

### **9-16-1 General Definitions.**

- (a) The definitions contained in chapter 1-2, “Definitions,” B.R.C. 1981, apply to this title unless a term is defined differently in this chapter.
- (b) Terms identified with the references shown below after the definition are limited to those specific sections or chapters of this title:
  - (1) Airport influence zone (AIZ).
  - (2) Floodplain regulations (Floodplain).
  - (3) Historic preservation (Historic).
  - (4) Inclusionary housing (Inclusionary Housing).
  - (5) Residential growth management system (RGMS).
  - (6) Solar access (Solar).
  - (7) Wetlands Protection (Wetlands).
  - (8) Signs (Signs).
  - (9) Critical Facilities and Lodging Facilities (Critical Facilities).
- (c) The following terms as used in this title have the following meanings unless the context clearly indicates otherwise:

...

"Accredited levee or provisionally accredited levee" means a system of artificial embankment(s) or flood control structure(s) used for property protection, flood control, and flood hazard mitigation accredited or provisionally accredited and mapped Zone X (shaded) by the Federal Emergency Management Agency (FEMA) under the National Flood Insurance Program (NFIP). (Floodplain and Critical Facilities)

...

“Area of special flood hazard” means the land in the floodplain subject to a one percent or greater chance of flooding in any given year. Such areas may be designated as Zones A, AO, AH, AE and A1-30 on the FIRM for the City of Boulder. (Floodplain)

“At-risk population facility” means a pre-school, public or private primary or secondary school, before and after school care center with twelve or more students, daycare center with twelve or more children, group home, or residential or congregate care facility with twelve or more residents. At-risk population facility is also included in the definition of “critical facility.” (Floodplain and Critical Facilities)

...

“Base flood elevation” is the computed elevation to which floodwater is anticipated to rise during the one hundred-year flood. (Floodplain)

“Basement” means any enclosed area of a building having its lowest floor a minimum of two feet below grade level on all sides. (Floodplain and Critical Facilities)

...

“Change in a watercourse” means any change in an existing thalweg, bed, or bank of a watercourse. (Floodplain)

...

“Conveyance zone” means those portions of the floodplain required for the passage or conveyance of the one hundred-year flood. The conveyance zone is delineated based on an equal encroachment methodology (measured in volume of water), which is applied to the floodplain from the edges of the flood channel to a point where the one hundred-year flood profile will be raised no more than six inches, after considering a reasonable expectation of blockage at bridges and other obstructions by flood borne debris. The city may, in its discretion, delineate the conveyance zone on city owned land or right of way based on unequal encroachment to minimize delineation on other properties. The conveyance zone is equivalent to a floodway delineation based on a six inch rise. (Floodplain and Critical Facilities)

...

“Crawl space” means the enclosed area contained inside the foundation walls and below the habitable floor of a structure. Crawl spaces having the lowest floor a minimum of two feet below grade level on all sides shall be considered a basement, and not a crawl space. (Floodplain)

“Critical facility” means any structure or related infrastructure, the loss of which may result in severe hazards to public health and safety or may interrupt essential service and operations for

the community at any time before, during, and after a flood. Critical facilities are classified as follows: (1) essential service facility, (2) hazardous material facility, and (3) at-risk population facility. (Floodplain and Critical Facilities)

...

“Development” means any change to improved or unimproved real estate, including, without limitation, constructing, relocating, rehabilitating, reconstructing or expanding or enlarging (but not maintaining) a building or other structure or portion thereof, or establishing or changing a use, or mining, dredging, filling, grading, paving, or excavation. (Floodplain and Critical Facilities)

“Essential service facility” means any facility providing essential service that, if flooded, may result in severe hazards to public health and safety or interrupt essential service and operations for the community at any time before, during, or after a flood. Examples of essential service facilities include without limitation the following:

