parallel, the lot depth is the shortest distance between the front and rear property lines.

**LOT, DOUBLE FRONTAGE (THROUGH LOT).** A lot having frontage on two (2) non-intersecting streets. A double frontage lot shall be required to have one (1) front yard setback and one (1) rear yard setback.

**LOT, FLAG.** A lot having no frontage or access to a street or place except by a narrow strip of land.

**LOT FRONTAGE.** The distance for which a lot abuts on a street.

**LOT, INTERIOR.** A lot whose side property lines do not abut on any street.

**LOT LINE.** A line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public or private space.

**LOT LINE, FRONT.** The property line dividing a lot frontage from a road right-of-way.

**LOT, PENINSULA.** A lot which is bordered on three (3) sides by a street. Peninsula lots are required to have two (2) front yard setbacks. The third street frontage shall be treated as a rear yard for setback purposes.

**LOT WIDTH.** The horizontal distance between side property lines measured parallel to the street, or to the tangent of a curved street property line. If side property lines are not parallel, the lot width is the shortest distance between the side property lines.

**MACHINE SHOP.** A structure used for containing machinery for the manufacture, modification or repair of metal goods and automotive equipment. This use shall be conducted entirely inside the building and does not include the dismantling of automotive equipment.

**MAINTAIN.** To use, to keep in existence.

**MAJOR STREET PLAN.** A plan or plans showing the location of rights-of-way, which will be developed in the future, which must be adhered to when planning new development or land uses. Plans for areas smaller than the entire city are still considered "major street plans." The city relies on the authority in Title 31, C.R.S., in addition to its other powers and authority relating to major street plans. Also known as the Fruita Area Street Classifications and Traffic Control Plan.

**MANUFACTURED HOME.** A factory-built single-family dwelling manufactured under the Federal Manufactured Home Construction and Safety Standards Act. The Act, commonly called the HUD Code, went into effect June 15, 1976.

**MANUFACTURED OR MOBILE HOME PARK.** A parcel of land used for the continuous accommodation of five (5) or more occupied manufactured homes or mobile homes and operated for the pecuniary benefit of the owner of the parcel of land, his agents, lessees, or assignees. A manufactured or mobile home park does not include manufactured or mobile home subdivisions. (See Chapter 17.25)

**MANUFACTURED OR MOBILE HOME SUBDIVISION.** A parcel or contiguous parcels of land subdivided into two (2) or more lots configured specifically for development of manufactured or mobile home housing. (See Chapter 17.25)

**MASTER PLAN.** Collectively, the City of Fruita Community Plan (2008); the Parks, Open Space, and Trails Plan (2009); Fruita Greenway Business Park Plan (2001); City of Fruita Traffic Calming, Bicycle, Pedestrian Plan (1999); City of Fruita Stormwater Management Master Plan (1998); Mesa County Stormwater Management Plan; Fruita Kokopelli Greenway Plan (1996); The SH 340 Corridor Conceptual Development Plan (1994); and City of Fruita 201 Regional Wastewater Plan.

**MEMBERSHIP CLUB.** An association of persons, incorporated or unincorporated for a common purpose, but not including groups organized primarily to render a service carried on as a business.

**MESA COUNTY ROAD AND BRIDGE STANDARDS.** Mesa County Standard Specifications for Road and Bridge Construction (Adopted March 28, 1995), as amended, should be used in accordance with the Fruita Land Use Code.

**MINI STORAGE WAREHOUSE.** A structure containing separate, individual, and private storage spaces of varying sizes, leased or rented on individual leases for varying periods of time.

**MOBILE HOME.** A factory-built single-family dwelling constructed prior to the enactment of the HUD Code on June 15, 1976. The term "mobile home" shall only include those units designed and intended for use as a permanent residence and shall not include office trailers, manufactured homes, travel trailers, camp trailers, or other recreational type vehicles designed for temporary occupancy.

**MODULAR HOME.** A factory-built single-family dwelling constructed in compliance local building code standards. Such dwellings are divided into multiple modules or sections which are manufactured in a remote facility and then delivered to the site. The modules are assembled into a single residential building using either a crane or trucks. Also known as factory-built homes.

**MONUMENTED LAND SURVEY.** Land survey in which monuments are either found or set pursuant to Sections 38-51-103, 38-51-104, and 38-51-105, C.R.S., to mark the boundaries of a specified parcel of land.

**MOTEL.** A structure providing short term lodging or boarding for guests for not more than thirty (30) consecutive days, including hotels and lodges.

**MUDFLOW.** Describes a flowing mass of predominantly fine-grained earth material possessing a high degree of fluidity during movement.

**MULCH.** Wood chips, bark, rock or other accepted material placed around plants to assist in moisture retention, weed prevention and erosion control.

