

Huerfano County
 Land Use Department
 400 Main Street, Suite B
 Walsenburg, Colorado 81089
 719-738-1220 ext. 103

**HUERFANO COUNTY
 LAND USE DEFINITIONS
 SECTION 17.00**



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17.01 INTRODUCTION

The following general terms and phrases shall be defined as stated below unless otherwise specifically defined within a regulation. These definitions may be amended periodically by resolution from the Board of County Commissioners, as necessary.

17.02 DEFINITIONS

Abut: To physically touch or border upon or to share one or more common property lines or borders.

Acceleration Lane: A separate speed change lane for the purpose of allowing vehicles entering a highway or other roadway to increase their speed at a rate at which they can safely merge with through traffic.

Accessory building, structure or use: A subordinate building, structure or use customarily incidental and subordinate to the principal building, structure or use and located on the same lot as the principal building, structure or use.

Adjacent: Land, including lots and parcels, that directly abuts other land, including lots and parcels, that would abut any portion of the land in question except for a public or private roadway, right-of-way or easement.

Alley: A public or private street principally designed and constructed to serve as a secondary access to the side or rear of structures whose primary frontage is on another street.

Animal shelter: An open, non-enclosed structure with one to three sides for the sheltering, feeding or protection of domestic animals.

Applicant: Any person making application for a land use change or other action encompassed by these regulations. (See also Person.)

Barn: An enclosed structure with four or more sides and a roof and constructed for the shelter, care, feeding and maintenance of domestic animals but for which no Certificate of Occupancy shall be issued.

Bed and Breakfast Establishment: A facility of residential character which provides sleeping accommodations and breakfast for hire on a day-by-day basis and in which the proprietor normally resides.

Block: An area of land within a subdivision or proposed subdivision and bounded entirely by streets, roads or other thoroughfares, except alleys, or the exterior boundaries of the subdivision.

Board: The Board of County Commissioners of Huerfano County, Colorado.

Building: Any structure with a roof supported by columns and or walls or other structure designed to enclose space.

Building height: The vertical distance as measured from the average finished grade to the point lying one-half the distance between the lowest and highest point on the roof of the building.

Building permit: A permit issued by the County Building Inspector for construction, alteration or reconstruction of a building or other structure upon compliance with these regulations and all other applicable rules and regulations.

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Camping unit: Any independent or dependent pick-up camper, motor home, recreational vehicle, travel trailer, tent trailer or similar mobile unit not exceeding either eight (8) feet in body width or forty (40) feet in body length and designed and used specifically for recreational purposes.

Camping unit campground: Any improved property used or to be used for the parking of camping units and also referred to as a campground.

Camping unit space or camping unit site: A plot of ground within a campground designed for the accommodation of one camping unit.

Club: A membership organization, including lodges, catering exclusively to members and their guests and whose facilities are limited to meeting, eating and recreational or related uses and are not conducted principally for monetary gain.

Cluster: A development design technique that concentrates structures on part of the site to allow the remaining land to be used for recreation, common open space and the preservation of environmentally sensitive areas. The protection of critical wildlife habitat and wildlife migration corridors and historical and archeological features.

Collector street: A street of limited continuity serving or intended to serve as a feeder of local traffic into one or more major thoroughfares.

Collector system: A network of pipes and conduits through which sewage flows to a sewage treatment plant.

Commission: The Huerfano County Planning Commission.

Common open space: A parcel of land, an area of water or a combination of land and water within a PUD or a non-PUD subdivision or other development designated and intended primarily for the use or enjoyment of residents, occupants and owners of the planned unit development. See also Open space.

Comprehensive Plan: A master plan, including the Future Land Use Map, developed by the Planning Commission and all portions of and amendments to such master plan.

Condominium: An estate in real property consisting of an undivided interest in common with other purchasers or owners in a portion of a parcel of real property together with a separate interest in space in a dwelling, whether single or multi-family residential or commercial space. A condominium may include, in addition, a separate interest in other portions of such real property.

The allowable location, type and density of condominiums are determined by the zoning regulations in Section III and the Planned Unit Development regulations in Section V of these regulations.

