

Section 16. Definitions

§16.1 ABBREVIATIONS

BMPs	Best Management Practices
CDOT	Colorado Department of Transportation
dBa	Decibels Above Reference Noise, adjusted
DBH	Diameter at Breast Height
FAA	Federal Aviation Administration
FCC	Federal Communications Commission
ft.	Feet
<i>LDC</i>	<i>Land Development Code</i>
LID	Low Impact Development
LOD	Limits of Disturbance
LOS	Level of Service
sq. ft.	Square Feet
TIA	Traffic Impact Analysis
UDFCD	Urban Drainage and Flood Control District
USGS	United States Geologic Survey

§16.2 GENERAL TERMS DEFINED

Terms used shall have the following meanings as used throughout this *LDC*:

Definitions

Abutting	The property directly touches another piece of property.
Accessory building, structure or use	A detached building, structure, or use on the same lot with, or of a nature customarily incidental or subordinate to, and of a character related to the principal use or structure. See §3.12.
Accessway	Developed strips or sections which provide pedestrian access to private property. See §4.5B.
Adjoining	A lot or parcel of land which shares all or a part of a common boundary line with another lot or parcel of land. Parcels shall also be considered adjoining when they are only separated from each other by an alley, easement, or right-of-way.
Agriculture	The use of land for agricultural purposes, including: farming; dairying; pasturage; apiculture; horticulture; floriculture; viticulture; and animal and poultry husbandry; and, the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation, of any such accessory uses shall be secondary to that of the principal use.
Alley	A single lane that provides alternative vehicular and service access.
Allowed use	Use which is allowed in a zone district, subject to all of the restrictions applicable to that zone district and all of the standards of this <i>LDC</i> .
Alteration	Any change, addition, or modification in construction or occupancy of an existing structure or sign; any change, grading or construction within a regulated floodplain.
Antenna	A system of electrical conductors that transmit or receive electromagnetic waves or radio frequency or other wireless signals. Such shall include, but not be limited to radio, television, cellular, paging, personal telecommunications services (PCS), microwave telecommunications and services not licensed by the FCC, but not expressly exempt from the City's siting, building and permitting authority.
Applicant	The owner of land submitting a development application or the legal authorized representative.
Apron (driveway)	That portion of the driveway that may extend from the curb-cut to the building face or garage.
Architectural projection	Non-functional or ornamental building feature.
As-built plans	A set of detailed plans and document specifying how required public improvements were actually constructed.

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Assisted Living	A residential building occupied by not more than 8 persons who are 60 years of age or older who do not require skilled or intermediate care facilities; or a residential building containing a state-licensed facility for the exclusive use of not more than 8 developmentally disabled person having such illnesses as cerebral palsy, multiple sclerosis, mental retardation, autism or epilepsy.
Automobile repair garage	Any building or structure where motorized vehicles are stored, repaired, painted, or equipped for compensation.
Average Slope	The average measurement of a hillside slope as calculated in §5.2 of this LDC. See Figure 30.
Awning	A movable shelter supported entirely from the exterior wall of a building and of a type which can be retracted, folded or collapsed against the face of the supporting building; or a covered space frame structure.
Base flood	The flood having a 1% chance being equaled or exceeded in any given year.
Basement	A story partly or wholly underground.
Bathroom	Separate room containing a water closet, lavatory, and bathtub, or shower.
Bedroom	Room in a dwelling unit that is marketed and designed for sleeping, or otherwise has the potential to function primarily for sleeping.
Best management practices, water	Effective, practical, structural or nonstructural methods which prevent or reduce the movement of sediment, nutrients, pesticides and other pollutants from the land to surface or ground water. (§3.10 E.2.)
Bicycle lane	That portion of a roadway set aside and designated for the use of bicycles.
Bicycle path	A paved facility that physically separates bicycle riders from motor vehicle traffic.
Bike route	A facility designated by signing to help make motorists aware of the presence of bicycles, which share the right-of-way with motor vehicles.
Block	A parcel of land entirely surrounded by public streets or highways, public walks, public green strips, rural land or drainage channels, boundaries of a municipality, or a combination thereof.
Boarding or rooming house	Building, other than a hotel, cafe, or restaurant, where for direct or indirect compensation, lodging and/or meals are provided for 3 or more boarders and/or roomers, exclusive of the occupant’s family. (§3.2 B.)
Buffer	Screening that is intended to help mitigate the physical, visual and environmental impacts created by development on adjacent properties. (§4.6.E.)
Building	Any structure used or intended for supporting or sheltering any use or occupancy within the purview of the <i>International Building Code</i> as adopted by the City.
Building coverage	The maximum portion of the lot that is covered by buildings, including both principal structures and accessory buildings. (§1.7.)
Building line or setback line	A line designating the area in which buildings may be erected, except as otherwise provided by this LDC.
Building official	The designated official responsible for enforcement of building codes and the supervision of building inspections in the city of Gunnison.
Building separation	The required separation between any two buildings located on the same lot or parcel of land. (§1.7 E.)
Building, principal	A building in which is conducted the principal use of the lot on which it is situated. In any residential zone district, any dwelling is deemed to be a main building on the lot on which it is situated.
Caliper	The diameter of plant material, measured at six inches above grade for calipers of up to four inches, and 12 inches above grade for larger calipers.
Campground	Parcel of land used or intended to be used, let, or rented for overnight or short term occupancy by campers, trailers, tents, or recreational vehicles.
Canopy	Permanent roofed shelter covering a sidewalk, driveway or other similar area, which may be wholly supported by a building or may be wholly or partially supported by columns, poles or braces extending from the ground.
Carport	A permanent roofed structure open on at least two sides, and designated for or occupied by “private” passenger vehicles.
Cemetery	A place used or to be used and dedicated or designated for interments of human remains or pet animal remains.