**NATURAL HAZARD.** Describes a geologic, floodplain, or wildfire hazard, as identified by a State or federal agency.

**NATURAL RESOURCE.** A resource established through the ordinary course of nature.

**NEIGHBORHOOD.** An area of a community with characteristics that distinguishes it from other areas and that may include distinct ethnic or economic characteristics, housing types, schools, or boundaries defined by physical barriers; such as, major highways and railroads or natural features such as rivers.

**NEIGHBORHOOD ASSOCIATION.** Any group that has been recognized by the Community Development Department or has registered with the Community Development Department the boundaries of a particular area with which it is related and which the association represents.

**NIGHT CLUB.** A commercial establishment dispensing alcoholic beverages for consumption on the premises and in which music, dancing or live entertainment is conducted.

**NO BUILD AREA.** An area identified on a plat or other document indicating the areas where no permanent buildings or structures are permitted including slabs and raised landscaping. Fencing may be permitted in some no build areas.

**NODES.** An identifiable grouping of uses subsidiary and dependent to a larger urban grouping of similar or related uses.

**NONCONFORMING, LEGAL.** A use, lot, structure, and/or development which was legally established prior to the adoption of this Code or any amendment thereto, which does not presently conform to the Code or its amendments.

**NOTICE.** The method used of informing persons of requests, hearings, actions taken and similar actions. The form and specifics of notice will vary depending on the application process and other factors.

**NOTICE OF INCOMPLETENESS.** A notice issued by the City Community Development Department to an applicant indicating that a land development application does not meet the minimum requirements for processing.

**NURSERY-GREENHOUSE.** A place where plants are grown, acquired and maintained for transplanting or sale. Sale or rental of small landscaping tools and supplies may be an accessory use.

**NURSERY SCHOOL/PRESCHOOL/ DAY NURSERY.** See Child Care Center

**OFF-STREET PARKING SPACE.** The space required to park one (1) motor vehicle, exclusive of access drives, and not on a public right-of-way.

**OPEN MINING.** The mining of natural mineral deposits by removing the overburden lying above such deposits and mining directly from the deposits exposed. The term includes, but is not limited to, such practices as open cut mining, open pit mining, strip mining, quarrying and dredging.

**OPEN SPACE.** Any property or portion thereof without habitable structures or significant impervious surface and not designated and used for a specific purpose. Open space must also have all three (3) of the following characteristics: 1) land in a natural, near natural, agricultural, or other desirable condition or reserved for outdoor recreational activities; 2) permanent protection, and; 3) has attributes or features worthy of protection.

**OPEN SPACE, PRIVATE.** An open space which is privately owned and designed for private use.

**OPEN SPACE, PUBLIC.** An open space that is designated for public access and may be posted with hours of operation and use. Public open space can be publicly owned or owned by a private entity such as a homeowners' association but contains a public access easement.

**OUTDOOR EVENTS.** Entertainment, educational and cultural events generally involving large numbers of people as spectators or participants in an outdoor setting.

**OUTLOT.** An area of land on a plat which will be used for a purpose other than a building site.

**OUTSIDE STORAGE.** Storage of materials, supplies, and merchandise that is not within an enclosed structure and in the same place for more than forty-eight (48) hours.

**OVERBURDEN.** All the earth and other materials which lie above natural mineral deposits or materials disturbed from their natural state in the process of mining and/or other development.

**OVERFLOW PARKING.** Any off street, ground level open area, used for the temporary storage of excess motor vehicles.

**OVERLAY DISTRICT.** A zoning district which has been superimposed over basic districts to address development constraints which require special attention and treatment and to alert developers to issues they need to address in preparing an application to develop.

**OWNER OF RECORD.** The fee simple owner of a parcel or parcels of land as indicated by the records of the Mesa County Clerk and Recorder.

**PARCEL.** An area of land defined by a legal description recorded with the Mesa County Clerk and Recorder.

**PARK.** A type of open space that is used for recreational activities and typically contain recreational amenities such as picnic tables and/or ball fields depending on the size of the park.

**PARK, COMMUNITY.** Community parks are large, multi-purpose parks that serve the entire community. These parks are generally designed to provide active play opportunities for all ages. Community parks can also provide indoor facilities to meet a wider range of recreation and interests. These parks should be designed to meet the active community while providing a sanctuary for those individuals who also enjoy more leisure-oriented activities.

**PARK, NEIGHBORHOOD.** Neighborhood scale parks are intended to serve residents in the neighborhoods surrounding the park. These parks are typically designed primarily for informal and unorganized activities, such as pickup ball games. They are generally small in size at 2-8 acres of usable area. While it is not the rule, neighborhood parks sometimes provide space for programmed activities, such as organized athletics.

**PARK, PRIVATE.** A park that is privately owned and not generally open for public use.

**PARK, POCKET.** Pocket parks are smaller versions of neighborhood parks with fewer amenities, and serve a smaller radius of homes. In Fruita, these parks are found in most subdivision with more than 25 units and have historically been privately developed and maintained, but have public access agreements allowing for public use. However, there are a few pocket parks that are owned and maintained by the city.

