



TOWN BOARD REGULAR MEETING AGENDA

Location: Hybrid
South Metro Fire Protection District Station #42
7320 South Parker Road

Or

[Meetings | Town of Foxfield \(colorado.gov\)](https://www.colorado.gov/townoffoxfield/meetings)

Thursday, April 3, 2025: 6:30 p.m.

Call to Order

1. Oath of Office For Appointed Board Member, Frank Lawrence
2. Pledge of Allegiance
3. Roll Call of Board Members
4. Audience Participation Period (limit 4 minutes per speaker)
5. Consent Agenda
 - a. Approval of Minutes – March 20th, 2025
6. For Discussion
 - a. Solar Powered Radar Speed Signs
7. For Possible Action
 - a. Terracare Estimates for Sign and Shoulder Repairs
8. Reports
 - a. Members of Town Board
 - b. Staff

9. Future Agenda Items

- a. Tunnel and sidewalk repairs
- b. Culvert Clean-up
- c. Land Use Code Final Draft
- d. Speed Mitigation
- e. Wards Discussion
- f. Home Rule
- g. Cherry Creek Tributaries Study and public outreach
- h. Social Committee

10. Adjournment

STUDY SESSION: LUC – Article 6: Definitions



BOARD OF TRUSTEES MEETING MINUTES

March 20, 2025

Call to Order

The meeting was called to order at 6:30 p.m. via Microsoft Teams.

1. Pledge of Allegiance

2. Roll Call

The following Trustees were present in person: Mayor Jones, Trustee Hodge, Trustee Pakanati, and Trustee Thompson

Trustee Schultz was present via Zoom.

A quorum was present.

3. Audience Participation

Debby Farreau, 6818 S Richfield St.

- Debby provided the board with an update on the 4th of July Committee. She asked the board for direction on whether or not the event needs to be catered. The board informed Debby that this topic would be discussed later in the meeting.

4. Consent Agenda

- a. Mayor Jones moved to approve the Consent Agenda, with a second from Trustee Thompson. The motion passed unanimously.

5. Public Hearing

a. 17022 E Fremont Ave Variance Request

Tim Gates introduced himself and explained the need for the variance request due to the existing flat roof of the main structure. Resident David Beaner at 7295 S Richfield St expressed his approval of the project. Trustee Thompson mentioned that the approval criteria was met and pointed out that eaves are exempt in this case because the roof is flat. Trustee Hodge asked if anyone behind the applicant had raised concern for the proposal. The applicant said that the resident behind him spoke in favor of the variance. The only other homes that can see the flat roof are the other houses on the cul-de-sac. Mayor Jones moved to approve the applicant's variance request to construct an accessory structure with a flat roof at 17022 E Fremont Ave, seconded by Doug Hodge. The motion passed unanimously.

6. For Possible Action

a. Resolution 2025-02

Mayor Jones noted that Resolution 2023-01 was not published after its passage and so it now needs to be published. Mayor Jones moves to approve Resolution 2025-02 Directing That Ordinance No 2023-01 Be Published Consistent with C.R.S § 31-16-105, seconded by Trustee Thompson. The motion passed unanimously.

7. Reports

a. Members of Town Board

- i. Trustee Pakanati asked about the speed bumps. Ms. Torres stated that SEH come into town to do an evaluation. Trustee Hodge mentioned that the speed meters on Hinsdale didn't appear to be on. Trustee Thompson said that they still collect information in that state. Ms. Proctor said that the solar speed signs will be on the next meeting agenda. Trustee Pakanati asked about the road erosion by the church. Ms. Proctor mentioned that SEH provided a temporary solution to install a delineator. Ms. Proctor asked for feedback and Trustees agreed with this temporary solution.
- ii. Trustee Thompson asked about the deer carcass and Ms. Torres stated that it was handled by OLOL. Trustee Thompson asked the other Trustees about their thoughts on the meeting with State Representative Chad Clifford. Discussion included lack of information on some bills passing, Representative Clifford's strong opinions, and his apparent lack of interest for Foxfield's opinion due to their small population. Trustee Thompson asked about the flood district and trustees mentioned some of the areas locally affected by flooding. Trustee Thompson stated that she was interested in prioritizing the future agenda items. Mayor Jones asked about the fact sheet and Ms. Proctor said that she was going to forward the fact sheet to the board.
- iii. Trustee Hodge asked if Code Enforcement could come talk to the board about active code violations. He expressed the desire to have higher gate violation amounts and to have a larger sign with the violation amounts at the entrance. Discussion included total fine amounts, signage, and policies. Ms. Proctor said that she would come back to the board with a sign for approval.
- iv. Trustee Shultz asked about the mopeds that had been breaking the gates. Ms. Proctor said that there have not been any violations by the scooters recently. Trustee Shultz mentioned the need to replace faded signs in Foxfield. Mayor Jones said that it is something that Terracare can do in the spring.

b. Staff.

i. Town Administrator Proctor

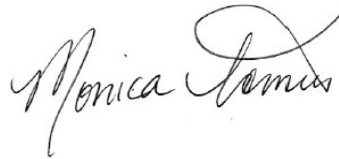
1. Ms. Proctor talked about the 4th of July event. Discussion was held regarding catering of the event or holding it potluck style. Attorney Hoffman provided the recommendation to make this a community event instead of a Town sponsored event. Discussion

included Arapahoe County health department requirements, the Town contributing money to a community event, and advertising. The Trustees agreed that this will be a community event.

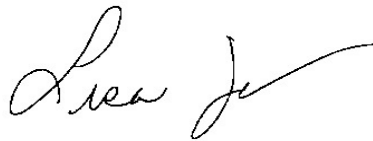
8. Future Agenda Items
 - a. Tunnel, sidewalk repairs
 - b. MHFD public outreach
 - c. Culvert Clean-up
 - d. Land Use Code Final Draft
 - e. Speed Mitigation
 - f. Ward discussion
 - g. Home Rule
 - h. Cherry Creek Tributaries Study
 - i. Social Committee
 - j. 4th of July Committee

9. Adjournment

Mayor Jones made a motion to adjourn the regular meeting at 7:20 pm to move to the executive session. Motion passed unanimously.



Monica Torres, Town Clerk



Lisa Jones, Town Mayor



MEMORANDUM

TO: Mayor Jones and Members of the Board

FROM: Karen Proctor, Town Administrator

DATE: April 3, 2025

RE: Solar Powered Radar Speed Sign

DISCUSSION:

Per the Boards request, attached as Exhibit A, is a quote from AM Signal for a solar powered radar speed sign. Exhibit B are the specifications for the sign and includes the available add ons, in addition to the datasheet for tracking software.

The quote is \$3,870 per sign. The only mounting equipment included is the mount for the solar panel to go on a pole. Poles, mounting hardware for the sign, data tracking software, and different messages are available as add ons. This is consistent with other vendors' cost for similar signs. In the 2025 approved budget there is \$1,500 for sign repair and replacement and \$40,000 for speed mitigation.

ATTACHMENTS:

Exhibit A: AM Signal Estimate

Exhibit B: Speed Sign specifications and tracking software



Estimate

AM Signal, LLC
8100 Southpark Way, Unit A-10
Littleton, CO 80120
Ph: 720-348-6925 Fx: 720-348-6950

Date	Estimate #
3/25/2025	13972

Bill To
Estimator - Radarsigns CO

Ship To
Colorado CO

SO Type	Contract #	Terms	FOB	Expires	Primary Sales Rep
Standard		Net 30	Origin	4/24/2025	Elyse Sorensen
Notes				Freight Options	
Lead time is 30-45 days.				Charge Pre-determined Freight	

Item #	Quantity	Units	Item	Description	Rate	Amount
1	1	Each	RAD TC-600S (S) RADAR SPEED SIGN WHT	TC-600 S, Solar Powered Radar Speed Sign 13" Full Matrix LED Display - readable up to 600 feet 50 watt solar panel with pole mounting bracket two 12V 18 amp/hour AGM batteries SS universal pivot mount bracket with 8° tilt range Vandal resistant Bashplate Wi-Fi transmitter 2 yr. warranty Includes Standard Alerts: Flashing Speed with 3 flash rates Enhanced speed font SLOW DOWN TOO FAST Includes: Standard YOUR SPEED faceplate, 28" x 33", 4" lettering: WHITE RS019	3,695.00	3,695.00



Date	Estimate #
3/25/2025	13972

Quote valid for 30 days. Restock fees may apply for returned materials.
Seller reserves the right to make an equitable adjustment by providing Buyer with new unit pricing if the Buyer's Purchase Order includes a variation in the quantity of any item from the time it was quoted on the Seller's Estimate.
Pursuant to C.R.S. §5-2-212, AM Signal may impose a processing surcharge in an amount not to exceed 2% of the total payment by use of a credit or charge card.





StreetSmart Traffic Data Collection and Reporting Software

Lifetime license - Licensed per sign | One time charge - No Recurring Fees

StreetSmart traffic data collection and reporting software allows you to report, organize and analyze the speed and traffic data gathered by the radar speed sign. Program supports MPH and KPH reporting. Generate 35 charts and graphs with Excel™ macro, or from the Radarsign Cloud system. *(Cloud not available with TC-400 model)*



Each model of our radar speed signs retains data for 12 months before writing over the oldest data first, allowing customers to go back in time for a specific day, week, or month of information.