Definitions

City	The incorporated City of Gunnison, Colorado.
City Council	The governing or legislative authority of the City of Gunnison, Colorado.
City Engineer	City Engineer of the City of Gunnison.
City Manager	City Manager of the City of Gunnison.
City Property	Any dedicated public right-of-way or property owned by the City of Gunnison.
Club	Membership organization, catering exclusively to members and their guests, whose facilities are limited to use by the membership, except on occasion, and whose activities may or may not be conducted principally for monetary gain.
Colorado Medical Marijuana Code	Article 43.3 of Title 12, Colorado Revised Statutes
Columbarium	A place for the respectful and usually public storage of cinerary urns (cremated remains of the deceased).
Commercial Lodging	Hotels, motels, lodges, or convention centers with sleeping accommodations and similar commercial facilities that provides temporary lodging in guest rooms; which have common facilities for reservations, reception and maintenance: and in which meals, entertainment, and various personal services for the public may or may not be provided for remuneration.
Common interest community	Real estate described in a declaration with respect to which a person, by virtue of such person's ownership of a unit, is obligated to pay for real estate taxes, insurance premiums, maintenance or improvement of other real estate described in a declaration.
Congregate Living	Occupancy of a structure by a group of people who do not comply with the standards for Households. Including, but not limited to: boarding houses, dormitories; fraternities and sororities; homeless shelters; monasteries and convents; nursing and convalescent homes.
Conditional Use	Land uses which are generally compatible with the permitted uses in a zone district, but which require site-specific review of their location, design, intensity, density, configuration, and operating characteristics, and which may require the imposition of appropriate conditions, in order to ensure compatibility of the use at a particular location and mitigate its potentially adverse impacts. (Section 7.)
Condominium	Common interest community in which portions of real estate are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of the separate ownership portions. A common interest community is not a condominium unless the undivided interests in the common elements are vested in the unit owners.
Consumer (Medical)	A person twenty-one years of age or older who purchases marijuana or marijuana products for personal use by persons twenty-one years of age or older, but not for resale to others.
Construction	On-site erection, fabrication, installation, alteration, demolition or removal of any structure, facility, or addition thereto, and all related activities; including, but not restricted to, clearing of land, earthmoving, blasting and landscaping.
Construction plan	Maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of these regulations.
Convenience Store	A building used for the sale of prepackaged food items and tangible consumer goods, primarily for self-service by the consumer. A convenience store may or may not have gasoline pumps.
County	Unincorporated Gunnison County, Colorado.
County Clerk and Recorder	The Gunnison County Clerk and Recorder of Gunnison County, Colorado.
Covenant	A private legal restriction on the use of land contained in the deed to the property or otherwise formally recorded.
Crematorium	A building used for the cremation of human remains.
Cut-off angle	The angle, measured up from the nadir, between the vertical axis and the first line of sight at which the bare source (the bulb or lamp) is not visible.
Day care center	Residence, facility, or pre-school which provides regular care and supervision for more than 12 children at any one time during the day for compensation.
Day care home	A residence, facility or pre-school which provides regular care and supervision for more than 3 but not more than 8 children at any one time during the day for compensation. The care and