Confined Animal Feeding Operations (CAFOs): As defined by State of Colorado statute or State of Colorado regulatory agency rules and/or regulations.

County Building Inspector: The County building inspector designated by resolution of the Huerfano County Board of County Commissioners.

County Zoning Enforcement Officer: The County zoning official designated by resolution of the Board of County Commissioners.

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Cul-de-sac: A street having one end open to traffic and being terminated at the other end by a vehicular turnaround.

Deceleration Lane: A separate speed change lane designed and constructed for the purpose of allowing vehicles exiting from a highway or other roadway to decrease their speed at a rate at which they can safely exit from through traffic and negotiate a turn or curve.

Development: Any construction or activity which changes the basic character or the use of the land on which the construction or activity occurs.

Distribution system: A network of pipes and conduits through which water is piped to the public for human consumption.

Domestic water and sewage treatment system: A wastewater treatment plant, water treatment plant or water supply system and any system of pipes, structures and facilities through which wastewater is collected for treatment.

Dwelling: A building designed to be used or used as the living quarters for one or more persons, families or housekeeping units, including modular homes but excluding mobile homes.

Dwelling unit: A building or portion thereof designed to be used or used as the living quarters for one person, family or housekeeping unit, including modular homes but excluding mobile homes.

Easement: An area which is reserved, conveyed or granted one (1) or more property rights by the property owner to and for the use of the public, a corporation or partnership or other persons for a designated and legally defined portion of the property and for specific or limited purpose(s) without the transfer of fee title.

Evidence: Any map, table, chart, contract or other document or testimony, prepared or certified by a qualified person to attest to a specific claim or condition, which evidence shall be relevant and competent.

Final plat: A map or maps and supporting materials for recording of real estate interests with the office of the County Clerk and Recorder and executed by a registered surveyor, such survey being marked on the ground so that streets, blocks, lots and other divisions thereof can be identified and drawn in accordance with the provisions of these regulations.

Flood hazard area: A flood hazard initial control area, a floodway zone or a low hazard zone

Floodplain: An area in or adjacent to a stream or subject to periodic flooding as the result of the occurrence of an intermediate regional flood and which area thus is so adverse to past, current or foreseeable construction or land use as to constitute a significant hazard to public health and safety or to property.

Floodproofing: A combination of structural provisions, changes or adjustments to land, properties and structures subject to flooding primarily for the reduction or elimination of flood damages to lands, properties, structures and contents of buildings in a flood hazard area.

Floodway zone: The channel of a stream and those portions of the adjoining floodplain which are reasonably required to carry and discharge the floodwaters of an intermediate regional flood. It is the floodplain less the low

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hazard zone, if any such low hazard zone has been designated or otherwise regulated herein. If no low hazard zone has been so designated or regulated, then the terms floodplain and floodway zone shall be synonymous.

Floor area: The area included within the surrounding exterior wall surface of a building or portion thereof, exclusive of courts. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above.

Garage, commercial: Any building or structure where motor vehicles are stored, restored, repaired, painted or serviced for payment.

Golf Course: A regulation nine (9) or eighteen (18) hole course for the game of golf, which may or may not be accompanied by a country club, but not including free-standing miniature courses, putting courses or golf driving ranges.

Grade: The slope of a road, street, highway other vehicular driving surface expressed in terms of percentage (%) and also the average elevation of the area conforming to all setback regulations of a lot, tract or parcel of land.

Gross density: The average number of dwelling units per acre of a development or a proposed development.

Gross floor area: The total floor area of a structure as measured along the outside walls at floor level and including all floors but excluding open balconies and porches or enclosed parking areas and related features.

Ground water: Subsurface water within and below the zone of continuous saturation.

Home occupation: Any use within a dwelling and carried on by the inhabitants, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the dwelling.

Hotel, Motel or Lodge: A building or portion thereof with sleeping rooms used or designed to be used, let or hired for occupancy by persons on a temporary basis and containing at least six (6) such guest rooms.

Impact area: An area surrounding a proposed or existing new community site and which is likely to be effected positively or negatively by development of the community. The boundaries of said impact area are determined by the Planning Commission.