**PARK, PUBLIC.** A park that is open for public use and can be owned by a private entity such as a homeowners' association or publicly owned.

**PARKS, OPEN SPACE, AND TRAILS IMPACT FEE/DEDICATION.** Land dedicated for public use or a fee paid by the developer of a new development to the city for the purpose of acquisition and development of public parks, open space, trails, or other similar municipal facilities. (See Chapters 17.19 and 17.29)

**PARKWAY STRIP.** The undeveloped portion of right-of-way between the back of curb and the detached sidewalk. Also known as a Tree Lawn.

**PATIO.** An uncovered outdoor area which is flush with the ground and is usually paved and partially enclosed by the existing dwelling unit, walls, fencing or garage.

**PEDESTRIAN PATH.** A right-of-way or easement dedicated for public pedestrian access or a private path intended for pedestrian use. Also known as a trail.

**PERFORMANCE GUARANTEE.** Cash, letter of credit, escrow and disbursement agreement or bond used for securing the performance of certain obligations, such as, the completion of development improvements.

**PERSON.** The word "person" shall also include association, firm, partnership, or corporation.

**PETITIONER.** See Applicant.

**PHASE.** A portion of an approved development plan for which an approved plat or approved site plan often exists.

**PLANNED UNIT DEVELOPMENT (PUD).** A zone which allows for modification of the normal use, density, size or other zoning restrictions for the development of residential, business, commercial, industrial or other areas as part of a unified planned development for the entire property for purposes identified in Section 17.17.010 of this Title.

**PLANNED UNIT DEVELOPMENT (PUD) GUIDE.** Documents submitted that describe, with written and graphic materials, the provisions for a Planned Unit Development zone. The PUD Guide serves as the primary reference for the zoning standards of a PUD and describes the purposes of the PUD, its land uses, development standards, and construction phasing and other pertinent information.

**PLANNING CLEARANCE.** A permit issued by the City of Fruita that allows development to proceed, a use to be made or maintained or improvements, including structures, to be built or placed in accordance with this Title and with the requirements of the Mesa County Building Department.

**PLANNING COMMISSION.** The City of Fruita Planning Commission.

**PLANT INVESTMENT FEE (TAP FEE).** A charge applied for connecting to the city wastewater collection and treatment system. The fee is dedicated for the improvement and expansion of the city's wastewater treatment plant and lines.

**PLAT.** A map of surveyed and legally described land, which may have appropriate dedications and/or restrictions, which is an instrument for recording of real estate interests with the Mesa County Clerk and Recorder's office.

**PLAYGROUND.** Any property, public or private, used for and equipped with facilities for recreation especially by children. A playground may be incidental to school use but is not limited to school use or school facilities as defined herein.

**PORCH.** A roofed, enclosed or partially enclosed extension of a dwelling unit unheated and usually without windows.

**PRE-CONSTRUCTION MEETING.** A meeting held between the city staff and the developer/contractor prior to the commencement of construction of a building or development.

**PRELIMINARY PLAN.** The map or maps of a proposed development and supporting materials which permit the evaluation of the proposal prior to final detailed engineering and design.

**PRINCIPAL STRUCTURE OR USE.** The main or primary purpose for a structure or use on a parcel of land.

**PRIVATE.** Anything not owned or operated by a governmental entity, political subdivision, or tax-assessing district.

**PRODUCE STAND.** An open air stand for the selling of agricultural products. This stand may be portable for dismantling for moving in an off-season.

**PROFESSIONAL OFFICE.** An office for professionals such as physicians, dentists, lawyers, architects, engineers, artists, musicians, designers, teachers, accountants, and others who, through training, are qualified to perform services of a professional nature, and where no storage or sale of merchandise is permitted, except as a clearly accessory use.

**PROPERTY.** A lot, parcel, tract or other real estate.

**PUBLIC.** Any thing owned or operated by a governmental entity, political subdivision, or tax-assessing district.

**PUBLIC BUILDING.** Any building owned, leased or held by the United States of America, the State of Colorado, Mesa County, the City of Fruita, any school district or other agency or political subdivision, whose building is used for governmental purposes.

**PUBLIC HEARING.** A public meeting for which public notice has been given and an opportunity for public testimony is provided. Usually, a public hearing will be conducted in accordance with Chapter 2.60 of the Fruita Municipal Code.

**PUBLIC MEETING.** A meeting of the Board of Adjustment, Planning Commission, or City Council, which the public may attend, as further defined by State law.

**PUBLIC NOTICE.** Notice to the public of an official public hearing. This notice shall be published as set forth in Section 17.01.130 of this Title.

**PUBLIC SITE.** Property which is owned by a public entity or is open to the public.

**RADIOACTIVITY.** A condition related to various types of radiation emitted by radioactive minerals that occur in deposits of rocks, soils or water.

**RECAPTURE AGREEMENT.** An agreement between a developer and the city or other property owners which sets forth the terms and conditions under which part of the costs of an improvement are recoverable from a subsequent development using the improvement.