StreetSmart Benefits:

- Allows the owner to monitor the traffic calming effectiveness of the radar sign on an ongoing basis
- Provides actual data as to how effective the radar sign is at reducing speeds, and lowering the percentage of drivers who speed
- Pinpoints specific speeding times during the day, providing law enforcement the best information about when to patrol
- Provides a baseline of the actual speeding problem when traffic speed data is collected with the LED display off (stealth mode) and compared with data captured with the LED display on

Computer Requirements:

- Windows 10 or newer Operating System (emulation/virtual mode not supported)
- Open USB slot (to transfer files, if not emailed)
- Microsoft Excel 2010 or newer (no other brand of spreadsheet supported)

Standard Reports Available *(Program supports MPH and KPH reports)*

Daily Reports

- Number of vehicles & number of violators: 15 minute segments (6 hour view) | 30 minute segments (12 hour view) | 60 minute segments (24 hour view)
- Percentage of speed violators: 15 minute segments (6 hour view) | 30 minute segments (12 hour view) | 60 minute segments (24 hour view)
- Average vehicle speeds: 30 minute segments (12 hour view) | 60 minute segments (24 hour view)
- Vehicle counts by speed bins (user selectable) based on average vehicle speeds
- Percentage of vehicles by speed bins (user selectable) based on average vehicle speeds
- Average vs. peak vehicle speeds, by speed bins (user selectable)
- School zone report: # vehicles | # speeders | average speeds | per 30 minute segments
- Speed summary based on percentages (includes % of vehicles speeding >5 mph | >10 mph | >15 mph over speed limit, based on average and peak speeds)
- Number of vehicles speeding >5 mph | >10 mph | >15 mph over speed limit, based on average and peak speeds

Weekly Summary Reports *(can be from 2 to 7 days of data)*

- Vehicle and speed violator counts
- Daily average speeds
- Daily average speeds vs. daily 85th percentile speeds
- Percentage of vehicles speeding each day
- Vehicle speed counts by speed bins (user selectable) based on peak vehicle speeds
- Vehicle speed counts by speed bins (user selectable) based on average vehicle speeds
- Percentage of vehicles by speed bins (user selectable) average and peak speed comparison

Extended Trend Charts *(up to 30 days of data per chart)*

- Number of vehicles and number of violators
- Daily speeds (average speeds and peak vehicle speeds)
- Daily average speeds
- Violator trends: > 5 mph | >10 mph | > 15 mph over speed limit (average and peak speeds)

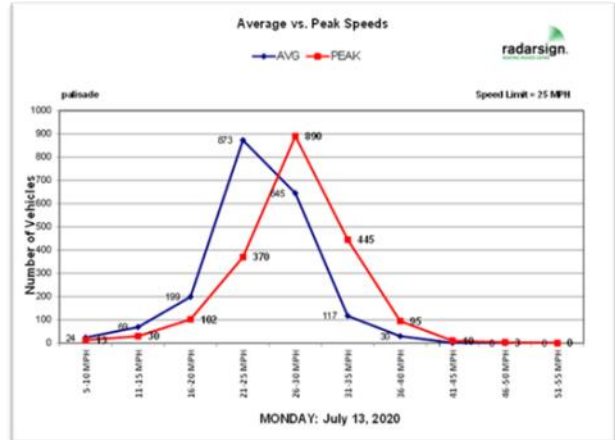
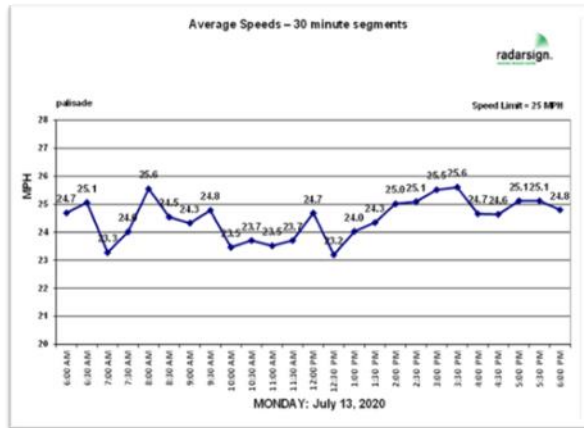
Comparison Charts *(can compare from 2 to 7 days of data)*

- Daily average speeds
- Percentage change in average daily speeds (assumes one set of data collected in 'stealth' mode)
- Percentage of vehicles by speed bins (user selectable) based on peak vehicle speeds
- Percentage of vehicles by speed bins (user selectable) based on average vehicle speeds

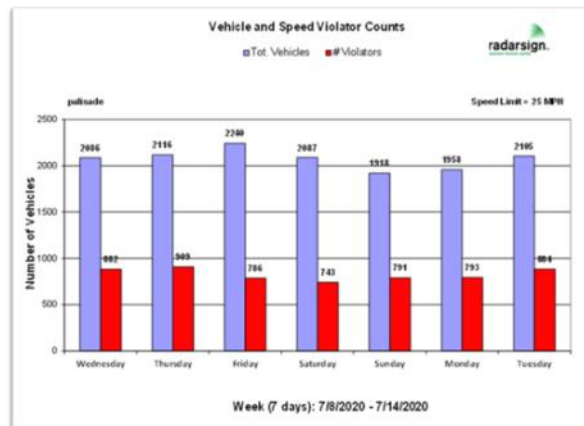
Sample MASTER DATA TABLE: Daily ½ (or ¼) Hour Segments

DAILY 1/2 HOUR SEGMENT RECORDS						SPEED BIN DATA			SUMMARY DATA	
Time	# Vehicl	# Violato	Peak MP	% Violato	AVG. MPH	MPH Bins	# Veh. AVG	Veh. PEAK	Daily Summary	Totals
12:00 AM	6	0	33	0.0%	16.8	5-10 MPH	67	38	Start Date	10/19/2013
12:30 AM	6	0	26	0.0%	17.8	11-15 MPH	172	110	Vehicle Count	1005
1:00 AM	2	0	27	0.0%	24.0	16-20 MPH	352	270	# Violations AVG	77
1:30 AM	0	0	0	0.0%	0.0	21-25 MPH	337	346	% Violations AVG	7.70%
2:00 AM	1	0	31	0.0%	24.0	26-30 MPH	61	190	# Violations PK	241
2:30 AM	10	0	28	0.0%	17.3	31-35 MPH	13	43	% Violations PK	24.00%
3:00 AM	2	0	22	0.0%	17.0	36-40 MPH	3	7	% Violators > 5 MPH AVG	1.60%
3:30 AM	1	0	25	0.0%	16.0	41-45 MPH	0	1	% Violators > 10 MPH AVG	0.30%
4:00 AM	0	0	0	0.0%	0.0	46-50 MPH	0	0	% Violators > 15 MPH AVG	0.00%
4:30 AM	1	0	22	0.0%	16.0	51-55 MPH	0	0	% Violators > 5 MPH PK	5.10%
5:00 AM	0	0	0	0.0%	0.0	56-60 MPH	0	0	% Violators > 10 MPH PK	0.80%
5:30 AM	0	0	0	0.0%	0.0	61+ MPH	0	0	% Violators > 15 MPH PK	0.10%
6:00 AM	4	0	25	0.0%	15.0	# vehicles in speed bin based on AVERAGE speed of vehicle			MPH Avg	19.1
6:30 AM	10	0	27	0.0%	18.4				Peak Speed	42
7:00 AM	15	2	36	13.3%	21.9	# vehicles in speed bin based on PEAK speed of vehicle			50th %tile	n/a
7:30 AM	19	2	37	10.5%	19.9				85th %tile	n/a
8:00 AM	24	7	34	29.2%	20.7				# Non-Speeders AVG	928
8:30 AM	17	2	31	11.8%	21.5				# Non-Speeders PK	764
9:00 AM	35	4	34	11.4%	18.9				# Speeders > 5 MPH AVG	16
9:30 AM	29	3	34	10.3%	19.0				# Speeders > 10 MPH AVG	3
10:00 AM	42	2	36	4.8%	19.1				# Speeders > 15 MPH AVG	0
10:30 AM	38	0	28	0.0%	18.8				# Speeders > 5 MPH PK	51
11:00 AM	36	1	32	2.8%	18.0				# Speeders > 10 MPH PK	8
11:30 AM	42	3	28	7.1%	18.9				# Speeders > 15 MPH PK	1
12:00 PM	29	3	34	10.3%	20.0				Calculated Speed Limit	25
12:30 PM	39	2	31	5.1%	18.3				Avg. Daily Totals (ADT)	144
1:00 PM	60	2	32	3.3%	16.7				Number of Days	7
1:30 PM	52	4	37	7.7%	18.8					

Sample Streetsmart DAILY DATA Reports



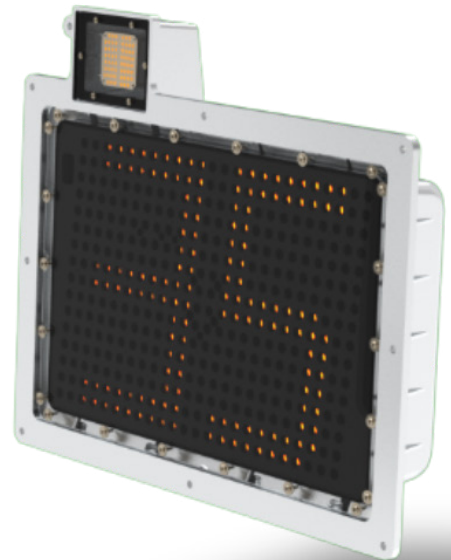
Sample Streetsmart WEEKLY DATA Reports





TC-600 RADAR SPEED SIGN

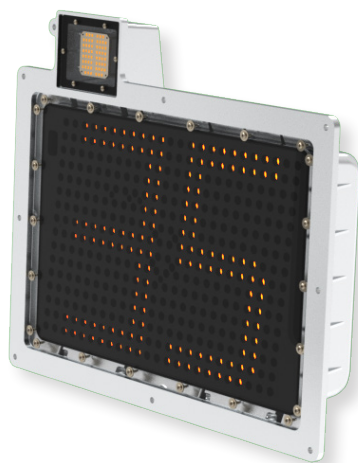
SPECIFICATIONS



Engineered in the USA | MUTCD Compliant Radar Speed Signs | Certified Quality System ISO 9001:2015