Improvements: Street surfacing, paths, bikeways, sedimentation control facilities, revegetation, curbs, gutters, sidewalks, water mains, sanitary and storm sewers, gas lines, electric and telephone lines and appurtenances, street signs, trees and lights, lot pin monuments, range point boxes and other such items as may be required for or provided in compliance with the provisions of these regulations.

Intermediate regional flood: A type of flood, including the water surface elevation and territorial occupation thereof, which can be expected to occur at any time in a given area based upon recorded historical precipitation and other valid data, but with an average statistical one (1) percent chance of being equaled or exceeded during any one (1) year. The term is interchangeable with a one (1) percent or one hundred (100) year flood.

Junkyard: A building, structure or parcel of land or combination thereof used for the collecting, storage or sale of waste paper, rags, scrap metal or discarded material or for the collecting, dismantling, storage, salvaging or demolition of vehicles, machinery or other materials and including the sale of whole item or parts thereof.

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kennel: Any building, structure or open space devoted wholly or partially to the raising, boarding or harboring of six or more dogs and cats that are over four (4) months old.

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.

Local street: A street serving individual lots within a subdivision.

Lot: A parcel or portion of land separated from other parcels or portions of land by specific description as on a subdivision plat or plan, record of survey or by metes and bounds description and used or intended to be used as a unit for transfer of ownership, record of ownership or for development.

Lot area: The total horizontal area within the lot lines of a lot.

Lot depth: The average distance from a street or road right-of-way to the rear lot line, which is the lot line opposite and most distant from said right-of-way line.

Lot width: The average distance between the side lot lines.

Major extension of an existing domestic water treatment system: The expansion of existing domestic water treatment plants or any extension of existing domestic water service lines to serve an additional population equivalent of twenty-five (25) single family dwellings or the equivalent thereof in other areas.

Major extension of an existing sewage treatment system: Any modification of an existing sewage treatment plant to increase hydraulic capacity or to upgrade treatment capability or any extension of existing main collector sewer lines or any extensions to service a population of twenty (20) or more people or the equivalent thereof in other uses.

Major new domestic sewage treatment system: A new sewage treatment system and collector system capable of treating the wastewater generated by twenty (20) or more people through domestic uses or the equivalent thereof in commercial and/or industrial needs.

Major new domestic water system: A system for provision to the public of piped water for human consumption if such system is proposed to serve a population equivalent of twenty-five (25) or more single family dwelling units or the equivalent thereof in other uses.

Manufactured homes, qualified and non-qualified: A single-wide or double-wide factory manufactured home or otherwise a non-qualified manufactured home as defined herein.

1. Double-wide manufactured home: A structure which is designed and used as a single family dwelling, as defined herein.. and which: is partially or entirely manufactured in a factory; is not less than twenty-four feet in width and thirty-six feet in length; is installed on an engineered, permanent perimeter foundation; and was constructed after 1992.

A non-qualified manufactured home as defined herein does not meet the requirements of a double-wide manufactured home.

2. Single-wide manufactured home: A structure which is designed to house a single family, and which: is partially or entirely manufactured in a factory; is less than twenty-four feet in width; (iii) has brick,

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wood, or cosmetically equivalent siding and a pitched roof; can be installed on a permanent foundation; and was constructed after 1992.

A non-qualified manufactured home as defined in herein does not meet the requirements of a single-wide manufactured home.

3. Non-qualified manufactured home: A structure which is designed and used to house a single family, and which: is partially or entirely manufactured in a factory; and does not meet the requirements of either a "single-wide manufactured home" or "double-wide manufactured home" as defined herein.

4. Mobile home: A non-qualified manufactured home.

Master plan: See Comprehensive plan.

Matter of local concern and state interest: An area or an activity of local concern or state interest or both. The meaning is also identical to "matter of state interest." "area of state interest" and " activity of state interest" as these terms are used in Section 24-65.1-101. et seq.. Colorado Revised Statutes.