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	supervision of 3 or less children at any one time during the day shall be considered to be in-home babysitting, and not subject to this <i>LDC</i> .
Day care school	A residence, facility or pre-school which provides regular care and supervision for more than 8 but not more than 12 children at any one time during the day for compensation.
Density	The total number of dwelling units permitted on any parcel of property planned for residential development. Density is calculated based on the total area of a lot and the zoning district of said lot. (§1.7 K.)
Developer	A person or firm that improves raw land with labor and capital, and arranges for utilities and essential services in order to sell subdivided parcels of land or to build structures for rent and/or sale.
Development	The subdivision of land into two or more parcels, the construction or reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, land disturbance; and any use or extension of the use of land.; any activity which requires a development application under this <i>LDC</i> , including but not limited to: site development plan, rezoning, planned development review, conditional use permit review, subdivision review, or site plan review.
Development application	Any application for development under this <i>LDC</i> , including but not limited to: site development plan, rezoning, planned development review, conditional use permit review, subdivision review, or site plan review.
Director	The Community Development Director of the City of Gunnison, Colorado; the City employee primarily responsible for administering the provisions of this <i>LDC</i> , or his or her designee.
Drilling, mining, or excavation	Commencement of drilling (except for a water well or to obtain soil samples), mining, excavation, or deposit of refuse, solid or liquid waste on a parcel of land.
Drive-in facility	An establishment providing such products and services as, but not limited to: food, beverages, or financial services, to customers in vehicles.
Driveway	A private residential or nonresidential roadway located on a parcel or lot used for vehicle access.
Dwelling	Building or a portion of a building containing one room, or several rooms connected together, including a separate bathroom and a single kitchen, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a monthly or longer basis, physically separated from any other rooms or dwelling units which may be in the same structure, and served by no more than one gas meter and one electric meter. Dwellings include: alley-loaded house, multi-family dwelling, single-family detached, townhouse, two-family house, upper story residential and zero lot line houses. (§2.3.)
Easement	A grant of one or more of the property rights by the owner to, or for the use by, the public, a corporation, or another person or entity.
Essential Services	Essential Services are the activities, utilities, and infrastructure necessary to provide and maintain the public health, safety and general welfare of the residents of the city. These services are provided by public utilities, private utilities or municipal departments. Specifically excluded as essential services are overhead towers, poles, wires and similar equipment where not an upgrade, rebuild, replacement or already in existence on a property; and operation and maintenance facility buildings.
Family	One or more persons related by blood, marriage, adoption, or between whom there is a legally recognized relationship, or not more than five unrelated persons who occupy a single dwelling unit.
Fence	Any constructed barrier of any material or combination of materials erected to enclose or screen areas of land.
Fire Marshal	The Fire Marshal of the City of Gunnison.
Flood Insurance Rate Map (FIRM)	Official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones. (GMC §14.60.)
Flood insurance study	Official report provided by the Federal Emergency Management Agency that includes flood profiles, the flood rate insurance rate map, and the water surface elevation of the base flood.
Flood or flooding	A general and temporary condition of partial or complete inundation of two or more acres of normally dry land area or of two or more properties (at least one of which is the policyholder's

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	property) from overflow of inland waters, unusual and rapid accumulation or runoff of surface waters from any source, mudflow; or: collapse or subsidence of land along the shore of a lake or similar body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels that result in a flood as defined above. (GMC §14.60.)
Floodplain	That ground covered by water in the case of the flood of 100 year frequency, as delineated by Federal flood insurance maps and the Floodplain Ordinance of the City of Gunnison. (GMC §14.60.)
Floodway	Channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one-half foot. (GMC §14.60.)
Floor area	A gross calculation measured from the exterior wall plane or the centerline of the common wall (party wall) separating two units in a building, but shall not include mechanical rooms and chases, closet or storage areas. (§1.7 F.)
Frontage	The dimension of a property that is adjacent to a street.
Full cutoff fixture	A luminary that, by design of the housing, has a cutoff angle of less than 90 degrees. Full cutoff fixtures must be installed in a manner which maintains a cutoff angle of less than 90 degrees.
Funeral home	A building used for the preparation of the deceased for burial and display of the deceased before burial or cremation. A funeral home, as defined in this <i>LDC</i> , includes a funeral chapel.
Governing body	The City Council of the City of Gunnison.
Government administrative facilities, services and buildings	Office buildings, maintenance facilities and operations centers owned and operated by a governmental agency.
Grade, finished	Final elevation of the ground surface after development.
Grade, natural	Elevation of the ground surface in its natural state, prior to man-made alterations.
Ground cover	Any natural vegetative growth or other material which renders the soil surface stable against accelerated erosion.
Guest room	A room or suite used as living accommodations for one or more paying visitors.
Height	The vertical distances between the average grade of a structure and the highest point of the structure or to the coping of a flat roof, to the deck line of a mansard roof, or to the highest ridge of a sloping roof. (§1.7 G.)
Home Business	The conduct of a business, occupation or trade as an accessory use entirely within a residential building or accessory structure for gain or support by residents of the dwelling and employees residing off-premises, which may serve patrons on the premises. (§3.3 L.)
Home Occupation	The conduct of a business, occupation or trade as an accessory use entirely within a residential building or accessory structure for gain or support, only by residents of the dwelling, which does not serve patrons on the premises, except in an incidental manner. (§3.3 L.)
Homeowners' Association	An incorporated non-profit organization operating under recorded covenants for the purpose of maintaining any physical facilities, structures, improvements, systems, areas or grounds held in common.
Household	The residential occupancy of a dwelling unit by a single family. (§3.2 A.)
Impervious Surface	The maximum portion of the lot covered by buildings, paved areas, or other features that inhibit percolation of water into the soil. (§1.7 C.)
Improvement	Grading, paving and curbing of streets; the installation of fire hydrants, water mains, sanitary sewers, storm sewers and drains and irrigation ditches; pedestrian ways, crosswalks, and such other construction as may be designated by the City Council.
Indoor amusement and entertainment establishment	Bowling alleys, game rooms/video arcades, pool/billiard halls, skating rinks, theaters and similar establishments. Not including sexually oriented businesses.
Indoor and outdoor eating and drinking establishment	Permanent building containing a restaurant, bar or tavern which serves food and/or beverages, prepared or consumed on the premises within a building or on an outdoor patio, served to the customer at tables or counters.