**RECEIVING AREA.** City zones that allow a density bonus through the Transfer Development Right/Credit Program: Rural Estate (RE); Rural Residential (RR); South Fruita Residential (SFR), and; Community Mixed Use (CMU).

**RECEIVING SITE.** A property located within the receiving area and participating in the Transferrable Development Rights/Credits (TCR/C) program.

**RECLAMATION.** Rehabilitation of plant cover, soil stability, water resources, and other measures appropriate to the subsequent beneficial use of land.

**RECORDED.** Document(s) of record being placed in the coded files and books of the Mesa County Clerk and Recorder's office.

**RECREATIONAL VEHICLE.** A vehicle that is: 1) built on a single chassis; 2) four hundred (400) square feet or less when measured at the largest horizontal projection; 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.

Recreational vehicles also shall also include the following: truck campers, all watercraft subject to registration by the State of Colorado, all off-road motorcycles, mini-bikes, all-terrain vehicles (ATVs), go-carts and similar vehicles with motor power that are prohibited from operating on a public street by the State of Colorado.

**RECREATIONAL VEHICLE PARK.** Any lot or parcel developed to provide spaces and facilities for the temporary residential use of two (2) or more recreational vehicles. (See Chapter 17.27)

**RECREATIONAL VEHICLE RESORT.** An integrated development where recreational vehicles are used for temporary residential purposes in conjunction with recreational and social centers designed to provide a significant portion of the recreational and social needs of the occupants of the resort. (See Chapter 17.27)

**RECREATIONAL VEHICLE SPACE.** A parcel of land within an approved recreational vehicle park, shown in the records of the City of Fruita Community Development Department, and which was designed and intended for the accommodation of one (1) recreational vehicle.

**RECYCLING CENTER/FACILITY.** A structure or facility in which used material is separated and processed prior to shipment to others who will use those materials to manufacture new products.

**RECYCLING COLLECTION POINT.** An incidental use that serves as a neighborhood drop-off point for temporary storage of recoverable resources with no processing of such items being allowed. This facility would generally be located on a shopping center parking lot or in other public/quasi-public areas, such as churches and schools.

**REGULATION.** A specific regulatory section of the Fruita Municipal Code or other law, or promulgated pursuant thereto.

**REHABILITATIONS.** Restoration or remodeling of an existing structure.

**RELEASE.** A document signifying the satisfactory completion of a subdivision or development improvement. Releases are typically approved by the City Council at a public hearing.

**RENTAL, HEAVY EQUIPMENT.** The use of any building, land area or other premises for the rental of heavy equipment, large trucks, trailers, or other similar items.

**RENTAL, HOME ORIENTED.** A business providing items for rent generally found or used in and around the home.

**REQUEST.** A writing seeking an approval required under this Title; this is the same as an application.

**RESIDENTIAL.** A land use which is primarily designed as a living and dwelling unit.

**RESIDENTIAL DENSITY-MAXIMUM.** Maximum residential density means the number calculated by dividing the total number of dwelling units or residential lots, by the gross acreage expressed in square feet or acres of the development property. Gross land area includes all of the parcel or property at the time a development application is filed. The "gross residential density" is calculated the same as maximum residential density.

**RESIDENTIAL DENSITY-MINIMUM.** This calculation shall apply to the term "net minimum residential density" as used in this Title. Minimum residential density means the number calculated by dividing the total number of dwelling units or residential lots by the new developable land area of the development parcel.

**RESORT CABIN.** A building accommodating individuals on a term occupancy basis located in areas providing recreational environmental opportunities in rural areas.

**RESTAURANT.** An establishment serving food and beverage.

**RETAINING WALL.** A manmade barrier constructed for the purpose of stabilizing soil, retarding erosion, or terracing a parcel or site. If a retaining wall exceeds four (4) feet on any part of the property, it requires a Planning Clearance.

**REVOCABLE LICENSE OR PERMIT.** A permit issued by the City Council, allowing private development within a public right-of-way or property, which may be revoked, with or without cause, at the discretion of the City Council.

**RIGHT-OF-WAY, PUBLIC.** A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation in fee simple and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, waterline, wastewater line, storm sewer, and other similar uses; generally, the right of one to pass over the property of another.

**ROADWAY.** That portion of the street within a right-of-way and/or easement.

**ROCK FALL.** The rapid freefalling, bounding, sliding, or rolling of large mass of rock(s).

**ROOF LINE.** The highest edge of the roof or the top of parapet, whichever establishes the top line of the structure when viewed in a horizontal plane.

**ROOF PLANE.** See Roof Line.

**SATELLITE DISH.** An antenna, consisting of radiation element(s) that transmit or receive radiation signals, that is supported by a structure, with or without a reflective component, to the radiating dish, usually circular in shape with parabolic curve design constructed of solid or open mesh surface and intended for transmitting or receiving television, radio, microwave signals or other electromagnetic waves to or from earth satellites.