TC-600 RADAR SPEED SIGN

SPECIFICATIONS



RADAR SPEED SIGN

LED Display	13" Tall digits visible up to 600 feet ; Ideal for road speeds 5 mph – 60 mph. Super bright amber LEDs in full matrix LED design with adjustable brightness.
BeamTech Bashplate™	Heavy duty aluminum shield over LED display for the ultimate in vandal resistant protection. Design features integrated reflectors that increase pixel fill and amplify LED intensity.
Vandal Resistant Cover	1/4" thick polycarbonate panel over display area that is abrasion, graffiti, and shatter resistant
Blue Blinky™	Radarsign's proprietary blue LED in the center of display; blinks to show the sign is powered and active.
Radar – <i>FCC pt. 15 Compliant; No license required.</i>	K Band, Single Detection Doppler Radar Beam: Width: 12°; Height: 24° Vehicle Detection: Up to 1200 feet Speed Detection: 5 – 127 mph (accuracy +/- 1 mph)
Sign Housing – <i>IP65, NEMA 4 Compliant</i>	Dimensions: 18.5"H x 26.25"W x 5"D Material: Aluminum (0.1875" Thick) Construction: Non-sealed, ventilated
Mounting	Stainless steel mounting bracket and hardware included for poles up to 4.5" OD
WiFi Connectivity	The radar speed sign generates its own WiFi signal. This enables management of the sign via smartphone, tablet, or laptop. Software updates are delivered Over-the-Air (OTA) directly to the sign.
Operating Temp.	Minimum: -40°F; Maximum: 160°F
Standard Scheduler	Allows the user to program the radar sign to operate on a recurring weekly schedule. Equipped with 4 customizable, recurring weekly events. Includes a default setting to manage the sign's behavior when none of the 4 events are activated.
Warranty	Two years on parts and labor, one year on batteries. Does not cover malicious abuse, theft, or damage due to unauthorized modification.

OPTIONAL ADD-ONS

Advanced Scheduler	Web based interface accessed via WiFi on a browser. Features multi-year programming scheduler. Controls radar speed sign and display content.
StreetSmart Data and Reporting – <i>No Recurring Fees</i>	One-time lifetime license fee per sign. Includes 35 customizable charts and graphs. Users can view and download radar-recorded traffic data.
Radarsign Cloud™ with Cellular Connectivity	Modem built into the sign enables cloud access for remote management. Available in 1 or 2 year agreements. Enables uploads of StreetSmart traffic data to cloud* <i>*StreetSmart data license required</i>

TC-600 RADAR SPEED SIGN SPECIFICATIONS

'YOUR SPEED' FACEPLATE OPTIONS



PLAQUE – 30" X 24"
MUTCD 11th Edition Compliant

Approved for Multi-Lane and Single-Lane usage when paired with a regulatory speed limit sign.



SIGN – 30" X 36"
MUTCD 11th Edition Compliant

Approved for Multi-Lane and Single-Lane usage without regulatory speed limit sign.



SIGN – 28" X 33"

Great for residential and privately owned roads. Can be used with or without a regulatory speed limit sign.

DISPLAY FEATURES

INCLUDED		OPTIONAL DISPLAY UPGRADES	
Stealth Mode	Sign display appears inactive to drivers while continuing to collect traffic data.	Custom Messaging Package	Create custom display messages Allows for 2 text lines, 7 characters each Includes all message alerts Managed with Radarsign's Advanced Scheduler ⚠️ Not compatible with cellular, WiFi-Only
Possum Switch™	Sign 'plays dead' for 30 minutes when sustaining force. Stops or reduces the length/severity of vandalism attempts.	Message Alerts - Included in the Custom Messaging Package. Available for individual purchase if the package is not selected.	SCHOOL ZONE SHARP CURVE Left Chevrons (<<) Right Chevrons (>>) Smiley Face THANK YOU - ⚠️ WiFi-Only FINE \$XXX - ⚠️ WiFi-Only
Max Speed Cut Off	Reduces 'sign racing' by the speed display appearing inactive at user determined high speed.	Strobes - Available for individual purchase.	Simulated Camera Flash & White
Display Flash Rates	Default: 55 – 60 fpm; Slow: 90 fpm; Fast: 140 fpm		Police Flash (Alternating Red/Blue)
Message Alerts	SPEED, SLOW DOWN, TOO FAST, Enhanced Font (Bold)		Strobe Bundle (Police Flash and White Simulated Camera Flash)

POWER OPTIONS

SOLAR		AC	
Solar Panel	Standard: 50w - Optional Upgrades: 80w, 100w, 120w	Power Supply	Hard wire to 100 VAC – 240 VAC
Backup Power Supply	Dual 12V 18 A/H AGM batteries support up to 12 days of backup.	Power Consumption	< 2.0 amps (24w) at maximum display intensity and < 0.5w in idle mode
Power Charge Log	Logs solar output and battery charge status Accessible via WiFi or cellular	Circuit Breaker	Multi-circuit; 10 amp fuse



1220 Kennestone Circle, Suite 130, Marietta, GA 30066

radarsign.com | info@radarsign.com | 678-965-4814



MEMORANDUM

TO: Mayor Jones and Members of the Board

FROM: Karen Proctor, Town Administrator

DATE: April 3, 2025

RE: Terracare Estimates for Sign and Shoulder Repairs

DISCUSSION:

It was brought to staff's attention that there are several signs in Town that need to be replaced and/or repaired and the need for some shoulder repair work in a few locations. SEH provided the map in Exhibit A showing the locations of the signs and the map in Exhibit B showing the needed shoulder repairs.

Terracare has provided quotes for this work attached as Exhibit C. The quote for the signs is \$2,345.50. The shoulder work is broken down per location, allowing the Board to choose to have certain locations or all locations done. All three (3) total \$5,580.00. The quotes include labor and materials, traffic control and mobilization.

In the 2025 approved budget there is \$1,500 for sign repair and replacement. The shoulder work was not included in the 2025 budget. Should the Board approve moving forward with this work, Staff would recommend a Supplemental Appropriation be approved at the next Board meeting for these expenses to be paid from the General Fund balance.

ATTACHMENTS:

Exhibit A: Map of Locations for Sign Repairs
Exhibit B: Map of Locations for Shoulder Repairs
Exhibit C: Terracare Quotes

missing reflective signs x2



speed limit - sign panel replacement



Median Sign & Post Replace,



Exhibit A

Stop Sign



Speed limit sign panel (no photo)

DIP



curve warning



speed limit - sign panel replacement



Stop sign POST broken off





7272 S. Eagle St. Centennial CO. 80112

To:	Town Of Foxfield	Contact:	Karen Proctor
Address:	P.O. Box 461450 Foxfield, CO 80046	Phone:	303-680-1544
Project Name:	Foxfield Sign Repairs	Fax:	
Project Location:	Town Of Foxfield	Bid Number:	021
		Bid Date:	3/27/2025

Item Description	Estimated Quantity	Unit
Signs Maintenance- Includes Providing And Replacing Street Signs, Posts And Hardware.	10.00	EACH

Total Bid Price: \$2,345.50

Notes:

- This proposal includes all signs per the map provided.

Payment Terms:

Pricing for this proposal is valid for 30 days. Terracare reserves the right to revise or withdraw this proposal if pricing is not accepted within 30 days of receipt.

<p>ACCEPTED: The above prices, specifications and conditions are satisfactory and hereby accepted.</p> <p>Buyer: _____</p> <p>Signature: _____</p> <p>Date of Acceptance: _____</p>	<p>CONFIRMED: Terracare Associates</p> <p>Authorized Signature: _____</p> <p>Estimator: Scott Siskind (303) 419-4020 scott.siskind@myterraccare.net</p>
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7272 S. Eagle St. Centennial CO. 80112

To:	Town Of Foxfield	Contact:	Karen Proctor
Address:	P.O. Box 461450 Foxfield, CO 80046	Phone:	303-680-1544
Project Name:	Foxfield Shoulder Repairs 3 Locations	Fax:	
Project Location:	Town Of Foxfield, Foxfield, CO	Bid Number:	020
		Bid Date:	3/26/2025

Item Description	Estimated Quantity	Unit	Unit Price	Total Price
Terracare's Recommendation For Shoulder Repair At S Richfield North & South Side Of Driveway, Locations/ 1ea. Approx. 8'x10', 1ea. Approx. 25'x15', Includes Excavation Of Silt, Define Swale, Compaction From Home Owners Culvert And The Towns Culvert, Add Road Base On Shoulder, Erosion Blanket, Seed, Mobilization And Traffic Control.	1.00	LS	\$4,200.00	\$4,200.00
Terracare's Recommendation For Shoulder Repair At S. Waco St, Approx. 75lf. X 3', Includes Road Base, Erosion Blanket, Seed, 6 Ea. Delineators, Mobilization And Traffic Control	1.00	LS	\$1,580.00	\$1,580.00
Fill And Compact Sinkhole In Cul-de-sac On E. Costilla Ave. 4'x3'x2'= 12cf Includes Fill Material, Mobilization And Traffic Control.	1.00	LS	\$100.00	\$100.00

Notes:

- No permits or fee's included.
- No testing of concrete, asphalt, or soils included.
- We are not responsible for acts of God, or weather protection, working in freezing conditions frost/snow mitigation

Payment Terms:

Pricing for this proposal is valid for 30 days. Terracare reserves the right to revise or withdraw this proposal if pricing is not accepted within 30 days of receipt.

<p>ACCEPTED:</p> <p>The above prices, specifications and conditions are satisfactory and hereby accepted.</p> <p>Buyer: _____</p> <p>Signature: _____</p> <p>Date of Acceptance: _____</p>	<p>CONFIRMED:</p> <p>Terracare Associates</p> <p>Authorized Signature: _____</p> <p>Estimator: Scott Siskind (303) 419-4020 scott.siskind@myterraccare.net</p>
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MEMORANDUM

TO: Mayor Jones and Members of the Board

FROM: Monica Torres, Town Clerk

DATE: April 3rd, 2025

RE: LUC – Article 6: Definitions

As we near the end of our LUC rewrite, our last section to review is Article 6 – Definitions. Please take this time to make sure that the definitions that have been requested in past sessions are now included. This will be the last review that we will do in part. The final review will be to ensure that the LUC is satisfactory in its entirety. We are working on a sign chart to include in the final version for your review. Please include any final questions for Austin so they can be addressed before the final version.