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Industrial Hemp	The plant of the genus cannabis and any part of such plant, whether growing or not, with Delta-9 Tetrahydrocannabinol concentration that does not exceed three-tenths percent on a dry weight basis.
Junk yard	Building, structure, or parcel of land, or portion thereof, used for the collection, storage, or sale of wastepaper, rags, scrap metal, or discarded material; or for the collecting, dismantling, storage, salvaging, or demolition of vehicles, appliances, machinery, or other materials.
Kennel	An establishment for the keeping or breeding of dogs for profit, or having four dogs or more on any premises. This term does not mean veterinary clinic.
Kitchen	Kitchen sink, cooking appliance, and refrigeration facilities, each having a clear working space of not less than 30 inches in front.
Land disturbance	Land disturbance done in preparation for or in conjunction with construction, including clearing or removal of vegetation, soil grading or filling, or paving.
Land surveyor, registered	A professional land surveyor licensed and registered in the State of Colorado.
Landscape area	Area which has been improved through the planting and maintenance of living plants such as trees, shrubs, plants, vegetables, vegetative ground cover and turf grasses. Landscape area may include natural nonliving elements such as rock, stone and bark, as well as structural features, including but not limited to walks, trail connections, fences, benches, works of art, reflective pools or fountains and outdoor recreation facilities, such as swimming pools, tennis courts and the like, but shall not include areas covered by buildings, parking or access areas. In subdivisions, PUDs, mobile home and RV parks, landscape area may mean an unimproved natural area, including land under water, wetlands, floodplains and similarly sensitive lands when approved by the Commission.
Large scale retail establishment	A building containing a store or stores, with a floor area greater than 50,000 square feet, in which retail sales of goods and services are transacted between a commercial outlet and the ultimate consumer.
Loading, off-street	A completely off-street space on the same lot for the loading or unloading of materials with ingress and egress to a street or alley (§4.4 K.).
Lot	A portion or parcel of land occupied or intended to be occupied by a building or use and its accessories. A buildable lot is subject to zone district minimum lot sizes (§2.6). A lot shall be an integral unit of land held under unified ownership in fee or under legal control tantamount to such ownership, which may be intended for transfer of ownership or for development. The word “lot” shall include: plot, parcel or tract. (§1.7 H.)
Lot frontage	That dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.
Lot lines	The lines bounding a lot.
Lot lines, front	The property line dividing a lot from a street right-of-way. On a corner lot, both lot lines along the street right-of-way shall be considered front lot lines.
Lot lines, rear	The property line opposite the front lot line. On a corner lot adjacent to an alley, the rear lot line shall be that line contiguous with the alley right-of-way. On a corner lot where no alley exists, the rear lot line shall be the property line opposite the longer of the front lot lines.
Lot lines, side	Any lot line other than a front or rear lot line.
Lot, corner	A lot located at the intersection of abutting two or more streets.
Lot, double frontage	A lot having a frontage on two nonintersecting streets, as distinguished from a corner lot.
Lot-of-record	A lot which is part of a subdivision recorded in the office of the County Clerk and Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.
Manufactured housing	Factory-built dwelling units manufactured or constructed to comply with the standards of the National Manufactured Housing Construction and Safety Standards Act of 1974. Manufactured homes shall meet the standards of §3.3, Residential Use Standards. Any manufactured home which does not meet any of the standards of §3.3 shall be considered a mobile home, and shall comply with all standards of this <i>LDC</i> applicable to such use.