**SCHOOL DISTRICT.** The Mesa County Valley School District No. 51, a school district duly organized under the laws of the State of Colorado, which includes within its boundaries the City of Fruita.

**SCREENING.** Shielding, concealing and effectively hiding from view of a person standing at ground level on an abutting site, or outside the area of the feature so screened by a wall, fence, hedge, berm or any combination of these methods, or any similar architectural or landscaped feature, such as a landscape perimeter strip.

**SECURED/SECURITY.** Cash, escrow fund, letter of credit, bond or other readily available source of money securing the performance of certain obligations.

**SEISMIC EFFECTS.** Direct and indirect effects caused by a natural earthquake or a manmade phenomenon.

**SELF SERVICE STORAGE FACILITY.** A building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractor's supplies. Also known as a mini warehouse.

**SELF SERVICE STORAGE YARD.** A secured area for the storage of recreational vehicles, trailers, campers, etc. Not for storage of uncovered business materials, household goods, contractor's supplies or other loose unsecured items.

**SENDING AREA.** An area designated for limited development or to remain undeveloped, such as prime agricultural land, the Cooperative Planning Area (Buffer Zone) and/or an area with significant natural features as shown on the map in the Sending Areas section of the Transfer Development Rights/Credits Manual.

**SENDING SITE.** An eligible property located within a sending area and participating in the Transferrable Development Rights/Credits (TDR/C) program.

**SERVICE LINES.** Electric, gas, communication, cable television, water, wastewater, irrigation and drainage lines providing local distribution, transmission or collection service.

**SERVICE YARD AND ENTRANCE.** An area and entrance to a structure which is used for pickup and delivery of goods and services especially in conjunction with retail and wholesale outlets. These areas are usually provided to accommodate commercial trucks and not for general customer use.

**SETBACK.** The distance that structures are required to be placed from the property lines of a parcel of land or from other established reference points.

**SHRUB.** A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground; may be deciduous or evergreen.

**SIDEWALK.** A paved walkway along the side of a street.

**SIGN.** Any device, fixture, placard, structure, or part thereof, that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce or identify the purpose of, a person or entity, or to communicate information of any kind to the public.

**SIGN, ADDRESS.** A sign which identifies the address and/or occupants of a dwelling or establishment.

**SIGN, ATTACHED.** A sign attached to a building such as a wall sign, projecting sign, awning or canopy sign or window sign. The opposite of a freestanding sign.

**SIGN, AWNING OR CANOPY.** An attached sign that is permanently affixed to a roofed shelter attached to and supported by a building.

**SIGN, CREATIVE.** Unique signs that exhibit a high degree of thoughtfulness and imagination that make a positive visual contribution to the overall image of the city while mitigating the impacts of large signs or sign of unusual design.

**SIGN, CONSTRUCTION.** Temporary signs identifying the development of the property on which the sign is located and may include the builder, contractor or other person furnishing service, materials or labor to the premise during the period of construction, development or lot sales.

**SIGN, COURTESY.** Signs which identify as a courtesy to customers, items such as credit cards accepted, redemption stamps offered, menus or hours of operation.

**SIGN, DIRECTIONAL.** An on-premise sign providing direction to features of a site such as the entrance or exit, bathroom location, additional parking areas, etc.

**SIGN, DOOR.** A sign affixed to a door which identifies the name and address of the establishment.

**SIGN, EXEMPT.** Signs that are exempt from the requirement to obtain a sign permit but are still required to meet the minimum requirements of this Title.

**SIGN, FLASHING.** A sign, which contains an intermittent or flashing light source or a sign which includes the illusion of intermittent or flashing light by means of animation or an externally mounted light source.

**SIGN, FREE STANDING.** A sign structure which is supported by one or more columns, uprights, poles or braces extended from the ground or which is erected on the ground; provided that no part of the structure is attached to any building. The opposite of an attached sign.

**SIGN, IDENTIFICATION.** A sign which displays the address, name and/or use of the parcel upon which the sign is located.

**SIGN, INSTITUTIONAL.** A sign setting forth the name of a public, charitable, educational, or religious institution.

**SIGN, INTEGRAL.** Names of building, dates of erection, monumental citation, commemorative tablets and the like which are carved into stone, concrete or similar material or made of bronze, aluminum, or other permanent type construction and made an integral part of the structure.

**SIGN, MEMORIAL.** Non-commercial signs intending to celebrate or honor the memory of a person or an event.

**SIGNS, MENU.** Signs at restaurants which are not designed to be read from the public right-of-way and are not visible beyond the boundaries of the lot or parcel upon which they are located or from any public thoroughfare or right-of-way.

**SIGN, MONUMENT.** A freestanding sign continuously attached to the ground; the opposite of a pole sign.

**SIGN, OFF-PREMISE.** A sign that directs attention to a commercial business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located, including billboards. The opposite of an on-premise sign.

**SIGN, ON PREMISE.** A sign that advertises a commercial business, commodity, service, or entertainment conducted, sold or offered on the same property on which the sign is located; the opposite of an off-premise sign.