ATTACHMENT:
Exhibit A: LUC - Article 6

Building Official. After inspection by the Building Official and provided that the use shall be in conformance with the provisions of this Chapter and all other applicable regulations, a certificate of occupancy shall be issued. A copy of all certificates of occupancy shall be filed by the Building Official and shall be available for examination by any person with either proprietary or tenancy interest in the property or building.

- (c) The Town is empowered, pursuant to Article 5 of this Chapter, to order in writing the remedy of any violation of any provision of this Chapter. After any such order has been served, no work on or use of any building, other structure or tract of land covered by such order shall proceed, except to correct such violation or comply with said order.
- (d) Building permits for new nonresidential construction may be referred to the Town Planner and Town Engineer for review of necessary public improvements.
- (e) The Town shall not accept any land use application for property currently being used or occupied in violation of this Chapter unless said application seeks to obtain an approval by the Town that would cause the property to be in compliance with the regulations of the Town.

Article 6: Definitions

1. Rules of Construction¹⁵⁰

All words and terms used in this Land Use Code have their commonly accepted dictionary meaning unless they are specifically defined in this Land Use Code or the context in which they are used clearly indicates to the contrary. The following rules of construction apply:

- a. All words used in the present tense include the future tense.
- b. All words used in the singular number include the plural, and words in the plural number include the singular.
- c. The word "shall" is mandatory, and not discretionary, and the word "may" is permissive.
- d. The word "building" shall include the word "structures."

¹⁵⁰ New.

- e. The phrase "used for" includes the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."
- f. The words "land," "property," "parcel," "premise," and "tract" are all interchangeable unless the context clearly indicates to the contrary.
- g. The word "individual" includes a "firm," "association," "organization," "partnership," "trust," "company," or "corporation" as well as a single individual.

2. General Definitions¹⁵¹

ABUTTING

Having a common property line or district line with an adjacent property. Properties separated by a right-of-way or easement shall be deemed abutting if, in the absence of the right-of-way or easement, the properties would have a common boundary.

ACCESSORY USE OR STRUCTURE

A use or structure subordinate to the principal structure or use which serves a purpose customarily incidental to the principal use and normally incidental to a use by right and complying with all the following conditions:

- a. Is clearly subordinate, incidental and customary to and commonly associated with the operation of the use by right.
- b. Is operated and maintained under the same ownership as the use by right on the same zone lot.
- c. Includes only those structures or structural features consistent with the use by right.
- d. Fences, gates, walls and utility poles are exempt from dimensional requirements and the number of allowed structures in each zone district.
- e. Has no party wall or common wall with another structure. Bridges, tunnels, basements, breezeways and other similar means of connecting one structure to another shall not, for the purpose of this Code, be considered to constitute a party wall or common wall.

ACRE, GROSS

An area in any shape containing 43,560 square feet.

ADJACENT

Either immediately contiguous to or abutting a neighboring property, lot or walkway, and excludes property, lots, or walkways across the street from, or diagonally opposite across an intersection from the subject property, lot, or walkway.

AGENT

¹⁵¹ Sec. 16-6-10; 16-4-50(b); 17-2-50. Duplicative definitions were combined. Simplified throughout. Removed the following definitions: public hearing; regular meeting; subdivision regulations;

Includes any person acting on behalf of or in place of the owner.

AGRICULTURE PRODUCTION¹⁵²

Establishments engaged in the production of crops, plants, or vines, including forestry, and the incidental sale of produce raised on the premises to individuals or establishments.

ALLEY¹⁵³

A public or private vehicular passageway dedicated or permanently reserved as a means of secondary access to abutting property and designated an alley on a final plat.

ALTER

To change any of the supporting members of a building, such as bearing walls, columns, beams or girders.

ANIMALS, FARM OR DOMESTIC LIVESTOCK

Farm animals or domestic livestock includes such animals as are not normally considered household pets that are kept wholly or partially outside of a residential structure.

ANIMATED SIGN

Any sign which changes or any part of which changes physical position by any movement or rotation.

AUTHORIZED INSPECTOR

Any police officer, Building Inspector, Arapahoe County Health Officer, Code Enforcement Officer or any other officer of the Town duly authorized to examine any public or private property within the Town for the purpose of ascertaining the nature and existence of any nuisance.

AUTOMOTIVE CENTER AND SERVICES

An establishment that is engaged in both the retail sales of a limited or full range of vehicle parts and fuels and the repair and maintenance of automobiles and light trucks. Self service, automated, or full service car washes as a primary use of property are included in this.

ART GALLERY, MUSEUM, OR LIBRARY¹⁵⁴

A facility or area that is open to the public and is intended for the acquisition, preservation, study, and exhibition of works of artistic, historical, or scientific value.

BANNER

A flexible material (e.g., cloth, paper, vinyl, etc.) on which a sign is painted or printed.

BANNER (ADVERTISING)

A temporary sign, typically of canvas or plastic material which is not attached to a permanent mounted backing but which is securely fastened to a building at all times, which is used for the

¹⁵² New.

¹⁵³ Removed duplicative definition.

¹⁵⁴ New.

purpose of announcing a "grand opening," "going out of business," "now hiring" or other commercial purpose.

BANNER (ARCHITECTURAL)

A temporary sign, displayed from a pole, light post or building for a holiday, seasonal or special event, and which does not qualify as an advertising banner sign.

BARN AND STABLE¹⁵⁵

An accessory structure designed and constructed to primarily supplement agricultural operations. The structure shall not be a place of human habitation or a place of employment where products are processed, treated or packaged; nor shall it be a place used by the public.

BEE

Any stage of the common domestic honeybee, *Apis mellifera* species.

BERM

A mound of earth used for screening, definition of space, noise attenuation and/or decoration in landscaping.

BILLBOARD

A sign placed on a pole or similar standard designed so that advertising space can be leased for a business, product or service not available on the premises.

BLADE SIGN

See Projecting sign.

BLOCK

A parcel of land intended to be used for urban purposes, which is entirely surrounded by public streets, highways, public walks, parks or green strips, rural or vacant land or drainage channels or a combination thereof.

BOARD OF ADJUSTMENT

A group of individuals appointed or designated by the Board of Trustees as having the responsibility for hearing requests for variances from these regulations or for hearing appeals as to the interpretation of the provisions of these regulations. The Board of Trustees may act as the Board of Adjustment when no such separate body has been appointed or designated.

BOARD OF TRUSTEES

The Board of Trustees of the Town of Foxfield.

BUFFER

A horizontal distance or margin of land designed to provide an attractive space or area, obstruct undesirable views, serve as an acoustic barrier or screen from objectionable noise, smoke or visual impact, provide for future public improvements or additional open space or generally reduce the impact of adjacent development.

¹⁵⁵ New.

BUILDING

Any structure built for the shelter or enclosure of persons, animals, chattels, property or substances of any kind (not including fences), having one or more floors, walls, a roof and permanently affixed to the ground.

BUILDING COVERAGE

The amount of land taken up by the building itself on a zone lot. This "footprint" or building line viewed directly from above the structure includes all attached eaves, cornices, decks (covered and uncovered), covered patios (ground level and uncovered not included), balconies or other building attachments such as garages, porches, porch covers and the like; also includes the ground coverage of accessory uses. The footprint may not encroach into any setback or yard requirement unless otherwise defined in this Chapter (see also Projections). The amount of building coverage per zone lot specified in each zone district is the maximum amount of land that can be covered by all structures, whether they are principal or accessory uses, attached or detached.

BUILDING ENVELOPE

An area within the property boundaries of a lot or property within which an allowed building or structure may be placed.

BUSINESS OR PERSONAL SERVICES¹⁵⁶

An establishment primarily engaged in providing services involving the care of a person or their apparel or rendering services to business establishments on a fee or contract basis, such as barber shops, clothing rental, tattoo or piercing parlor, photographic studios, cleaning and garment services (but not including power laundries or dry cleaning plants), coin operated laundries, advertising and mailing, building maintenance, office equipment rental and leasing, photo finishing, business supply services, computer programming/data processing services, locksmiths, and repair of business or household goods and equipment generally weighing less than 25 pounds.

CANOPY

An accessory roof-type structure which is permanently affixed to the ground and typically not enclosed. As accessory structures, these structures would be exempt from the minimum distance requirements between structures. These structures shall meet all other minimum yard requirements within the zoning district.

CANOPY SIGN

A projecting wall sign affixed above a doorway or window and attached to and supported by the wall of the building, by columns extending from the ground or by a combination of a building and columns.

CERTIFICATE OF OCCUPANCY

Official certification by the Building Official that a premises conforms to provisions of the Building Code and may be used or occupied. Such a certificate is granted for new construction or for alterations or additions to existing structures.

¹⁵⁶ New.

CLUSTERED DEVELOPMENT

A type of land use design concentrating development in one or more areas of the project and allowing for a reduction in lot size below minimum requirements when compensating amounts of open space are provided within the proposed development.

COLLECTOR'S ITEM

A motor vehicle or implement of husbandry that is at least 25 years old and is of historic or special interest. In order to be considered a collector's item, a motor vehicle shall meet all criteria of "collector's item" as defined in Section 42-12-101, et seq., C.R.S., in addition to all other applicable statutes and ordinances.

COLONY

A hive and its equipment and appurtenances, including bees, comb, honey, pollen and brood.

COMMISSION

The Planning Commission of the Town of Foxfield, Colorado.

COMMUNITY CENTER¹⁵⁷

A building or portion of a building used for nonprofit, cultural, educational, recreational, religious, or social activities that is open to the public or a designated part of the public, usually owned and operated by a public or nonprofit group or agency.