Definitions

Marijuana or Marihuana	All parts of the plant of the genus <i>cannabis</i> , whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate. “Marijuana” or “Marihuana” does not include industrial hemp, nor does it include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topic or oral administration, food, drink or other product.
Marijuana Accessories	Any equipment, products, or material of any kind which are used, intended for use, or designed for the use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana into the human body.
Marijuana Club	A place of private assembly, operated for purposes of inviting members to use or consume marijuana on-site.
Marijuana Cultivation Facility	An entity licensed to cultivate, prepare, and package marijuana and to sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.
Marijuana Establishment	Marijuana cultivation facility, marijuana testing facility, marijuana product manufacturing facility, or retail marijuana store.
Marijuana Product Manufacturing Facility	An entity licensed to purchase marijuana; manufacture, prepare, and package marijuana products; and to sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.
Marijuana Products	Concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures.
Marijuana Testing Facility	An entity licensed to analyze and certify the safety and potency of marijuana.
Medical Marijuana Center	An entity licensed by a state agency to sell marijuana and marijuana products pursuant to Article XVII, Section 14 of the <i>Colorado Constitution</i> and the <i>Colorado Medical Marijuana Code</i> .
Massage Parlor	A commercial establishment or place primarily in the business of providing massage services, but not licensed pursuant to the <i>Colorado Massage Parlor Code</i> (§12, Article 48.5 C.R.S.)
Master Plan	The <i>City of Gunnison Master Plan</i> ; the long-range comprehensive physical development plan for the City of Gunnison, Colorado, as adopted by the City Council to provide long-range development policies for the area subject to urbanization in the foreseeable future and which includes, among other things, the plan for land use, land subdivision circulation, transportation, and community facilities.
Medical marijuana	Marijuana that is grown and sold for a purpose authorized by Section 14 of Article XVIII of the <i>Colorado Constitution</i> .
Medical marijuana center	A person authorized to be licensed to operate a business as described in the <i>Colorado Medical Marijuana Code</i> that sells medical marijuana to registered patients or primary caregivers, as defined in Section 14 of Article XVIII of the <i>Colorado Constitution</i> , but is not a primary caregiver, and which a municipality is authorized to prohibit as a matter of law.
Medical marijuana-infused products manufacturer	A person licensed pursuant to the <i>Colorado Medical Marijuana Code</i> to operate a business known as a Medical Marijuana-Infused Products Manufacturing License, and which a municipality is authorized to prohibit as a matter of law.
Mobile home	A dwelling eight feet or more in width and 40 feet or more in body length, designed to be transported on its own permanent chassis after fabrication, and which is designed to be used as a dwelling, with or without permanent foundation, when the required plumbing, heating, and electrical facilities are connected. Mobile homes shall comply with one of the following circumstances: 1. Comply with HUD Code. New or used mobile homes installed after the effective date of this LDC shall comply with the standards of the National Manufactured Housing Construction and Safety Standards Act of 9174 (hereinafter referred to as the <i>HUD Code</i>). Such mobile homes

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	<p>shall have a roof capable of bearing a minimum 40-pound snow load.</p> <p>2. Pre-date HUD Code. Mobile homes built prior to the <i>HUD Code</i> shall have a roof capable of bearing a minimum 30-pound snow load.</p>
Mobile home park	A plot of ground upon which two or more mobile homes, either occupied or intended to be occupied for dwelling or sleeping purposes, is located, regardless of whether a charge is made for such accommodations.
Mobile home space	The area of a mobile home park allotted and designed for the location of one mobile home.
Multi-use trails	Multi-use trails are minimum 15-foot wide rights-of-way or easements dedicated for public use and have a minimum 8 foot wide tread way surface centered on the easement center line. (§4.5 B.3.)
Nonconforming lot	Any lot lawfully established pursuant to the zoning and building regulations in effect at the time of its development, but which does not conform to the standards of this <i>LDC</i> for the zone district in which the lot is located regarding minimum lot size or minimum lot frontage. (§11.4.)
Nonconforming sign	Any sign lawfully established pursuant to the zoning and building regulations in effect at the time of its development, but which does not conform to the standards of this <i>LDC</i> for the zone district in which the sign is located regarding sign type, maximum sign area and sign standards. (§11.5.)
Nonconforming structure	Any structure lawfully established pursuant to the zoning and building regulations in effect at the time of its development, but which does not conform to the standards of this <i>LDC</i> for the zone district in which the structure is located regarding minimum setbacks, maximum height, maximum lot coverage, maximum density, minimum landscape area, minimum building width, minimum floor area or the applicable standards for off-street parking, landscaping, or improvements. (§11.3.)
Nonconforming use	Any use of a structure or land lawfully established pursuant to the zoning and building regulations in effect at the time of its development, but which use is not designated in this <i>LDC</i> as a permitted or conditional use in the zone district in which the use is located. (§11.2)
Nudity or state of nudity	The appearance of the human bare buttock, anus, male genitals, female genitals, or the areola or nipple of the female human breasts; or, a state of dress which fails opaquely and fully to cover human buttocks, anus, male or female genitals, pubic region, or areola or nipple of the human breast.
Nursing home	A facility, however named, which is advertised, announced, or maintained for the express or implied purpose of providing nursing or convalescent care for three or more persons unrelated to the licensee. A nursing home is a home for chronic or convalescent patients, who, on admission, are not as a rule, acutely ill and who do not usually require special facilities such as an operating room, X-ray facilities, laboratory facilities, and obstetrical facilities. A nursing home provides care for persons who have remedial ailments or other ailments, for which medical and nursing care are indicated; who, however, are not sick enough to require general hospital care.
Office	A room, group of rooms, or building whose primary use is the conduct of a business, professional service, or governmental activity of a non-retail nature; including administration, record keeping, clerical work, and similar functions. This definition is not meant to include manufacturing, processing, repair, or storage of materials or products.
Optional Premises Cultivation Operation	A person licensed pursuant to the Colorado Medical marijuana Code to operate a business known as an optional premises grow facility in order to grow and cultivate marijuana for a purpose authorized by Section 14 of Article XVIII of the <i>Colorado Constitution</i> , and which a municipality is authorized to prohibit as a matter of law.
Outdoor Display	The outdoor display of merchandise readily available for sale. See §4.7 B.
Outdoor Storage	Merchandise or material in boxes, crates, on pallets or other kinds of shipping containers; fleet vehicles; and other similar merchandise, material or equipment. See §4.7 C.
Owner	Person, firm, association, syndicate, joint venture, partnership, governmental unit or corporation having charge of any real property according to the records held by the County Clerk and Recorder.
Parcel	Means “lot” as defined herein. (§1.6 H 3.)
Parks and open	An area open to the general public and reserved for recreational, education or scenic purposes.