**SIGN, PERMANENT.** A sign which is securely attached to the ground or a structure so that it cannot readily be moved. The opposite of a temporary sign.

**SIGN, POLE.** A freestanding sign erected above the ground on a pole.

**SIGN, POLITICAL.** A sign relating to a candidate, issue, proposition, ordinance or other matter to be voted upon by the electors of the city.

**SIGN, PORTABLE.** A sign that is not permanent, affixed to a building, structure, or the ground. A sign that is mounted or painted or erected upon a vehicle, van, truck, automobile, bus, railroad car or other vehicle shall be considered a portable sign.

**SIGN, PROJECTING.** A sign attached to a structure wall and extending outward from the wall more than twelve (12) inches.

**SIGN, PUBLIC INFORMATION.** Signs which identify restrooms, public telephones, self-service or provide instructions as required by law or necessity and similar informational signs.

**SIGN, REAL ESTATE.** A temporary sign indicating the availability for sale, rent or lease land or buildings and can either be on-premise or off-premise.

**SIGN, REGULATORY.** Signs which provide information regarding specific regulations on a property such as "no trespassing," "no solicitors," "no smoking," etc.

**SIGN, ROOF TOP.** A sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and which projects above the top walk or edge of a building with a flat roof, the eave line of a building with gambrel, gable or hip roof, or the deck line of a building with a mansard roof.

**SIGN, SUBDIVISION.** A sign which identifies only the name of the subdivision located at the entrance to that subdivision.

**SIGN, TEMPORARY.** A sign which is not permanently affixed to the ground or a structure and can be readily removed from its location. The opposite of permanent sign.

**SIGN, TIME AND TEMPERATURE.** Signs displaying the time and temperature only.

**SIGN VARIANCE.** An exception to the numerical requirements of Chapter #41, Signs, which may be approved by the City Council after a public hearing. See also Variance.

**SIGN, VEHICLE.** A sign painted affixed to or otherwise mounted on any vehicle or on any object which is placed on, in or attached to a vehicle. For the purpose of this definition, the term vehicle shall include tucks, buses, vans, railroad cars, automobiles, tractors, trailers, motor homes, semi-tractors or any other motorized or non-motorized transportation device whether such vehicle is in operating condition.

**SIGN, WALL.** A sign attached to, or erected against, the wall of a structure which has the sign face in a plane parallel to the plane of the wall and which does not extend more than twelve (12) inches from the building face.

**SIGN, WIND.** A sign consisting of a series of banners, flags, pennants, ribbons, spinners, streamers, captive balloons, or other objects or material fastened in a manner, which will move when subjected to pressure by wind or breeze.

**SIGN, WINDOW.** A sign that is painted on, applied to or attached to a window or that can be read through the window from the public right-of-way.

**SKETCH PLAN.** Map(s) of a proposed subdivision and supporting documents submitted to evaluate concept, feasibility and design characteristics at an early stage in the planning of a subdivision.

**SMALL HOUSING TYPES.** Dwelling units (including multi-family dwellings) that individually contain less than 1,750 square feet in floor area including garages or covered parking areas.

**STICK BUILT CONSTRUCTION.** A type of construction wherein a complete structure is assembled on a building site from individual pieces of common building materials such as lumber, sheathing, piping, etc. The use of prefabricated sub assemblies such as structural floor, wall, or roof panels, trusses, precast concrete foundation assemblies, and/or insulated concrete form (ICF) construction meet the definition of stick built for the purposes of this Title.

**STORY.** A horizontal division of a building constituting the area between two adjacent levels designed and intended to be a habitable floor.

**STREET, ARTERIAL.** Streets carrying general traffic within the city and providing communication with surrounding territory and which may be part of the federal-aid and state highway connecting links within the city.

**STREET, COLLECTOR.** Streets penetrating neighborhoods and routes serving intra-city rather than statewide travel. A minor amount of through traffic may be carried on a collector street, but the system primarily carries local traffic. Average trip lengths and travel speeds are less than on arterial streets.

**STREET FURNITURE.** Furniture designed for and permitted in the public right-of-way; e.g. benches, bus shelters.

**STREET, LOCAL.** Streets within the city open to public travel and which is not a part of a federal-aid connecting link, state highway, or a street designated as a collector or arterial street.

**STREET, PRIVATE.** Streets not accepted into the City of Fruita street system for maintenance, but maintained by a private homeowners association or private landowners.

**STREET, PUBLIC.** Streets built to the City of Fruita standards and accepted into the City of Fruita street system for maintenance.

**STREETSCAPE.** The landscaping and other man-made objects located within the public right-of-way which add variety and are placed for aesthetic purposes as well as functional, pedestrian guidance and traffic control.

**STRUCTURE.** Anything constructed or erected which requires location on or in the ground or is attached to something having a location on the ground. Structures do not include ditches and their appurtenances, poles, lines, cables, or transmission or distribution facilities of public utilities, freestanding mailboxes, on-grade slabs, walks, driveways, or landscaping materials. A fence is a structure.