COMPREHENSIVE PLAN

Comprehensive Plan (Master Plan): The Master Plan for the Town of Foxfield, as may be adopted and prepared or which is being prepared for the Town and which includes any part or unit of any such plan separately adopted and any amendment to such plan or parts thereof. It is a plan for the future growth, protection and development of the Town, which makes recommendations and policies to provide adequate facilities for housing, transportation, convenience, public health, safety and the general welfare of its population.

CONSTRUCTION

Any site preparation, assembly, erection, substantial repair, alteration, demolition or similar action.

CONSTRUCTION AND SALES OFFICE¹⁵⁸

Buildings, structures, facilities or trailers, or portions thereof, used for the purpose of the administration and management of construction activity and/or for selling or leasing dwelling units or non-residential space on the lot.

CONVENIENCE STORE CONVENIENCE SERVICE

A retail or service commercial use which serves the area immediately surrounding the use by providing groceries, sundries and miscellaneous services which do not typically offer comparison shopping opportunities.

¹⁵⁷ New.

¹⁵⁸ New.

COOP¹⁵⁹

A small enclosed area or structure where chickens are kept.

COPY

The words, letters, symbols, illustrations or graphic characters used to convey the message of a sign.

CUL-DE-SAC

A short street having only one end open to traffic and being terminated at the other end by a vehicular turnaround.

DAY CARE CENTER

A facility, including a child care center, which is maintained for the whole or part of a day for the care of five or more children under the age of 16 years and not related to the owner, operator or manager thereof, whether such facility is operated with or without compensation for such care and with or without stated educational purposes. The term includes facilities commonly known as day care, day care centers, day nurseries, nursery schools, kindergartens, preschools, play groups, day camps, summer camps, centers for disabled persons and those facilities which give twenty-four-hour care for children and includes those facilities for children under the age of six years with stated educational purposes operated in conjunction with a public, private or parochial college or a private or parochial school; except that the term shall not apply to any kindergarten maintained in connection with a public, private or parochial elementary school system of at least six grades.

DENSITY

A unit of measurement, specific to development, to be interpreted as the number of dwelling units per acre of land.

DENSITY, GROSS

The average number of dwelling units or gross commercial building floor area per acre for the entire development area or site (property boundaries), including all roads and easements within the property boundaries.

DEVELOPMENT

Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

DIRECTORY SIGN

A sign utilized on a parcel containing more than one legal use that lists the names and/or other information of the individual businesses located on the parcel.

DIRECTIONAL SIGN

¹⁵⁹ New. Incorporated from Article 3:4(b)(i)(5).

Any sign that directs the movement or placement of pedestrian or vehicular traffic on a lot with or without reference to or inclusion of, the name of a product sold or services performed on the lot or in a building, structure or business enterprise occupying the same.

DISPOSITION

A contract of sale resulting in the transfer of equitable title to an interest in subdivided land; an option to purchase an interest in subdivided land; a lease or assignment of an interest in subdivided land; or any other conveyance of an interest in subdivided land which is not made pursuant to one (1) of the foregoing.

DRAINAGEWAY

An open linear depression, whether constructed or natural, which functions for the collection and drainage of surface water.

DRIVE-THROUGH RESTAURANT

A restaurant operation located either within a retail center or situated on its own freestanding pad, which primarily: a) serves food that is prepared and/or packaged within five (5) minutes and is generally intended for consumption away from the premises; b) contains a drive-in or drive-through facility; and/or c) is intended to primarily serve the passerby and/or motoring public.

DWELLING

Any building or portion thereof, used exclusively for residential purposes. Single-family - A building containing one kitchen designed and/or used to house not more than one family, including necessary employees of each such family. Multi-family - A building designed and/or used to house two or more families, living independently of each other, including necessary employees of each such family. This includes duplexes, condominiums, townhouses and apartments. Living unit - A building or portion thereof containing one family, including necessary employees of such family.

DWELLING UNIT

A single structure with one or more rooms designed to function as a single living unit and containing only one kitchen plus living, sanitary and sleeping facilities.

DWELLING, DUPLEX¹⁶⁰

A single building on a single lot containing two dwelling units under one roof, each of which is occupied by one family.

DWELLING, MULTIFAMILY¹⁶¹

One or more buildings or portion of buildings on a single lot that contains one or more individual dwelling units, where each unit is occupied by one family and provided with an individual entrance to the outdoors or to a common hallway, and regardless of whether the dwelling units are owned or rented. This definition shall not include any other type of defined dwelling.

DWELLING, SINGLE-FAMILY ATTACHED¹⁶²

¹⁶⁰ New.

¹⁶¹ New.

¹⁶² New.

Two or more attached single-family dwelling units attached side by side under one roof that share a common vertical side or rear wall reaching from the building foundation to the roof structure, each of which is occupied by one family on its own lot.

DWELLING, SINGLE-FAMILY DETACHED¹⁶³

A single building on a single lot on a permanent foundation containing one residential dwelling unit designed for and occupied by one family and that is completely separate from any other building. This definition includes "Dwelling, Manufactured Home" but does not include "Dwelling, Mobile Home."

EATING AND DRINKING ESTABLISHMENTS¹⁶⁴

An establishment that sells food or beverages in a ready-to-consume state, in individual servings, that the customer consumes while seated at tables or counters located in or immediately adjacent to the building in which the use is located, and that may include carry-out service. This includes any portion of an establishment used for seating for the consumption of food and beverages on the premises that sells prepared food or beverages, such as a bakery, delicatessen, cafes, and coffee shop, but does not include Fast Food Restaurants.

EASEMENT¹⁶⁵

A right granted by a property owner permitting a designated part or interest of the property to be used by others for a specific use or purpose. A right to use the land of another for a special purpose not inconsistent with the ownership of that land.

EAVE(S)

An edge of the lower portion of the roof which projects beyond the face of an exterior wall.

ELECTRIC VEHICLE CHARGING STATION¹⁶⁶

A facility or area where electric-powered or hybrid-powered motor vehicles can obtain electrical current to recharge batteries and that is accessory to a primary use of the property.

ELECTRONIC MESSAGE CENTER SIGN

A sign whose alphabetic, pictographic or symbolic informational content can be changed or altered on a fixed display surface composed of electronically illuminated or mechanically driven changeable segments. This includes signs that have to be preprogrammed to display only certain types of information (i.e., time, date, temperature) and signs whose informational content can be changed or altered by means of computer-driven electronic impulses.

EMERGENCY

Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage, which demands immediate action.

EMERGENCY WORK

¹⁶³ New.

¹⁶⁴ New.

¹⁶⁵ Combined duplicative definitions.

¹⁶⁶ New.

Any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

ENCLOSED STRUCTURE

A Structure with continuous walls on all sides, extending from the ground level to the roof, with doors and windows (as deemed necessary) at various locations in the walls and including a continuous roof sheltering all areas within the wall perimeter.

ESTATE SALE

The selling of property at a residence, upon the death of the owner or occupant of said residence, by the executor, administrator, conservator or guardian thereof.

EVIDENCE

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

FAMILY

Includes the following:

- a. A single individual or a collective body of persons in a domestic relationship based upon blood, marriage, adoption or fostering, living as a separate, independent housekeeping unit, including domestic servants; or
- b. A group of not more than six unrelated persons, all living together as a separate housekeeping unit in a single dwelling unit. Excludes boarding or rooming houses, lodges, clubs, hotels, motels or fraternities:

Notwithstanding the above, a family shall be deemed to include no more than eight persons not related by blood, marriage, adoption or legal custody occupying a residential dwelling unit and living as a single housekeeping unit if the occupants are within the definition of "group home" as defined in Section 31-23-303, C.R.S.

FAST FOOD RESTAURANT

An establishment whose primary business is the sale of food and/or beverages in a ready to consume state for consumption within the restaurant building, within a motor vehicle parked on the premises, or off the premises as a carry out order, and whose principal method of operation involves serving food and/or beverages in edible containers or in paper or other disposable containers.

FENCE

A linear structure of wood, wire, metal, brick, stone, frame, stucco or other manufactured material or combination thereof, including gates and posts, which is intended to define an area, mark a property boundary, contain animals, provide screening or reduce roadway noise.

FLAG

Flags of the United States, the State, the Town, foreign nations having diplomatic relations with the United States and any other flag adopted or sanctioned by an elected legislative body of

competent jurisdiction, that is allowed to wave, flap or rotate with the wind. Flags may also be logos or solid color.

FLASHING SIGN

Any directly or indirectly illuminated sign, either stationary or animated, which exhibits changing natural or artificial light or color effects by any means whatsoever.

FLOOD

A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. The overflow of inland waters; and/or
- b. The unusual and rapid accumulation or runoff of surface waters from any source.

FLOODPLAIN¹⁶⁷

Any land area susceptible to being inundated by floodwaters from any source.

FLOOR AREA RATIO (F.A.R.)

The ratio of building gross square footage to the gross square footage of a parcel. The quotient of the gross floor area of all buildings on a lot divided by the area of said lot; for example:

Floor area 15,000 sq. ft. divided by land area = 43,560 sq. ft. = .34 (F.A.R.)

FOR SALE SIGN

A sign advertising an object or commodity, other than real estate, that is offered for sale.

FREESTANDING SIGN

A sign that is supported by one (1) or more columns, upright poles or braces extending from the ground or from an object on the ground or that is erected on the ground, where no part of the sign is attached to any part of a building, structure or other sign.

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, unless otherwise defined. Also, see Lot frontage and Linear frontage.

GARAGE OR CARPORT

An accessory building or a part of a main building used for storage of private vehicles or boats of the family occupying the dwelling unit to which the garage is accessory.

GARAGE SALE OR YARD SALE

The selling of items or merchandise owned by the occupants of the residence at which the sale is held.

GARBAGE

Includes any vegetable or animal refuse, food or food product, matter from a kitchen, offal or carcass of a dead animal which, if deposited within the Town other than in a garbage receptacle, tends to create a danger to public health, safety and welfare or to impair the local environment.

¹⁶⁷ Combined duplicative definitions. Updated for clarity.

The use in this Subsection is not meant to prohibit properly maintained, odorless compost or manure piles.