Definitions

space	
Parking lot	An area not within a building, where motor vehicles may be stored for the purpose of temporary, daily, or overnight off-street parking (§4.4).
Parking space	A designated off-street area designed to accommodate the parking of one vehicle. (§4.4 C.).
Parking, off-street	Parking area located wholly within the limits of a parcel of land.
Patient	Has the meaning provided in Section 14(1)(c) of Article XVIII of the <i>Colorado Constitution</i> .
Pedestrian-friendly design	Those commercial developments which can demonstrate a high capacity to encourage pedestrian and bicycle traffic to and from the development and inter connectivity with adjacent land uses.
Place of worship	A building primarily used by a non-profit organization for organized religious services and supporting uses.
Plan, sketch	A map of a proposed subdivision or other development, drawn and submitted in accordance with the requirements of this <i>LDC</i> to evaluate feasibility and design characteristics at an early stage in the planning. (§12.5.)
Plat, final	The map or maps of a proposed subdivision drawn and submitted in accordance with the requirements of this <i>LDC</i> as an instrument for recording real property interests with the County Clerk and Recorder. (§12.7.)
Plat, preliminary	The map or maps of a proposed subdivision and specified supporting materials, drawn and submitted in accordance with the requirements of this <i>LDC</i> to permit the evaluation of the proposal prior to detailed engineering and design. (§12.6.)
Primary caregiver	Has the meaning provided in Section 14(1)(f) of Article XVIII of the <i>Colorado Constitution</i> .
Primary façade	The building wall plane that faces the primary street frontage, faces parking lots meant to be used by consumers, or is within 200 feet of a public street. Any wall plane that faces either Highway 50 or Highway 135 shall be considered a primary façade.
Primary residence	The place that a person or family member, by custom and practice, makes his or her principle domicile and address and to which the person or family member intends to return, following any temporary absence, such as vacation. Residence is evidenced by actual daily physical presence, use, and occupancy of the primary residence and the use of the residential address for domestic purposes, such as, but not limited to, slumber, preparation of and partaking of meals, regular mail delivery, vehicle and voter registration, or credit, water and utility billing. A person or family member shall have only one primary residence.
Professional engineer	An engineer licensed and registered in the State of Colorado.
Public facility	A building or area owned or used by any department or branch of the City of Gunnison, the State of Colorado, or the Federal Government.
Public use	Any area building or structure held and/or controlled exclusively for public purposes by department or branch of any government, without reference to the ownership of the building or structure.
Public utility	A business or service which is in the business of regularly supplying the public with some commodity or service which is of public consequence and need, such as electricity, gas, water, sewage disposal, transportation or communications.
Radio or television studio	A building used for radio (audio) or television (visual) recording and production.
Recreational vehicle	A pickup camper, motor home, travel trailer, tent trailer, vehicle and tent or similar mobile unit which has wheels, is intended to be transported over streets, roads and highways as a motor vehicle or attached to a motor vehicle, and is designed primarily for use as a temporary unit for human occupancy. Recreation vehicles shall be used for human occupancy only when located within a lawful recreational vehicle park, except that recreational vehicles may be inhabited for no more than seven days on private property within a 30-day period. (Ordinance 3, 2015)
Recreational Vehicle (RV) park	Land used or intended to be used, let, or rented for occupancy by vacationing transient campers traveling by automobile or otherwise, or for occupancy by tents, or other movable or temporary sleeping quarters of any kind, together with automobile parking spaces and incidental utility structures and facilities required and provided in connection with the use. This definition shall not