- (1) Public safety facilities such as police stations, fire and rescue stations, and emergency operation centers;
- (2) Emergency response facilities, such as emergency vehicle and equipment storage, and essential governmental work centers for continuity of government operations;
- (3) Emergency medical facilities, such as hospitals, emergency care, urgent care, and ambulance services but excluding clinics, doctors offices, and non-urgent care medical facilities;
- (4) Shelters designated by the city manager that will be used during or after a flood for displaced persons;
- (5) Communication facilities, such as main hubs for telephone, main broadcasting equipment for television systems, radio and other emergency warning systems, but excluding towers, poles, lines, cables, and conduits;
- (6) Public utility plant facilities and essential equipment for treatment, generation, storage, pumping, and distribution such as hubs for water, wastewater, power, and gas but excluding hydro electric facilities, towers, poles, power lines, buried pipelines, transmission lines, distribution lines, and service lines;
- (7) Essential governmental facilities including, without limitation, facilities where permanent records, as defined by an agency’s data retention policy, are stored,

courts, jails, building permitting and inspection services, departments that manage utilities and transportation systems, information technology departments, finance departments, health departments, the county commissioner's office, the city manager's office, and maintenance and equipment centers; and

- (8) Air transportation lifelines, such as an airport or heliport, and structures serving emergency functions, and associated infrastructure such as aviation control towers, air traffic control centers, and emergency equipment aircraft hangars).

Essential service facility is also included in the definition of "critical facility." (Floodplain and Critical Facilities)

...

"Exceptional hardship" means a substantially disproportionate burden in relationship to the benefit to be derived from conformance with the requirements of this title. (Floodplain)

...

"Existing manufactured home park or subdivision" means a manufactured home park for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed prior to July 12, 1978. (Floodplain)

...

"Expansion or enlargement" of a structure means any addition of an exterior wall to the structure or any addition to the floor area of the structure, whether under, at, or above grade, and whether or not the external dimensions of the structure are changed, or the reconstruction of a flood-damaged portion of a structure, so long as such expansion, enlargement or reconstruction does not constitute a "substantial modification" or a "substantial improvement." (Floodplain and Critical Facilities)

"Expansion to existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, without limitation, the installation of utilities, the construction of streets, final site grading, or the pouring of concrete pads). (Floodplain)

...

“FEMA” means the Federal Emergency Management Agency. (Floodplain and Critical Facilities)

...

"Five hundred-year flood" means a flood having a 0.2 percent chance of occurring in any year. (Floodplain and Critical Facilities)

“Flood” or “flooding” means a general or temporary condition of partial or complete inundation of normally dry land areas from a watercourse that temporarily overflows the boundaries within which it is ordinarily confined or from the rapid accumulation of runoff of surface water caused by rain, snow melt, flow blockage, or any other source. (Floodplain and Critical Facilities)

“Flood channel” means a natural or artificial watercourse with a definite bed and banks which periodically or continuously conducts flowing water and is shown on the Flood Channel Inventory Map prepared by the city's Utility Division of the Public Works Department. (Floodplain)

“Flood Insurance Rate Map (FIRM)” means the official map on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community. (Floodplain and Critical Facilities)

“Flood insurance study (FIS)” means the official report provided by the Federal Emergency Management Agency that included flood profiles, the Flood Boundary-Floodway Map, and the water surface elevations of the base flood. (Floodplain)

“Flood profile” means a graph showing the elevations of the floodwater surface and the elevations of the underlying land as a function of distance along a path of flow. (Floodplain)

“Flood protection elevation” means the following:

(1) In the one hundred-year floodplain, an elevation of:

A) Two feet above the elevation of the water surface of a one hundred-year flood as determined pursuant to sections 9-3-2 through 9-3-8, B.R.C. 1981, or, if no such elevation is determined, two feet above the highest grade adjacent to a structure; or

B) Two feet above the base flood elevation in AE zones or two feet above the flood depth number indicated for AO zones on the FIRM for the City of Boulder, whichever is higher.