GREENHOUSE¹⁶⁸

A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale, for personal enjoyment, or for the temporary storage or display of plant material.

GOVERNMENT SERVICE FACILITY¹⁶⁹

Any facility and its related premises, property, or equipment used to provide governmental services to the public.

GRADE

The vertical location of the ground surface.

GRADE, EXISTING

The surface level of the ground prior to alteration of the land by grading.

GRADE, FINISH

The surface level of the ground after completion of all grading.

GRADE PLANE

A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line, or, where the lot line is more than six feet from the building, between the building and a point six feet from the front façade.

GRADING¹⁷⁰

Any change to the native contours of the surface of the property. This includes grading associated with building permits, the placement of fill material, cutting or reshaping a slope, berms, landscaping, or revising the area (square footage) and/or the point of discharge of surface drainage to adjacent property.

GROSS FLOOR AREA (GFA)

The total floor area of a building or structure enclosed by at least two impervious walls.

GROUP HOME

A residential dwelling or facility where eight or fewer persons, including staff, live as a single housekeeping unit providing care, supervision, and treatment for the exclusive use of citizens protected by the provisions of the federal Fair Housing Act Amendments of 1988, as defined in that Act and as interpreted by the courts, or by any similar legislation of the State, including but not limited to facilities providing housing for people with disabilities.

¹⁶⁸ New.

¹⁶⁹ New.

¹⁷⁰ Combined duplicative definitions.

HAZARD

A hazard to public health, safety and welfare and includes any activity so recognized by the laws and regulations of the United States, the State of Colorado, Arapahoe County or the ordinances of the Town. Such hazards shall also include, but not be limited to, activities likely to cause foul or offensive odors, promote the growth or propagation of disease-carrying insects, pollute the air or ground waters of adjacent property, create loud or offensive sounds, cause drainage and runoff to occur in other than historical patterns or dead trees or vegetation that constitute such a hazard.

HEIGHT, BUILDING¹⁷¹

The vertical distance from the average finished grade surface of the building, structure, or wall exposed above the ground surface to the highest point of the roof, parapet wall, or uppermost part of the building or structure except that chimneys, bell towers, steeples, water towers, and roof-mounted mechanical equipment shall be exempt from the building height definition when extending no more than six feet above the highest point.

HIVE

A structure intended for the housing of a bee colony.

HOME OCCUPATION

Any occupation or activity which is clearly incidental to and conducted wholly within a dwelling unit or in an accessory building on the premises by residents of the dwelling unit as more particularly described in Article 16-3 in this Code. Home Occupation includes automobile servicing, garden nursery, cottage foods, home childcare.

HOSPITAL

A facility that makes available one or more of the following: medical, surgical, psychiatric, chiropractic, maternity and/or nursing services.

HOTEL OR MOTEL

A building or group of attached or detached buildings designed for occupancy of specified rooms by short-term or part-time residents who are lodged with or without meals being provided in a restaurant and in which no facilities are provided for cooking in the individual rooms.

HOUSE FOR SALE

A sign advertising a residential home located in the Town, which is currently being offered for sale.

ILLUMINATED SIGN

A sign lighted by or exposed to artificial lighting either by lights on or within the sign or directed towards the sign.

IMPERVIOUS COVERAGE

Any material that substantially reduces or prevents the infiltration of stormwater or other water into previously undeveloped land.

¹⁷¹ Combined with Structure Height and simplified.

IMPLEMENTS OF HUSBANDRY

Every vehicle, farm tractor or machine that is designed, adapted or used for agricultural purposes.

IMPROVEMENT¹⁷²

Upgrading a piece of land by constructing buildings, streets, utilities and the like upon it or under its surface. Improvements may be either public or private depending upon who is the ultimate owner after construction. Improvements may also be designated as either "on-site" or "off-site" in relation to a development parcel.

INFLATED BALLOON

A membrane device that is inflated and used as a sign by virtue of its shape or letters or figures that are affixed to it and that rests on the ground or is tethered and floats in the air.

INOPERABLE VEHICLE

Any vehicle that: a) would be required to be licensed if operated on a public highway, but does not display current, valid license plates; b) does not work, move or run; c) is not functioning; d) is not operable for the function for which it was designed; or e) does not comply with the minimum safety requirements of the Colorado Motor Vehicle Law.

JUNK

Includes any old, used or secondhand materials of any kind, including, without limitation, cloth, rags, clothing, paper, rubbish, bottles, rubber, iron, tires, brass, copper or other metal, furniture, refrigerators, freezers, all other appliances, the parts of vehicles, apparatuses and contrivances and parts thereof which are no longer in use, any used building materials, boards or other lumber, cement blocks, bricks or other second-hand building materials or any discarded machinery, vehicles or any other article or thing commonly known and classified as junk.

KENNEL

Any building, structure or open space or portion thereof, used for the commercial breeding, raising, boarding or selling of animals that are more than six (6) months old or for more than one (1) litter.

LINEAL FRONTAGE

The left-to-right maximum front dimension of a building.

LOADING AREA

A parking space other than a public street or alley for the parking of commercial vehicles for the purpose of loading or unloading materials or merchandise.

LOAFING SHED

Also known as a run-in shed, is a three-sided outdoor structure that shelters animals from the elements. Loafing sheds have a single sloped roof that provides protection from the wind while allowing the front of the shed to be exposed to the sun. They have one open side so that animals can enter and exit whenever they want. They can also be used to store animal supplies.

¹⁷² Combined duplicative definitions.

LOGO

Corporate colors, theme or other trademarked content.

LOT¹⁷³

The unit into which land is divided on a subdivision plat or deed, with the intention of offering such unit for sale, lease or separate use, either as an undeveloped or developed site, regardless of how it is conveyed. A lot is the smallest unit into which land is divided on a subdivision plat.

LOT, CORNER

A lot abutting two or more streets at their intersection or upon two parts of the same street and where in either case the interior angle formed by the intersection of the street lines does not exceed 135 degrees.

LOT COVERAGE

That portion of the lot area covered by a building, including all overhanging roofs and impervious surfaces.

LOT, DOUBLE FRONTAGE

A lot which runs through a block from street to street and which abuts two or more streets.

LOT FRONTAGE

That boundary of a lot which abuts a dedicated public street. In the case of a corner lot, it shall be the shortest dimension on a public street. If the dimensions of a corner lot are equal, the front line shall be designated by the owner based on the address of the property and filed with the Building Department.

LOT LINE

The external boundary of a lot.

LOT WIDTH

The distance parallel to the front lot line measured between side lot lines through that part of the building or structure where the lot is narrowest. Or, where no building exists, the average distance between two (2) side lot lines.

MASTER PLAN

The Master Plan and amendments thereto for the Town, which has been officially adopted to provide development policies for current and long-range development within the Town.

MARQUEE

A projecting wall sign affixed above a doorway or window and attached to and supported entirely by the wall of the building.

MEDICAL FACILITY¹⁷⁴

An establishment engaged in providing diagnostic services, extensive medical treatment (including surgical services) and other hospital services, as well as continuous nursing service,

¹⁷³ Combined duplicative definitions.

¹⁷⁴ New.

including general medical and surgical hospitals, specialty hospitals, medical laboratories, bio medical research and development, outpatient care facilities, medical schools and associated dormitories, medical appliance sales, and similar uses, but not including Veterinary and Animal Services.

MONUMENT

A pillar structure or other entryway feature of stone, brick, stucco, wood or similar material.

MONUMENT SIGN

A freestanding sign that is mounted on and supported by an architecturally compatible solid base. Generally, the length of the sign is greater than the sign height.

MOTORCYCLE

An unenclosed motor vehicle having a saddle for the use of the operator and two, three or four wheels in contact with the ground, including but not limited to motor scooters and mini-bikes.

MUFFLER

A device for abating the sound of escaping gases of an internal combustion engine and includes all similar sound dissipating devices in accordance with vehicle manufacturer specifications.

NATIONAL COOPERATIVE SOIL SURVEY

The soil survey conducted by the U.S. Department of Agriculture in cooperation with the State Agriculture Experiment Stations and other federal and state agencies.

NOISE

Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological effect on humans.

NOISE DISTURBANCE

Any sound, which: a) endangers or injures the sanity or health of humans or animals; b) is audible at a residential property boundary; c) otherwise violates the specific prohibitions of this Section; or d) endangers or injures personal or real property.

NONCONFORMING LOT

Pertains to a defined lot where the area, width or other characteristic of which fails to meet requirements of the zoning district in which it is located.

NONCONFORMING STRUCTURE

A structure legally existing and/or used at the time of adoption of this Chapter, or any amendment thereto, which does not conform to the regulations of the zoning district in which it is located.

NONCONFORMING USE

A use legally existing and/or used at the time of adoption of this Chapter, or any amendment thereto, which does not conform to this Chapter.

NUISANCE OR PUBLIC NUISANCE

This includes:

- a. The conducting or maintaining of any activity in violation of statute or ordinance:
- b. Any unlawful pollution or contamination of any air, water or other substance or material; any activity, operation or condition which, after being ordered abated, corrected or discontinued by a lawful order of an agency or officer of the Town, the Arapahoe County Health Department, County or State, continues to exist or be conducted in violation of statute, ordinance or regulation of the Town, the County or the State;
- c. Any activity, operation, condition, building, structure, place, premises or thing which is injurious to the public health, safety and welfare of the citizens of the Town, which contributes to blight or property degradation or which is indecent or offensive to the senses of an ordinary person, so as to interfere with the comfortable enjoyment of life or property. For the purposes of this Subsection, an accumulation of activities, operations, conditions or things that might individually not arise to the level of a nuisance may be deemed a nuisance if, taken together, they would be indecent or offensive to the senses of the ordinary person; and
- d. Any nuisance defined or declared as such by applicable statute or ordinance.

NURSING HOME, INCLUDING ASSISTED LIVING

Facilities which make medical services and nursing care available for a continuous period of 24 hours or more to three or more persons not related to the operator.