New community or new communities:

1. The establishment of urbanized growth centers in the unincorporated territory of Huerfano County.
2. Any activity within the unincorporated territory of Huerfano County which falls within one or more of the following criteria is defined as "site selection and development of new communities" and requires application to the Planning Commission for a permit to conduct such activity:
 01. Is planned for a population or work force of five hundred (500) persons or two hundred and fifty (250) dwelling units within five (5) years of implementation of the activity or for an ultimate population or labor force of two thousand five hundred (2,500) persons or one thousand twelve hundred and fifty (1,250) dwelling units.
 02. Is planned for or requires the expansion and/or extension of any existing water and/or sewer district or association within any twenty-four (24) month period which is equal to or greater than fifty (50) percent of the population or land area served by the district or association at the beginning of said period.
 03. Is planned for or requires a change in existing zoning that provides for a one hundred (100) percent or greater increase in allowable density on more than six hundred and forty (640) acres of land
 04. Is planned for or requires an ultimate contiguous zoning district or special use permit for commercial, industrial and/or public use on three hundred and twenty (320) or more acres of land.

Non-conforming building: Any pre-existing building or structure conflicting with one or more provisions of these regulations applicable to the zoning district in which the building is located.

Non-conforming lot: Any lot or parcel of land pre-existing at the time of the adoption of these regulations that is in any respect conflicting with one or more of the Section 1.00 Zoning Provisions of these regulations.

Non-conforming use: Any pre-existing use of a structure, land or premises conflicting with one or more provisions of these regulations.

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Open space: An outdoor area for either public or private use and in public or private ownership, designed or designated for passive and/or active outdoor activities, recreation uses, access to public lands, buffering, floodplain protection, view protection, wildlife impact mitigation or similar purposes or combination of purposes. See also Common open space.

Overlay zoning district: A zoning district encompassing one or more underlying zones and that imposes requires in addition to or different than those required in the underlying zoning district.

Parcel: A contiguous area of land in the possession of or owned by or recorded as the real property of the same person, persons, partnership, organization or corporation. Also a tract.

Parking area: An open space or an enclosed structure or building used exclusively or principally for the storage of motor vehicles.

Parking, off-street: Any parking area located within the limits of one or more lots and not situated on a public road, street or other thoroughfare.

Parking space: The part of a parking area, exclusive of drives, turning areas or loading spaces, devoted to parking for one motor vehicle.

Person: Any individual, partnership, corporation, association, company or other public or corporate body including the federal government and any political subdivision, agency, instrumentality or corporation of the state.

Pipeline: Any pipeline and its appurtenant facilities designed for or capable of transporting gases, liquids or slurries in ten (10) inch or larger diameter pipe.

Planned unit development: An area of land, controlled by one or more landowners, to be developed or developed under unified control or a unified plan of development for a number of dwelling units, commercial, educational, recreational or industrial uses, or any combination of the foregoing, the plan for which does not necessarily correspond in lot size, bulk or type of use, density, lot coverage, open space or other restriction to the provisions contained elsewhere in these regulations.

The Planning Commission: The Huerfano County Planning Commission.

Plat: A map and supporting materials of certain described land prepared in accordance with regulations contained in these regulations as an instrument for the receding of real estate interests with the office of the County Clerk and Recorder.

Principal use or building: A building in which is conducted the main or principal use of the lot or land area on which said building is located.

Public building or use: Any building open to general use. participation or enjoyment by the public and owned or leased by a unit of government or by a public utility corporation or similar organization.

Public utility: An electric substation, a gas regulator station, a telephone exchange, a water or sewage pumping station or a water reservoir

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Radioactivity: A condition related to various types of radiation emitted by natural radioactive minerals that occur in natural deposits of rock, soil and water or that are emitted from substances either man-made or processed by man.

Referral agency: An agency, organization, unit of government, political subdivision, group of persons or individual to whom submittal materials and related text, map and graphic displays are submitted for review, comment and/or recommendations to be returned to the Planning Commission or the Board of County Commissioners.

Replat: An amendment to or to amend a recorded plat. Definition identical to a plat amendment. Reverse frontage lot: A lot which fronts on one public street and backs on another.

Roadway: That portion of a street right-of-way designed for vehicular traffic.