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	include trailer sales lots where unoccupied trailers are parked for inspection and sale.
Resort	Group of buildings designed for recreational purposes and used to accommodate individuals on a temporary or term occupancy basis.
Retail marijuana store	An entity licensed to purchase marijuana from marijuana cultivation facilities and marijuana and marijuana products from marijuana product manufacturing facilities and to sell marijuana and marijuana products to consumers.
Retail sales establishment	A store selling retail items in which sales of goods are transacted between a commercial outlet and the ultimate consumer.
Rights-of-way	All streets, roadways, sidewalks, alleys and all other areas reserved for present or future use by the public as a matter of right, for the purpose of vehicular or pedestrian travel or for other public purposes.
Roadway	The improved or unimproved portion of a street intended for the accommodation of vehicular traffic.
Roof line	The top edge of the roof or the top edge of the parapet, whichever forms the top line of the building silhouette, but not including equipment structures.
School, public or private	A public or private institution offering a curriculum of education authorized by the State of Colorado giving regular instruction at the primary, secondary level, or a school for the mentally or physically disabled. Included in this definition are preschool programs. However, this definition does not include day care facilities, individual instruction, or classes in a specialized subject.
School, trade, or business	An institution offering instruction beyond high school level with a course of study in vocational, technical or other special subjects.
Screening	The method by which a view of one site from another abutting site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, or other features.
Secure Area	An area within the primary residence or associated accessory structure accessible only to the person possessing, growing or processing the marijuana plant for personal use. Secure areas shall be partitioned space with doors, walls, ceilings and floors constructed with rigged wood, sheet rock or other typical construction materials and locked to prevent access by children, visitors, casual passersby, vandals, or anyone not authorized to possess marijuana.
Self-storage facility	A building or group of buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for self-service storage of personal property.
Setback	The required distance between the nearest lot line and the furthestmost projection of the building wall-plane along a line at right angles to setback lines. See §1.7 L.
Sexually-oriented business	Sexually-oriented businesses shall be those listed herein, as defined: a. <i>Adult bookstore</i> means an establishment having as a significant portion of its stock in trade books, films, magazines and other periodicals which are distinguished or characterized by an emphasis on depicting or describing sexual conduct or specific anatomical areas. b. <i>Adult mini motion picture theater</i> means an enclosed building with a capacity of less than 50 persons used for presenting material distinguished or characterized by an emphasis on depicting or describing sexual conduct or specific anatomical areas. c. <i>Adult motel</i> means a motel wherein material is presented which is distinguished or characterized by an emphasis on depicting or describing sexual conduct or specific anatomical areas. d. <i>Adult motion picture arcade</i> means any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one (1) time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing sexual conduct or specific anatomical areas. e. <i>Adult motion picture theater</i> means an enclosed building with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on depicting or

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	<p>describing sexual conduct or specific anatomical areas.</p> <p>f. <i>Cabaret</i> means a nightclub, theater or other establishment which features live performances by topless and/or bottomless dancers, “go-go” dancers, exotic dancers, strippers or similar entertainers, where such performances are distinguished or characterized by an emphasis on depicting or describing sexual conduct or specific anatomical areas.</p> <p>g. <i>Massage parlor</i> means any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment or manipulation of the human body occurs as part of or in connection with sexual conduct, or where any person providing such treatment, manipulation or service related thereto exposes specific anatomical areas.</p> <p>h. <i>Model studio</i> means any establishment or business which provides, as a substantial or significant part of its business, the service or modeling of adults distinguished or characterized by emphasis on depicting sexual conduct or specific anatomical areas by means of photography, painting, sketching, drawing or sculpture by persons paying any form of consideration or gratuity.</p> <p>h. <i>Sexual encounter center</i> means any business, agency or person who, for any form of consideration or gratuity, provides a place where three or more persons, not all members of the same family, may congregate, assemble or associate for the purpose of engaging in sexual conduct or exposing specific anatomical areas.</p>
Sidewalk	<p>Strips or sections of concrete or stone a minimum of four feet in width, typically parallel to adjacent streets, intended for use as a public walkway for pedestrians. Sidewalks are located within dedicated road rights-of-way or public easements. (§4.5 B.1.)</p>
Signs	<p>Any writing, pictorial representation, decoration (including any material used to differentiate sign copy from its background), form, emblem or trademark, flag or banner, or mural to attract business, or any other display of similar character which:</p> <ol style="list-style-type: none"> 1. is a structure or any part thereof (including the roof or wall of a building); 2. is written, printed, projected, painted, constructed or otherwise placed or displayed upon or designed into a building, board, plate, canopy, awning, vehicle, or upon any material object or device whatsoever; and, 3. by reason of its form, color, wording, symbol, design, illumination, motion or other feature attracts or is designed to attract attention to the subject thereof or is used as a means of identification, advertisement or announcement.
Site plan	<p>A plan prepared to scale, showing accurately and with complete dimensions, the boundaries of the site and the location of all buildings, streets, uses, and principal site development features proposed for a specific parcel of land.</p>
Site-specific development plan	<p>A plan of land development submitted to the City pursuant to Title 24, Article 68, <i>Colorado Revised Statutes</i>, for purpose of obtaining approval on the creation of vested property rights through one of the following zoning or land use permits or approvals: subdivision plat, zoning amendment, conditional use permit, variance, large scale retail design review or common interest communities.</p>
Solar access	<p>Access which protects reasonably placed solar energy systems from shadow blocking exposure to the sun during hours of high insolation which are between 10:00 A.M. and 3:00 P.M. local time on December 21.</p>
Specified anatomical area	<ol style="list-style-type: none"> 1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the areola; or 2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
Specified sexual activities	<ol style="list-style-type: none"> 1. sexual genitals in a state of sexual stimulation or arousal, or tumescence; 2. Masturbation, actual or simulated; 3. Sex Acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; and 4. Fondling or other erotic touching of human genitals, pubic region, anus, buttocks, or female breasts.
Street	<p>A dedicated and accepted public right-of-way for vehicular traffic and pedestrian use. Includes the</p>