OFF-PREMISES SIGN

Any sign, including, without limitation, a billboard or general outdoor advertising device, that advertises or directs attention to a land use, business, commodity, service or activity not located or available upon the premises whereon the sign is located.

OFF-STREET PARKING

A site or portion of a site devoted to the off-street parking of motor vehicles, including parking spaces, aisles, access drives and landscaped areas.

OPEN FENCE

A fence that is seventy percent (70%) or more open. Examples of open fences include split rail and ornamental iron.

OPEN SPACE

A parcel of land, an area of water or a combination of land or water within the site designated for a Planned Development or subdivision, designed and intended primarily for the use or enjoyment of residents, occupants and owners of the P.D. and/or the general public for uses, including but not limited to recreation areas and facilities, gardens, parks, walkways, paths and trails and areas of native vegetation left substantially in their natural state or supplemented by additional plant material. The term shall not include space devoted to buildings, streets, roads and other ways, parking and loading areas. Open space credit for nonresidential developments shall be given for treatments such as berms, sodded areas, trees, water features, decorative rock treatments and, in some cases, landscaped plazas and atriums.

- a. Common open space means open space designed or intended primarily for the common use of the lawful owners, residents and occupants of a P.D. or subdivision, but not

necessarily including the general public, which is owned and maintained by an organization established for such purpose or by other adequate arrangements.

- b. Public open space means an open area developed, designed and dedicated to a public authority for use by the occupants of the development and by the general public. Portions of areas containing steep slopes (angle of incline greater than 45 degrees) and special sub- areas of floodplains (such as bogs) may not be dedicated as public open space.

OUTDOOR STORAGE

The storage of materials, equipment or vehicles, which material is either wholly or partially visible from the any right-of-way, any neighbor or abutting lot.

PARKING SPACE

That part of a parking area, exclusive of drives, turning areas or loading spaces, devoted to parking of one (1) vehicle or automobile.

PERMANENT SIGN

A sign constructed of durable material and affixed, lettered, attached to or placed upon a fixed, nonmovable, nonportable supporting structure.

PERSON

An individual, proprietorship, partnership, corporation, limited liability company, association or other legal entity.

PETS¹⁷⁵

Dogs, cats, small animals, reptiles and birds which are customarily kept in the home or on the premises, as those that may be purchased at local pet stores, for the sole pleasure and enjoyment of the occupants.

PLACE OF WORSHIP

A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

PLANNING COMMISSION

The Town of Foxfield Planning Commission. In the absence of a separate appointed Planning Commission, the Board of Trustees is hereby authorized to act as the Planning Commission for purposes of these regulations within the meaning of Part 2 of Article 23 of Title 31, C.R.S.

PLANNED DEVELOPMENT (PD)

An area of land controlled by one or more landowners to be developed under unified control or unified plan of development for a number of residential, commercial, educational, recreational or industrial uses or any combination of the foregoing, the plan for which may not correspond to lot size, bulk or type of use, lot coverage, open space and/or restrictions of the existing land use regulations.

¹⁷⁵ Combined Pet Animal and Domestic Animal definitions.

PLANNED SIGN PROGRAM

A program designed to provide flexibility in signage for business, commercial, institutional and Planned Development uses.

PLAT, FINAL

The map of a proposed subdivision and specific supporting material drawn and submitted in accordance with the requirements of adopted regulations as an instrument for recording of real estate interests with the County Clerk and Recorder.

PLAT, PRELIMINARY

The map of a proposed subdivision, drawn and submitted in accordance with the requirements of adopted regulations, to permit the evaluation of the proposal prior to detailed engineering and design.

PLAT, SKETCH

A map of a proposed subdivision, drawn and submitted in accordance with the requirements of the subdivision regulations, to evaluate feasibility and design characteristics at an early state in the planning.

PLOT PLAN

A surveyed overhead view plan that shows the location of the building on the lot and includes all easements, property lines, setback lines and a legal description of the lot.

POCKET PARK

A small park that accommodates passive recreation activities and other unstructured activities. Pocket Parks are between 70 and 2,500 square meters in size, have frontage on at least one public street, and are primarily hard surfaced with limited soft surface elements.

PORTABLE SIGN

A freestanding temporary sign, which is not affixed to the ground, a sign structure, building, canopy or awning and which is capable of being carried or moved about.

PRINCIPAL USE

The primary use located on a given lot or parcel of land, as opposed to an accessory use; also, a use which is listed as a use by right in any given zone district in this Chapter.

PRINCIPAL USE OR STRUCTURE

The primary use or structure located on a given lot or parcel of land, as opposed to an accessory use or structure.

PRIVACY FENCE

A fence that is less than seventy percent (70%) open. Examples of solid fences include board on board, stockade, brick, stone and masonry.

PROJECTING SIGN

A sign which projects, in whole or in part, more than 18 inches horizontally beyond the face of the building on which it is displayed. A blade sign is a projecting sign.

PROJECTIONS

Parts of buildings, such as architectural features that are exempted, to a specified amount, from the setback requirements of this Chapter.

PROPERTY BOUNDARY

An imaginary line along the ground surface and its vertical extension which separates the real property owned by one person from that owned by another person, but not including intra-building real property divisions.

PUBLIC RIGHT-OF-WAY

Any street, avenue, boulevard, highway, sidewalk or alley or similar place, which is owned or controlled by a governmental entity. This term includes Town right-of-way.

PUBLIC SPACE

Any real property or structures thereon which are owned or controlled by a governmental entity.

PUBLIC UTILITIES

Every firm, partnership, association, cooperative, company, corporation and governmental agency and the directors, trustees or receivers thereof, whether elected or appointed, which is engaged in providing railroad, airline, bus, electric, rural electric, telephone, telegraph, communications, gas, gas pipeline carrier, water, sewerage, pipeline, street transportation, sleeping car, express or private car line facilities and services.

RAIL FENCE

Typically, an open fence with vertical posts spaced approximately six to eight feet apart and two to four horizontal rails.

REAL ESTATE SIGN

A sign indicating the availability for sale, rent or lease of the specific lot, building or portion of a building upon which the sign is erected or displayed.

RECREATIONAL FACILITIES

Uses, structures and/or land utilized for the provision of recreational activities and/or open space that may be developed, operated and/or maintained by a public entity.

RETAIL ESTABLISHMENT¹⁷⁶

An establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods, including furniture and appliance sales and business centers. These establishments are characterized by the following: 1) They buy and receive as well as sell merchandise; 2) They may process some products, but such processing is incidental or subordinate to the selling activities; and 3) They predominantly sell to customers for their own personal or household use.

RESIDENTIAL PROPERTY

Property that is zoned primarily for residential use.

¹⁷⁶ New.

RESUBDIVISION

The changing of any existing lot on any subdivision plat previously recorded with the County Clerk and Recorder.

REZONING

A revision to the Official Zoning Map.

RIGHT-OF-WAY¹⁷⁷

An area or strip of land over which a right of passage has been recorded for use by vehicles, pedestrians and/or facilities of a public utility.

ROOF SIGN

A sign that is mounted on or projects above any part of the roof of a building or which is wholly dependent upon a building for support and which projects above the roof of a building with a flat roof, the eave line of a building with a gambrel, gable or hip roof or the deck line of a building with a mansard roof.

SCHOOL, PUBLIC OR PRIVATE¹⁷⁸

A public, parochial or private school which provides an educational program for one or more grades between grades one and 12 and which is commonly known as an elementary school, middle school, junior high school, senior high school or high school.

SCREENING

A structure erected or vegetation planted to conceal from viewers the area behind it.

SEPARATION DISTANCE

The distance between structures measured from the foundation of one structure to the foundation of an adjoining structure.

SETBACK

The distance required between the face of a building and the lot line opposite that building face, measured perpendicularly to the building. Where angled buildings or lots, curved streets, etc., exist, the setback shall be taken as an average distance. Setback also refers to the horizontal distance (plan view) between the delineated edge of wetlands, stream/river corridors, riparian areas or wildlife habitat and the closest projection of a building or structure.

SETBACK, FRONT YARD OR FRONT LOT

A line which forms a vertical plane parallel with a front lot line of a lot, tangent to that part of a building or structure situated on such a lot which is closest to such lot line and intersecting two (2) other lot lines of such lot.

SETBACK LINE

A line or lines within a property defining the minimum horizontal distance required between a building or structure and property line.

¹⁷⁷ Combined duplicative definition.

¹⁷⁸ New.

SETBACK, REAR YARD OR REAR LOT

A line which forms a vertical plane parallel with a rear lot line of a lot, tangent to that part of a building or structure situated on such a lot which is closest to such rear lot line and intersecting two (2) other lot lines of such lot.

SETBACK, SIDE YARD OR SIDE LOT

A line which forms a vertical plane parallel with a side lot line of a lot, tangent to that part of a building or structure situated on such a lot which is closest to such side lot line and intersecting two other lot lines of such lot.

SHED

A simple roofed structure, typically made of wood or metal, used as a storage space or a workshop.

SHORT-TERM RENTAL

A rental of any dwelling, in whole or in part, to any person(s) for transient use of 30 consecutive days or less.

SIDE WALL

Any exterior wall that is not a front wall or a rear wall and is situated perpendicular to the front wall and rear wall of the same building.

SITE DEVELOPMENT PLAN

A plan view of land drawn to scale showing accurate dimensions and containing the information required in this Chapter, including uses and structures proposed for a parcel of land as required by the regulations involved. It includes lot lines, streets, parking, building sites, reserved open space, buildings, major landscape features, both natural and man-made, and the locations of proposed utilities and easements.

SIGHT TRIANGLE

An area of land located at intersections of streets, drives and other public and/or private ways situated to protect lines of sight for motorists, within which the height of materials and/or structures is limited.

SIGN

Any object or device containing letters, figures and/or other means of communication or part thereof, situated outdoors or indoors, of which the effect produced is to advertise, announce, communicate, identify, declare, demonstrate, direct, display and/or instruct potential users of a use, product, service or event.