(2) In the five hundred-year floodplain, the lower of the following elevations:

A) One foot above the water surface of a five hundred-year flood under the standards in section 9-3-2 through 9-3-8 and section 9-9-23 B.R.C., 1981; or

B) The one hundred-year flood protection elevation (Floodplain and Critical Facilities)

“Floodplain” means the area that is susceptible to being inundated by a flood. Unless the context clearly indicates otherwise, “floodplain” refers to the one hundred-year floodplain. (Floodplain).

“Floodplain development permit” means any permit granted under the terms and conditions of sections 9-3-2 through 9-3-8, and section 9-9-23, B.R.C. 1981, for development on land in a floodplain. (Floodplain and Critical Facilities)

"Floodplain, five hundred-year" means the area inundated by a flood having a 0.2 percent or greater chance of occurring in any given year. (Floodplain and Critical Facilities)

“Floodplain, one hundred-year” means the area inundated by a flood having a one percent or greater chance of occurring in any given year. (Floodplain)

“Floodproofing” means any combination of structural and nonstructural changes, modifications, or adjustments to structures or real property which reduce or eliminate flood damage to improved or unimproved real property, water and sanitary facilities, structures and their contents. (Floodplain and Critical Facilities)

“Floodway, FEMA regulatory” means the channels of watercourses and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. (Floodplain)

...

“Hazardous material” means any material used, generated, or stored at a facility of a type and in a quantity that would classify the facility as a hazardous materials facility. (Floodplain and Critical Facilities)

“Hazardous material facility” means a structure or group of structures that is:

- (1) subject to Section 303 of the Emergency Planning and Community Right-to-Know Act, 42 USC §11003, because it has an “Extremely Hazardous Substance” on site in quantities that meet or exceed the “Threshold Planning Quantities” established by the United States Environmental Protection Agency and listed at 40 CFR Part 355, Appendix A and Appendix B;
- (2) unless covered by subpart (1) above, storing hazardous material as defined by Department of Transportation regulations at 49 CFR Parts 171-180 but only to the extent that the facility is storing the hazardous material in the “Bulk Packaging” container in which it was delivered as that term is defined at 49 CFR 171.8;
- (3) storing a hazardous substance of the type and quantity listed by §29-22-107,C.R.S; or
- (4) regulated as a transfer facility under Colorado hazardous waste regulations at 6 CCR 1007-3, Part 263.

Hazardous material facility is also included in the definition of “critical facility.”  
(Floodplain and Critical Facilities)

"Hazardous substance" means any substance, as determined from time to time by the city manager pursuant to the rule making authority granted by subsection 9-3-2(c), B.R.C. 1981, that is flammable, radioactive, toxic, or explosive, and that in times of flooding could be released in sufficient quantities to be harmful to humans, animals, or plant life. (Floodplain)

...

“High hazard zone” means those portions of the floodplain where an unacceptably high hazard to human safety exists defined as those areas where the product number of flow velocity (measured in ft./sec.) times flow depth (measured in feet) equals or exceeds four, or where flow depths equal or exceed four feet. (Floodplain and Critical Facilities)

...

“Intended for human occupancy” means, as applied to structures, capable of and likely to be used for residential habitation, or for commercial, industrial or governmental occupation by persons on a regular basis. Examples of structures normally not intended for human occupancy include, without limitation, garages useable solely for the parking of vehicles or storage, open air carwashes, unheated pavilions, porches or patio covers, crawl spaces, flood resistant enclosures useable solely for building access, barns and other agricultural buildings, garden storage sheds, ATMs, and mausoleums. (Floodplain)

...

Lodging facility” means a hotel, motel, dormitory, bed and breakfast, or hostel, as defined in the Boulder Revised Code. (Floodplain and Critical Facilities)

...

“Lowest floor” means the lowest floor of the lowest enclosed area (including basement or crawl space). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable design requirements of sections 9-3-2 through 9-3-8, and section 9-9-23, B.R.C. 1981. (Floodplain and Critical Facilities)

...