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	<p>following street classifications.</p> <ol style="list-style-type: none"> 1. Arterial. The major street in the street hierarchy, which has a high traffic volume and is not intended to be a residential street. An Arterial provides connections with, or is a major state or interstate roadway and is often the location of significant community facilities as well as retail, commercial and industrial facilities. Main Street/Highway 135 and Tomichi Avenue/Highway 50 are Arterial streets. 2. Collector. A street whose function is to conduct traffic between Arterial streets and/or activity centers. It is a principal traffic artery within residential areas and carries relatively high volume. A Collector can sustain minor retail or other commercial establishments along its route which will influence the traffic flow. Major Collectors include streets such as Virginia Avenue and Colorado Street; minor collectors include Boulevard Street and Wisconsin Street. 3. Local. A street whose primary purpose is to conduct traffic to and from dwelling units to other streets within the hierarchy. Occasionally a Local street will connect with two or three small places or other Local streets. 4. Sub-local. A street whose primary purpose is to conduct traffic to and from dwelling units to other Local streets. Sub-local streets have a 60-foot right-of-way width and must be approved by City Council. See §4.2 B.2. 5. Cul-de-sac. A Local street with only one outlet, which is terminated at the other end by a vehicular turnaround. The length of the cul-de-sac is measured from the Center of the nearest intersection to the center of the Cul-de-sac turnaround. (§4.2 C.) 6. Alley. A strip of land dedicated to public use, located at the side or rear of lots and providing a secondary means of vehicular access to the property.
Street frontage	Portion of the boundary of a parcel of land that is parallel with any single public street or way. (Corner lots are deemed to have 2 street frontages.)
Street frontage, primary	Street frontage on which the residential or business address applies.
Street, public	Any county road dedicated to the public annexed to the City of Gunnison or any street or road dedicated to the City of Gunnison for public purposes.
Structure	Any building, carport, deck, fence, gazebo, pole, antenna, satellite reception or transmission device, storage tank, tower, bridge, dam, pier, or any other construction or erection, except porches, slabs, patios, decks, walks, or steps that are uncovered and do not exceed 30 inches above grade.
Subdivider	Any person, firm, partnership, corporation or other entity, acting as a unit, subdividing or proposing to subdivide land as herein defined.
Subdivision	Any parcel of land which is to be used for condominiums, multi-family dwellings, or any other multiple-dwelling units, unless such land was previously subdivided and the filing accompanying such subdivision complied with municipal regulations applicable to subdivisions of substantially the same density, or the division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale or of building development. It includes resubdivision and when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. It includes mobile home subdivisions which is a parcel of land intended to be used exclusively for and occupied solely by mobile homes and within which the homes and the land are owned by occupants. (§12.3 A.)
Telecommunications facility	A signal distribution system used or operated by a telecommunications carrier under a license from the FCC consisting of a combination of improvements and equipment including (i) one or more antennas; (ii) a supporting structure and the hardware by which antennas are attached; (iii) equipment housing; and, (iv) ancillary equipment such as signal transmission cables and miscellaneous hardware. (§3.10 B. and §3.11 B.)
Temporary commercial activity	Temporary commercial activity” means a general retail sales or other commercial use operated outside of a building on a seasonal basis. Conditional Use permits are required for all “temporary commercial activities” excluding farm stands, farmers’ markets, holiday tree sales, rafting and similar recreational operations, carnivals, circus, temporary private events, construction field

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	office, and model homes units.
Use	Purpose for which any land, structure, or building is designed, maintained, or occupied. (§2.4.)
Utilities Major	Any facility or equipment, including but not limited to electrical power plant, substation, pump stations, or community wells.
Utilities Minor	Minor utilities include but are not limited to electrical transformers, powers and poles, water valves, and home energy production facilities.
Variance	A deviation from the literal terms of this <i>LDC</i> that would not be contrary to the public interest in cases where the literal enforcement of the provisions of this LDC would result in undue or unnecessary hardship. (Section 8.)
Veterinary clinic	Building or area in which animals requiring special medical care are treated, or temporarily housed. The term shall not be construed to include kennel.
Waiver	Authorizations to differ from the literal terms of established standards. (Section 9.)
Wetland Boundary	The line delineating a jurisdictional wetland as administered by the Army Corps of Engineers.
Yard	The portion of a lot which does not have a structure located thereon and which is unobstructed form the ground to the sky, except for the permitted projections in §1.7 L.
Yard, front	A yard extending across the width of the lot and measured from the front line of the lot to the nearest line of the building. (§1.7 L.)
Yard, rear	A yard extending across the width of the lot and measured between the rear line of the lot or street frontage and the nearest line of the building. (§1.7 L.)
Yard, side	A yard on each side of the building between the building and the side line of the lot and extending from the front yard to the year yard. (§1.7 L.)
Zone District, base	The base zone district dimensional standards which establish maximum density and intensity, lot sizes, height standards, and lot coverage criteria for all development applications. (§2.6.)
Zone District, planned	A land area such that varying land uses and innovative design and layout of the development provide significant benefits to both the developer and the City over those land use patterns developed and regulated under conventional zoning districts and development standards. (§2.2 D.)
Zone District, special purpose	Western State Colorado University (WSCU). (§2.2 C.)