WIND ENERGY CONVERSION SYSTEM (WECS), GROUND- OR BUILDING-MOUNTED¹⁷⁹

All necessary devices that together convert wind energy into electricity, including the rotor, nacelle, generator, WECS Tower, electrical components, WECS foundation, transformer, and electrical cabling from the WECS Tower to the Substation(s).

¹⁷⁹ New.

SOLAR COLLECTOR, GROUND- OR BUILDING-MOUNTED¹⁸⁰

A photovoltaic (PV) panel, array of panels or other solar energy device, the primary purpose of which is to provide for the collection, inversion, storage, and distribution of solar energy for electricity generation, space heating, space cooling, or water heating. Ground-Mounted Solar Collector may be a principal or accessory use. Building-Mounted Solar Collector is an accessory use. Building-Mounted Solar Collector includes agrivoltaic systems and parking canopy solar systems.

SOLID FENCE

A fence that is less than seventy percent (70%) open. Examples of solid fences include board on board, stockade, brick, stone and masonry.

SOUND

An oscillation in pressure, particle displacement, particle velocity or other physical parameter in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, volume and frequency.

SOUND WALL

A wall constructed for the purpose of reducing roadway noise.

SPECIAL EVENT

A temporary use for events such as weddings, receptions, banquets, dinners or fairs.

SPECIAL REVIEW USE

A use that shall have approval of the Board of Trustees before being allowed in the specific zoning district.

STABLE

A structure to house domestic livestock and farm animals, which shall be limited to the capacity of not more than one domestic livestock and farm animals per acre or portion thereof.

STREET¹⁸¹

A dedicated public right-of-way which provides vehicular and pedestrian access to adjacent properties. This definition shall include the terms road, lane, place, avenue, drive and other similar descriptions.

STRUCTURE

The result of arranging materials and parts together, such as buildings, tanks, and fences (but not including tents or vehicles) and placing them or attaching them to a lot. It shall also mean a mobile or manufactured home, anything constructed or erected, any edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner, which is located on or in the ground or is attached to something having a

¹⁸⁰ New.

¹⁸¹ Combined duplicative definition.

location on or in the ground, including swimming and wading pools and covered patios. Paved areas and walks are excepted.

SUBDIVIDER

Any person, firm, partnership, joint venture, association or corporation who shall participate as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale or lease of a subdivision, and who either owned the land or has written authorization from the owner of the land to proceed with the subdivision.

SUBDIVISION

The division of a lot, tract or parcel of land into two (2) 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 resubdivisions and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.

SUBDIVISION IMPROVEMENTS AGREEMENT

One or more security arrangements which may be accepted by the Town to secure the construction of such public improvements as are required by the subdivision regulations within the subdivision, and shall include collateral such as, but not limited to, performance or property bonds, private or public escrow agreements, loan commitments, assignments of receivables, liens on property, deposit of certified funds or other similar surety agreements.

TEMPORARY SIGN

A nonpermanent sign, banner or similar device that is intended for a temporary period of use. A temporary sign does not include a sign display area that is permanent but the message displayed is subject to periodic changes.

TOWN

The Town of Foxfield, Colorado.

TOWN ENGINEER

The employee or consultant designated by the Board of Trustees as the Engineer for the Town.

TOWN PLANNER

That individual appointed or designated by the Board of Trustees to enforce these Regulations.

TOWN RIGHT-OF-WAY

Same as Public right-of-way and Right-of-way.

USE

The purpose for which land or premises or a building thereon is designed, arranged or intended or for which it is or may be occupied, and includes the activity or function that actually takes place or is intended to take place on a lot.

VARIANCE

A decision of the Board of Adjustment which grants a property owner relief from certain provisions of this Chapter when, because of the particular physical surroundings, shape or topographical condition of the property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience.

VEHICLE

A machine propelled by power other than human power, designed to travel along the ground, in the air or through water by use of wheels, treads, runners, slides, wings or hulls and to transport persons or property, to pull non-self-propelled vehicles or machinery and includes, but is not limited to: automobile, airplane, boat, bus, truck, trailer, motorcycle, motor home, recreational vehicle, camper and truck tractor. For the purpose of this Section, the term vehicle includes implements of husbandry, mobile machinery and self-propelled construction equipment.

VIBRATION

An oscillatory motion of solid bodies of deterministic or random nature described by displacement, velocity or acceleration with respect to a given reference point.

WALL SIGN

A sign attached to or painted on the wall of a building or structure whose display surface is parallel to the face of the building or structure and whose height does not exceed the height of the wall to which said sign is attached or painted upon. Awning, marquee and canopy signs are to be considered wall signs.

WEEKDAY

Any day Monday through Friday which is not a legal holiday.

WINDOW SIGN

A sign that is painted on, attached to or located within three (3) feet of the interior of a window and that can be seen through a window from the exterior of the structure.

YARD

An open space on the same lot with a building or building group lying between the front, rear or side wall of a building and the nearest lot line, unoccupied except for projections and the specific minor uses or structures allowed in such open space under the provisions of this Chapter.

YARD, FRONT

A yard extending the full width of the lot on which a building is located and situated between the front lot line and a line parallel thereto and passing through the nearest point of the building.

YARD, REAR

A yard extending the full width of the lot on which a building is located and situated between the rear lot line and a line parallel thereto and passing through the nearest point of the building.

YARD, SIDE

A yard on the same lot as a building situated between the side lot line and a line parallel thereto and passing through the nearest point of a building and extending from the front yard to the rear.

ZONING DISTRICT

A portion of the Town within which the use of land and structures and the location, height and bulk of structures are governed; i.e., the RR classification is a district.

3. Wireless Service Facilities Definitions¹⁸²

ACCESSORY EQUIPMENT

Equipment, including buildings and structures, used to protect and enable radio switching equipment, backup power and other devices incidental to a WSF, but not including antennae.

ANTENNA

Communications equipment that transmits or receives electromagnetic radio frequency signals used to provide wireless service.

BASE STATION

A structure or equipment, other than a tower, at a fixed location that enables Federal Communications Commission-licensed or authorized wireless communications between user equipment and a communications network. The term includes any equipment associated with wireless communications services, including radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems and small-cell networks). The term includes any structure, other than a tower, to which any of the equipment described hereof is attached.

BUILDING ROOF-MOUNTED WSF

A WSF that is mounted and supported entirely on the roof of a legally existing building or structure.

ELIGIBLE TELECOMMUNICATIONS FACILITY REQUEST

A request for approval of the modification of an existing tower or base station that involves the colocation of new transmission equipment, the removal of transmission equipment or the replacement of transmission equipment.

EQUIPMENT STORAGE SHELTER

Buildings, storage shelters, and cabinets used to house WSF equipment.

FREESTANDING WSF

A WSF that consists of a stand-alone support structure such as a tower or monopole, and antennae and accessory equipment.

MICROWAVE ANTENNA

A disk-type antenna used to link communication sites together by wireless voice or data transmission.

MICRO WIRELESS FACILITY

¹⁸² Sec. 16-4-30. All of these definitions were duplicative of what appears to be older wireless regulations (previously called CMRS). These definitions were carried forward while the others were removed.

A WSF that is no larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, that is no more than 11 inches in length.

SMALL CELL FACILITY

Either a personal wireless service facility as defined by the federal Telecommunications Act of 1996, or a WSF where:

- (1) Each antenna is located inside an enclosure of no more than three cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three cubic feet; and
- (2) Primary equipment enclosures are no larger than 17 cubic feet in volume. The following associated equipment may be located outside of the primary equipment enclosure and, if so located, is not included in the calculation of equipment volume: Electric meter, concealment, telecommunications demarcation box, ground-based enclosures, back-up power systems, grounding equipment, power transfer switch, and cut-off switch.

A small cell facility includes a micro wireless facility.

SMALL CELL NETWORK

A collection of interrelated small cell facilities designed to deliver wireless service.

SUBSTANTIAL CHANGE

A modification to an existing tower or base station under the following circumstances:

- (1) A substantial change in the height of an existing tower or base station occurs as follows:
 - a. For a tower outside of a public right-of-way, when the height of the tower is increased by more than ten percent (10%), or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater.
 - b. For a tower located in a public right-of-way or for a base station, when the height of the structure increases by more than ten percent (10%) or by more than 10 feet, whichever is greater.
- (2) Changes in height are measured as follows:
 - a. When deployments are separated horizontally, changes in height shall be measured from the original support structure, not from the height of any existing telecommunications equipment.
 - b. When deployments are separated vertically, changes in height shall be measured from the height of the tower or base station, including any appurtenances, as the tower or base station existed on February 22, 2012.
- (3) A substantial change in the width of an existing tower or base station occurs as follows:
 - a. For a tower outside of public rights-of-way, when the addition of an appurtenance to the body of the tower protrudes from the edge of the tower more than twenty (20) feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater.
 - b. For a tower in a public right-of-way or a base station, when the addition of an appurtenance to the body of the structure would protrude from the edge of the structure by more than six (6) feet.

(4) A substantial change also occurs for an existing tower in a public right-of-way or an existing base station as follows:

- a. When the change involves the installation of any new equipment cabinets on the ground, if no ground cabinets presently exist; or
- b. When the change involves the installation of ground cabinets that are more than ten percent (10%) larger in height or overall volume than any existing ground cabinets.

(5) A substantial change also occurs for any existing tower or base station when any of the following are found:

- a. When the change involves installation of more than the standard number of new equipment cabinets for the technology involved, or more than four new cabinets, whichever is less.
- b. When the change entails any excavation or deployment outside the current site.
- c. When the change would defeat the concealment elements of the eligible support structure.
- d. When the change does not comply with conditions associated with the original siting approval of the construction or modification of the tower, base station or base station equipment. This limitation does not apply if the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that would not exceed the thresholds identified in subsections (1) through (5)(b) hereof.

TOWER

A structure built for the sole or primary purpose of supporting any Federal Communications Commission-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

WHIP ANTENNA

An array of antennae that is cylindrical in shape.