Rooming or boarding house: A building or portion thereof with sleeping rooms used or designed to be used, let or hired for occupancy by persons on a temporary basis and containing between one (1) and five (5) such guest rooms.

Semi-public building or use: Any building open to the general use, participation or enjoyment of the public and owned or leased by a public agency other than a municipality, county, state or federal government or public utility corporation.

Service building: A building housing toilet and bathing facilities for men and women with laundry facilities and other such facilities as may be required by the mobile home park and campground regulations contained herein.

Setback: The distance required by the provisions of these regulations between the face of a building and the lot line opposite that building face, measured perpendicularly to the building. Where angled buildings or lots or curved streets or similar features exist, the setback shall be measured as a mean distance.

Sign: Any structure, poster, banner, insignia, billboard, trademark or other device used to indicate directions, advertise, provide information or announce products, goods or services or attract attention, except that flags and banners of any county, state, municipality or non-profit organization shall be exempt from this definition.

Single family dwelling: A building or structure or portion therein designed to be used as the living quarters for one person, family or housekeeping unit. In accordance with the provisions described in Sections 1.05 and 1.14 of these regulations, the term double-wide manufactured home shall meet and qualify for the definition of a "Single family dwelling."

Site Specific Development Plan: A previously approved or conditionally approved and valid non-PUD or PUD final subdivision plat or PUD development plan.

Solar easement: The right of receiving sunlight across real property for any solar energy device. Such a right may be stated in any deed, will or other instrument executed by or on behalf of any owner of land or sky space.

Solar energy device: A solar collector or other device or a structural design feature of a structure which provides for the collection of sunlight and which comprises part of a system for the conversion of the sun's radiant energy into thermal, chemical, mechanical or electrical energy.

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Source area: A geographic area or region where moisture falls and drains through natural processes to either streams or lakes or permeates to the groundwater table. The term is analogous to "catchment basin" or "watershed."

Stream: Any natural channel or depression through which water flows either continuously, intermittently or periodically, including any artificial modification of the natural channel or depression.

Street: A way for vehicular traffic, whether designated as or called a street, highway, thoroughfare, road, avenue, parkway or however else designated.

- 1. Street, arterial:** A road or roadway to connect cities, towns and other traffic source generators and may include both paved State roadways constructed to Colorado Department of Transportation standards and non-state arterial streets or roads.
- 2. Street, collector:** A road or roadway to link local roads with arterial streets.
- 3. Street, local:** A road or roadway to provide access between collector or arterial streets and low and medium density residential areas.

Structural alteration: Any addition to or subtraction of parts of a building, including walls, columns, beams, girders, foundations, doors, windows and other, related parts.

Structure: Anything constructed or erected upon the ground except utility poles, flag poles or walls or fences less than six (6) feet high.

Subdivider: Any person, firm, company, partnership, joint venture or other group or association who shall participate as owner, promoter, developer, representative or sales agent in the planning, platting, development, promotion, sale or lease of a subdivision.

Subdivision or subdivided land: Any parcel of land in the state which is to be used for condominiums, apartments or any other multiple dwelling units, unless such land when previously subdivided was accompanied by a filing which complied with the provisions of state of Colorado subdivision law with substantially the same density, or which is divided into two or more parcels, separate interests or interests in common, unless exempted under items 1. 2. or 3. of this definition by the Board of County Commissioners, as provided for in these regulations. As used in this definition and elsewhere in these regulations, "interests" includes any and all interests in the surface of land but excludes any and all subsurface interests.

1. The terms "subdivision" and "subdivided land" shall not apply to any subdivision of land which creates parcels of land each of which comprises thirty-five (35) or more acres of land and none of which is intended for use by multiple owners.
2. Unless the method of disposition is adopted for the purpose of evading this definition and state of Colorado subdivision law, the terms "subdivision" and "subdivided land" as defined herein, shall not apply to any division of land:
 01. Which creates parcels of land such that the land area of each of the parcels, when divided by the number of interests in any such parcel, results in thirty-five (35) or more acres per interest.

