

BOULDER COUNTY LAND USE CODE

ARTICLE 18 DEFINITIONS

18-118 BUILDING- 18-121 BUILDING LOT

uses ought to be evaluated, how the various governmental and land management entities in the County should coordinate their activities, and how environmental resources should be preserved. The *Boulder Valley Comprehensive Plan* and any similar subarea plans are considered part of the *Boulder County Comprehensive Plan*.

18-118 BUILDING

Any permanent structure built for the support or shelter of any use or occupancy.

18-119 BUILDING FOOTPRINT

The outline of the total area which is covered by a building's perimeter at ground level.

18-120 BUILDING HEIGHT (STRUCTURE HEIGHT)

The vertical distance from any part of the structure, excluding appurtenances, to the existing or natural grade below. In a subdivision for which overlot grading was permitted prior to October 18, 1994, the overlot grading shall be the existing grade.

18-121 BUILDING LOT

A parcel occupied by, or designated by the Director pursuant to this Code to be occupied by, a use which is required by the Zoning District provisions of this Code to comply with the minimum lot area requirements of the zoning district in which it is located. Except as provided in subsections (A) and (B) below, the parcel shall be of sufficient size and shape to conform to all requirements of the zoning district within which it is located.

- A. Except as otherwise provided in Subsection (B)(2), below, a substandard parcel shall be considered a building lot only if it meets one of the following criteria:
1. A parcel upon which a use, which is required to comply with the minimum lot area requirements of the zoning district in which it is located, lawfully exists or, if none exists, has lawfully existed prior to the effective date of this Code.
 2. A parcel which the Board of County Commissioners has exempted from the definition of 'subdivision' with the specific intent, as stated in the exemption Resolution, of allowing the parcel to be designated as a building lot; provided however that said parcel shall remain subject to any use and building requirements imposed pursuant to Article 9 as well as all other provisions and requirements of this Code.
 3. A lot, tract, undivided block, or other plot of land, other than an outlot or right-of-way, within an area of subdivided land, which met the lot area and lot frontage requirements of this Code in effect at the time of the approval of the subdivided land, such land shall be designated as a building lot in accordance with those area and/or frontage requirements in effect at the time of its approval, subject, however, to all other provisions and requirements of this Code, as amended.
 4. Any subdivided lot which does not contain a developed principal use will be considered to be combined into a single building lot with any contiguous subdivided lot (whether developed or undeveloped), when the following circumstances exist:
 - a. the subject lots are combined on a single deed; and
 - b. the subject lots are in a subdivision which was recorded prior to March 22, 1978 and has less than 25% of the lots developed as of May 15, 1996; and
 - c. any one of the following additional criteria are met:

- (i) The Land Use Director determines that the lots have been combined due to shared physical improvements other than roads, drives, and fences; or
- (ii) The subject lots have been combined on or after January 1, 1997 on the County Assessor's records for property tax purposes; or
- (iii) the Land Use Director determines that the lots cannot be built upon without significant scarring or erosion, or without significant damage to environmental resources identified in the *Boulder County Comprehensive Plan*

Any subdivided lot combined under this subsection (4) may be considered to be a separate building lot only if the Board of County Commissioners in its discretion approves an exemption plat under Article 9 of this Code. (6/6/95 and 5/23/96 & 5/16/02)

5. A parcel which conformed to the lot area and lot frontage requirements of the zoning district in which it was located at the time it was created, and which has continued to be held as a separate parcel, shall be designated a building lot in accordance with those area and frontage requirements in effect at the time of its creation, and with all other provisions and requirements of this Code, as amended; provided, however, if such parcel was at any time owned by a governmental entity, it may be occupied only in accordance with the area and frontage requirements in effect at the time legal title was transferred from the governmental entity to a person, and with all other provisions and requirements of this Code, as amended.

B. A substandard parcel located in the mountainous areas described in Section 18178A of this code, shall be considered a building lot only if it meets one of the following criteria:

- 1. The criteria set forth in Subsections (A)(2) or (A)(3), above.
- 2. The criteria set forth in Subsections (A)(1) or (A)(5), above, with the following exceptions:
 - a. A substandard parcel which does not contain a lawfully existing use as of May 19, 1993, and which is contiguous to a parcel(s) held in the same ownership as of May 19, 1993 or at any time thereafter, shall not be a legal building lot unless it is combined to form a single parcel with the contiguous parcel(s). Combination of more than two contiguous parcels held in the same ownership shall not be required once the current minimum lot size is met or exceeded, provided that no contiguous, substandard parcel which is in the same ownership and which does not contain a lawfully existing use as of May 19, 1993 is left uncombined.
 - b. In interpreting Subsection (B)(2), the following provisions shall apply:
 - (i) A lawfully existing use shall be a legal use existing on a substandard parcel as of May 19, 1993, and shall also include a complete application for a building permit for a legal use which was filed with the Boulder County Land Use Department as of that same date, provided that the application is pursued and finalized in accordance with all applicable laws and regulations.

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- (ii) 'Held in the same ownership' shall refer to the fee owners of the parcels in question, and shall mean ownership by the same person. In making this determination the Zoning Administrator shall consider the fee owners of record as of May 19, 1993, or the prospective fee owners under a written contract for purchase of the parcel(s) which has been executed by all parties to the contract as of May 19, 1993 and which is notarized or otherwise attested to by a reliable uninterested third party as being fully executed by that date. The Zoning Administrator may also consider, based upon the available facts, whether any transfer of ownership or execution of contract was not bona fide, but was done for the purposes of evading the combination requirements of this Subsection.
3. A patented mining claim which would be contiguous but for the intersection of one or more other patented claims, shall be considered contiguous under this Subsection.
4. Nothing in this Subsection shall be construed to prohibit divisions which State law exempts from county subdivision regulation (see Article 5 Subdivision Regulations), provided that all applicable provisions of this Code are otherwise met.
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18-122 BULK

The total volume of the structure, found by multiplying the square footage by the height.

18-123 CAMPER TRAILER

A wheeled vehicle without motive power which is designed to be drawn by a motor vehicle over the public highways and which is generally and commonly used for temporary living or sleeping accommodations.

18-124 CERTIFICATE OF OCCUPANCY

A certificate issued by the County after final inspection and upon a finding that the building, structure, or development complies with all provisions of the applicable county codes, permits, requirements and approved plans.

18-125 COMMON OPEN SPACE

A parcel of land, an area of water, or a combination of land and water within a site designed and intended primarily for the use or enjoyment of residents, occupants, and owners within that development.

18-126 COMMUNITY SERVICE AREA (CSA)

- A. **Municipal CSA** - A boundary line drawn around a municipality within which a city expects to accommodate future urban growth. Community Service Area plans provide, when jointly adopted by both municipal and county governments, a mutually binding comprehensive plan for county lands adjacent to each municipality. It is expected that land within municipal Community Service Areas will be developed in an urban pattern, urban services will be provided by the municipalities, and the area will eventually be annexed. The following are terms used by the various Plains municipalities that fit with the Community Service Area definition, and each area has been mapped.

Boulder -- Boulder Service Area (Area I and II of the Boulder Valley Comprehensive Plan);