**SUBDIVISION.** The division of a lot, tract or parcel of land into two or more lots, tracts parcels or other divisions of land for sale or development.

**SUBDIVISION, PLATTED.** A group of lots, tracts, or parcels of land created by recording a map which meets the requirements of Section 38-51-106, C.R.S., and which shows the boundaries of such lots, tracts, or parcels and the original parcel from which they are created.

**SUBDIVISION IMPROVEMENTS AGREEMENT (SIA).** An agreement between the city and a property owner and developer which provides for the construction, installation and development of improvements associated with a subdivision and includes a performance guarantee and various exactions required by the city, as further described in Chapter 17.21 of this Title.

**SUITABLE SCHOOL LANDS.** Tracts of vacant land lying within areas designated by the School District for school sites or other school facilities and having characteristics rendering such tracts suitable or desirable for development as school sites or facilities, including but not limited to, appropriate size and dimensions, lack of geologic, environmental or topographic barriers to development, reasonable access to utilities, roads and other necessary facilities, including irrigation water, compatible zoning, and proximity to other schools, school facilities and residential areas.

**SURVEYOR.** A land surveyor registered by the State of Colorado.

**SWMM.** Stormwater Management Master Plan as adopted by the city.

**TELECOMMUNICATION FACILITIES.** Cables, wires, lines, wave guides, antennas, other equipment and facilities and any other equipment or facilities associated with the transmission or reception of electromagnetic waves and/or communications which are located or as a part of a tower or antenna support structure.

**TELECOMMUNICATIONS, TOWER.** A self-supporting latticed, guyed or monopole structure constructed from grade which supports a telecommunications facility. The term tower shall not include amateur radio operators' equipment, as licensed by the FCC.

**TEMPORARY USE OR STRUCTURE.** Any use or structure placed on a parcel of land for a non-permanent use of limited duration.

**TOWNHOUSE.** Refers to a single-family dwelling unit that is connected to a similar single-family dwelling unit by one (1) or two (2) common sidewalls. An owner of a townhouse also owns the land area on which the foundation of the townhouse is constructed and may also own portions of the abutting land not occupied by other dwelling units.

**TRACT.** A lot, piece or parcel of land, of greater or less size, the term not importing, in itself, any precise dimension, though term generally refers to a large piece of land.

**TRAFFIC VOLUME.** As calculated, according to national or other city approved objective standards, such as the Institute of Traffic Engineers publication. If an applicant provides proof that actual traffic volume will be different, the city may vary from the approved standards.

**TRAFFIC IMPACT STUDY.** A study prepared by a professional traffic engineer which calculates the relative effect of a proposed development on the local, collector and/or arterial road system.

**TRAIL.** Any off-street pathway designed mainly for non-motorized travel and recreation. Also known as a pedestrian path or bicycle path.

**TRAILHEAD.** The trailhead is the point at which a trail starts. Trailheads often contain rest rooms, maps, sign posts, and distribution centers for informational brochures about the trail and its features, and parking areas for vehicle and trailers.

**TRAIL, LOCAL.** A low volume trail that provides connectivity within and between developments and serves as a connector to primary or other trails.

**TRAIL, PRIMARY.** A continuous trail that provides a major conduit for travel on trail systems and forms the major trail spines throughout the community with connection to a larger regional trail system.

**TRAIL, PRIVATE.** A trail which is privately owned and is not generally open for public use.

**TRAIL, PUBLIC.** A trail that is designed for public use. Public trails can be publicly owned or owned by a private entity such as a homeowners' association but contains a public access easement.

**TRANSFERABLE DEVELOPMENT RIGHTS/CREDITS (TDR/C).** A development rights/credits which has been severed or extinguished from a sending site by deed restriction, conservation easement, or other legal instrument authorized by law and the recording of that instrument, and which is transferable to a receiving site within a specified receiving area, as further described in Chapter 17.09.

**TRANSFER DEVELOPMENT RIGHTS/CREDITS CERTIFICATE.** A negotiable certificate issued by Mesa County evidencing the legal right of the holder thereof to use such certificate to obtain bonus density on a receiving site subject to, and in accordance, with this Land Use Code.

**TRANSFER RATIO.** The value of one (1) TDR/C relative to its use on a receiving site.

**TRANSIENT HOUSING.** Housing or accommodations which are typically occupied by residents for periods of thirty (30) days or less, including, but not limited to hotels, motels, and lodges.

**TRANSMISSION LINES.** Electric lines (115 KW and over) and appurtenant facilities which emanate from a power plant or a substation and terminate at a substation; or pipelines/conveyors (ten (10) inches diameter or larger) and appurtenant facilities for transporting natural resources, chemicals, petroleum derivatives, or waste substances.