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02. Which could be created by any court in this state pursuant to the law of eminent domain, or by operation of law or by order of any court in this state if the Board of County Commissioners of Huerfano County is given timely notice of any such pending action by the court and given opportunity to join as a party in interest in such proceeding for the purpose of raising the issue of evasion of this definition and state of Colorado subdivision law prior to entry of the court order and, if the Board of County Commissioners does not file an appropriate pleading within twenty (20) days after receipt of such notice by the court, such action may proceed before the court.

03. Which is created by a lien, mortgage, deed of trust or any other security interest.

04. Which is created by a security or unit of interest in any investment trust regulated under the laws of the state of Colorado or any other interest in an investment entity.

05. Which creates cemetery lots.

06. Which creates an interest in oil, gas, minerals or water which is severed from the surface ownership of real property.

07. Which is created by the acquisition of an interest in land in the name of a husband and wife or other persons in joint tenancy or as tenants in common and any such interest shall be deemed for the purposes of this definition as only one interest.

08. Which is created by the combination of contiguous parcels of land into one larger parcel. If the resulting parcel is less than thirty-five (35) acres in land area, only one interest in said land shall be allowed. If the resulting parcel is greater than thirty-five (35) acres in land area, such land area divided by the number of interests in the resulting parcel, must result in thirty-five (35) or more acres per interest. Easements and rights-of-way shall not be considered interests for the purposes of this item 08.

3. The Board of County Commissioners of Huerfano County may, pursuant to rules and regulations or resolution, exempt from this definition of the terms subdivision and subdivided land any division of land if the Board determines that such division is not within the purposes of these definitions and/or it is not consistent with the intent of these regulations.

See Section 2.00, Subdivision Regulations.

Subdivision improvement agreement: One or more security arrangements which may be accepted by Huerfano County to secure the construction of such public or other improvements as are required by the county subdivision regulations within any subdivision and shall include only payment and performance bonds.

Tract: see Parcel.

Transmission line: Any electric transmission line and its appurtenant facilities which emanate from a power plant or from a substation and terminate at a substation and which are designed for or are capable of the transmission of electricity at 115 kilovolts or more.

Two family dwelling: A dwelling designed or used for occupancy by two families as defined herein

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UBC: The Uniform Building Code, as adopted and amended by the Huerfano County Board of County Commissioners.

Uranium: The element uranium and the isotopes uranium-238 and uranium 235, the minerals uraninite and carnotite and any of the radioactive daughter isotopes of uranium-238 to include thorium-234, protactinium-234, uranium-234, thorium-230, radium-226, radon-222, polonium-218, lead-214, bismuth-218, polonium-214, lead-210, bismuth-210 and polonium-210, but specifically excluding lead-206.

Use: The purpose for which any land, structure or building is designed, constructed, maintained or occupied.

Vacate, vacating: To make null and void any plat or parcel(s) of land by means of the procedures contained in these regulations.

Vacation lodge: A building or group of buildings containing individual rooms for sleeping and general occupancy and designed and used or intended to be used for more than short-term occupancy.

Vested property right: The right to undertake and complete development and use of property, under the terms and conditions of a site specific development plan, as defined in Section 24-68-102 (3), Colorado Revised Statutes. See also Site Specific Development Plan.

Yard: The space on the same lot as a building or structure that is unoccupied and open to the sky.

Unless a building envelope is mandated by plat, covenant or otherwise, buildings may be oriented in any location between the setback requirements for a front yard, rear yard and side yard so long as the setback requirements are met.

Matters of interpretation or disagreement regarding the matter of building placement or orientation within a yard, lot or parcel shall be resolved by decision of the Board of Adjustment, as provided for in Section 9.02, The Board of Adjustment.

- 1. Yard, front:** That portion of a yard between the major street line and a principal building and between the two side lot lines, the depth of which shall be the least distance between the front lot line and the principal building.
- 2. Yard, rear:** That portion of a yard between a building and the rear lot line and between the two side lot lines, the depth of which shall be the least distance between the building and the rear lot line.
- 3. Yard, side:** All the yard between the front and rear yards, the width of which shall be the least distance between the side lot line and the building.