“Maintenance” means any activity undertaken to repair or prevent the deterioration, impairment or failure of any stream, previously constructed improvement or structure including, without limitation: the removal of sediment and debris, installation of erosion and sediment control devices and the replacement of structural components. Maintenance does not include substantial modifications, substantial improvements, total replacement of existing facilities or total reconstruction of a facility. (Floodplain and Critical Facilities)

...

“Manufactured home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term “manufactured home” does not include a “recreational vehicle.” (Floodplain)

“Manufactured home park or manufactured home subdivision” means any lot or tract of land designed, used, or intended to provide a location or accommodation for one or more manufactured homes and upon which any manufactured home or homes are parked or located, whether or not the lot or tract or any part thereof is held or operated for profit, on which construction was completed on or after July 12, 1978. (Floodplain)

...

“Moveable object” means an item or material not anchored to the ground that is subject to being transported by water, including, without limitation, a manufactured home not anchored to a permanent foundation, a tank, a trash dumpster, lumber, and other materials, but not a motor vehicle. (Floodplain)

...

“New construction” means structures for which the “start of construction” commenced on or after July 12, 1978, and includes any subsequent improvements to such structures. (Floodplain and Critical Facilities)

“New manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, final site grading, or pouring of concrete pads) is completed on or after July 12, 1978. (Floodplain)

“Nonresidential structure” means any structure or any portion of a structure used exclusively for, or designed as and capable of being used for, office, commercial, industrial, or governmental occupation. (Floodplain)

...

“Obstruction” means any item or material not constituting a moveable object in, along, across, or projecting into the floodplain that might impede, retard, or change the direction of a flow of water, either by itself or by catching or collecting debris carried by such water, in a way that the city manager determines would increase the flood hazard to adjacent properties. (Floodplain)

...

“One hundred-year flood” means a flood having a one percent chance of occurring in any year. (Floodplain and Critical Facilities)

...

“Reconstruction” means exact replacement of an existing structure or portion thereof or exact structural repair of a damaged structure. (Floodplain and Critical Facilities)

“Recreational vehicle” means a vehicle which is: 1) built on a single chassis; 2) four hundred square feet or less when measured at the largest horizontal projections; 3) designed to be self-propelled or permanently towable by a light duty truck; and 4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. (Floodplain)

...

“Rehabilitation” means any improvement, maintenance, or remodeling made to the interior or exterior of any existing structure or the reconstruction of a deteriorated or non-flood-damaged portion of an existing structure so long as such improvement or reconstruction does not constitute an “expansion or enlargement of a structure,” “substantial modification,” or a “substantial improvement.” (Floodplain)

...

“Residential structure” means any structure or any portion of a structure that is used for, or designed as and capable of being used for, the temporary or permanent domicile of persons, including, without limitation, a dwelling, a boarding house, a hotel, a motel, and similarly used structures. (Floodplain)

...

“Start of construction” means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. (Floodplain and Critical Facilities)

...

“Structure” means a building or other roofed construction, a basement, a wall, a fence, a manufactured home, or a storage tank. (Floodplain and Critical Facilities)

...

“Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent of the market value of the structure before the damage occurred. (Floodplain)

“Substantial improvement” means any repair, reconstruction, rehabilitation, addition, or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage,” regardless of the actual repair work performed. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The

term does not, however, include either: 1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or 2) any alteration of a structure listed on the National Register of Historic Places or the Colorado Inventory of Historic Places or designated as an individual landmark under section 9-11-2, "City Council May Designate Or Amend Landmarks And Historic Districts," B.R.C. 1981. (Floodplain and Critical Facilities)

...

"Substantial modification" means any expansion or enlargement of a structure which equals or exceeds fifty percent of the floor area of the structure intended for human occupancy, considered cumulatively, commencing July 12, 1978. (Floodplain and Critical Facilities)