**TRAVEL TRAILER.** A vehicle or portable unit mounted on its own chassis and wheels which does not exceed eight (8) feet in width and/or forty (40) feet in length, is drawn by a motor vehicle, and provides temporary living quarters for recreational, camping or travel use.

**TRUCK CAMPER.** A portable unit consisting of a roof, floor and sides designed to be loaded onto, and unloaded from, the bed of a pickup truck, and provides temporary living quarters for recreational, camping or travel use.

**TRUCK PARKING AREA.** An area for the temporary parking of trucks which are often left with motors running and/or refrigerator unit motors operating.

**UNDERGROUND PRESSURIZED IRRIGATION SYSTEM.** A watering system for landscaped areas, consisting of underground, pressurized pipes connected to sprinkler heads, bubbler heads, or drip systems.

**UNSUITABLE OR POTENTIALLY UNSTABLE SLOPE.** An area susceptible to or impeded by rapid erosion, a landslide, a mudflow, a rockfall or accelerated creep of slope forming materials.

**USE.** The purpose for which land or a structure is designed, arranged, intended, or occupied.

**USE, PUBLIC.** A use which is owned by a public entity or is open to the public

**UTILITIES.** Services and facilities provided by public agencies and private companies; such as, electrical and natural gas service, telephone service, water (domestic and irrigation), wastewater disposal, drainage systems, solid waste disposal, etc.

**VACATION OF EASEMENT.** A formal abandonment of an easement by the City Council, or other owner.

**VACATION OF RIGHT-OF-WAY.** A formal abandonment of a public right-of-way by the City Council or Board of County Commissioners in accordance with State law.

**VARIANCE.** An exception from the numerical requirements of this Title excluding the numerical standards contained in Chapter 11. Use variances are not permitted.

**VERTICAL CONTROL.** All drawings with grades shall have at least one benchmark described. If public facilities besides curb, gutter, and sidewalk, or driveways are proposed, then a permanent benchmark must be referenced, with the elevation based upon U.S.G.S. datum. If the existing benchmark is far enough removed from the site that it reasonably cannot be shown on the plan, then the description of the benchmark location shall not only include aliquot corner description, but street reference. Also, all proposed benchmarks must be shown.

**WALL.** Refers to the vertical exterior surface of a building; the vertical interior surfaces that divide a building's space into rooms.

**WASTEWATER COLLECTOR (OR MAIN).** A wastewater line located within public right-of-way or easement generally eight (8) inches in diameter or larger which receives wastewater flows from wastewater laterals and transports these flows to the treatment facility.

**WASTEWATER LATERAL.** A wastewater line which discharges into a wastewater collection line or main.

**WASTEWATER SYSTEM.** A unified collection and treatment system operated by the city for the disposal of sanitary wastewater.

**WATERCOURSE.** An area in which water flows regularly or periodically.

**WILDFIRE HAZARD.** An area containing or directly affected by a hazard from uncontrolled fire in a natural area.

**WILDLIFE HABITAT RESOURCE AREA.** A geographical area containing those elements of food, water, cover, space and general welfare in combination and quantities adequate to support a species for at least a portion of a year. An area need not be occupied by a species in order to be considered a habitat for that species; habitat may include those areas, which were historically occupied and are still suitable for occupancy, are presently occupied, or are potentially suitable though not historically occupied. Significant wildlife habitats are those areas containing, or having significant impact upon, those wildlife habitats in which the wildlife species could be endangered by development, and includes those essential elements of habitat, which, if altered or eliminated, would impair or destroy the area's capability to sustain a wildlife species.

**WOONERF.** A street or group of streets designed primarily to meet the interests of pedestrians and cyclists rather than motorists, opening up the street for social use.

**WORKING DAY.** A business day; those days the Community Development Department is open to the public for business; holidays, Saturdays, and Sundays are not working days.

**XERISCAPE.** Landscape methods, which conserve water through the use of drought-tolerant plants and specialized planting and irrigation techniques.

**YARD.** An existing or required open space on a parcel. A yard is open, unoccupied and unobstructed from the ground to the sky, except as otherwise provided in this Title.

**YARD, FRONT.** A yard extending across the full width and depth of the lot between a front road right-of-way, front lot line or access easement line, and the nearest line or point of the building.

**YARD, FRONT SETBACK.** The minimum horizontal distance required between any building and the front property line.

**YARD, REAR.** A yard extending across the full width and depth of the lot between the rear lot line and the nearest line or point of the building.

**YARD, REAR SETBACK.** The minimum horizontal distance required between any building and the rear property line.

**YARD, SIDE.** A yard extending from the front yard to the rear yard between the side lot line and the nearest line or point of the building.

**YARD, SIDE SETBACK.** The minimum horizontal distance required between any building and the side property line.

**ZERO LOT LINE.** The location of a building on a lot in such a manner that one (1) or more of the buildings sides rests directly on a lot line.

**ZONE.** A particular set of rules and regulations, applied to specific areas identified on the Official Zoning Map, which limits the types and intensity of uses.