

- C. The difference in the degree of use of the proposed use, including but not limited to hours of operation and parking requirements;
- D. The reasons for the proposed change;
- E. The overall impact of the proposed use on the surrounding property.

30-9-403 ABANDONMENT OF USE

If active and continuous operations are not carried on in a nonconforming use once the use has no longer been carried out on a regular basis for a period of at least six (6) months, the building or tract of land where such nonconforming use previously existed shall thereafter be occupied and used only for a conforming use. Intent to resume operations shall not affect the foregoing.

30-9-404 RESTORATION

A nonconforming building or a building containing a nonconforming use which has been damaged by fire or other causes may be restored to its original condition, provided such work is started within six months of such damage and completed within one year of the time the restoration is commenced.

30-9-405 ENLARGEMENT OF A BUILDING CONTAINING A NONCONFORMING USE

A proposal for the enlargement or extension of a building containing a nonconforming use shall require the approval of the Board of Trustees. In considering a proposed enlargement or expansion, the board shall make a finding as to whether or not the enlargement or expansion will adversely affect the surrounding properties.

For the purposes of review, the board shall consider the following criteria:

- A. The nature and size of the proposed expansion;
- B. The difference in the degree of use as a result of the proposed expansion;
- C. The reasons for the proposed expansion;

- D. The overall impact of the proposed expansion on the surrounding property.

30-9-406 ALTERATION OF A NONCONFORMING BUILDING.

A nonconforming building may be structurally altered or repaired in any way permitted by these regulations. Any building containing a nonconforming use declared unsafe by the building official may be strengthened or restored in a safe condition. Nothing in this chapter shall be interpreted as authorization for the approval of a continuance of use of a building or premises in violation of the zoning regulations in effect on the date of adoption of this code.

30-9-500 INDUSTRIAL PERFORMANCE STANDARDS

30-9-501 GENERAL

All industrial uses shall conform to the performance standards in this section. The purpose of these standards is to permit potential industrial nuisances to be measured, factually and objectively; and to ensure that all industries will provide methods to protect the community from hazards and nuisances which can be prevented by processes of control and nuisance elimination. The performance standards are as follows:

- A. **Glare and heat.** Any operation producing intense glare and heat shall be conducted within an enclosed building or with other effective screening in such a manner as to make such glare or heat completely imperceptible from any point along the property line.
- B. **Vibration.** Industrial operations shall cause no inherent and recurring generated vibration perceptible without instruments at any point along the property line. Transportation facilities or temporary construction are excluded from this restriction.

C. Light. Exterior lighting, except for overhead street lighting and emergency or traffic signals shall be installed in such a manner that the light source will be sufficiently

obscured to prevent glare on public streets and walkways or into any residential area. Exterior and interior lighting shall be designed and installed so that all direct rays are confined to the site on which the lighting is located and so that adjacent properties are protected from glare which is deemed to be a public nuisance.

- D. **Smoke emissions.** No person shall emit or cause to be emitted into the atmosphere from any source of emission whatsoever any air contaminant which is of such shade or density as to obscure an observer's vision to a degree in excess of twenty percent opacity. This shall not apply to emissions during the building of a new fire, cleaning of fires, soot blowing, start-up, any process modification or adjustment or occasional cleaning of control equipment.
- E. **Odor emissions.** No person shall cause or allow the emission of odorous air contaminants from any single source such as to result in detectable odors. When the source is a manufacturing process or agricultural operation the best practical treatment, maintenance and control currently available shall be utilized in order to maintain the lowest possible emission of odorous gases, and where applicable, in determining the best practicable control methods, the town shall not require any method which would result in an arbitrary and unreasonable taking of property or the practical closing of any lawful business or activity if such would be without corresponding public benefit.
- F. **Particle emissions.** No particles of fly ash shall exceed two-tenths (0.2) grain per cubic foot of flue gas at stack temperature of five hundred degrees Fahrenheit.
- G. **Hazardous materials.** If the proposed uses or tenants are known to use and/or store hazardous materials (including hazardous wastes) on-site, the project shall be designed to comply with all fire and building codes for the hazardous materials use and adequate precautions shall be taken to protect against negative off-site impacts of hazardous materials release, using best available technology.

30-9-502 PERFORMANCE STANDARDS

30-9-503 HIGHWAY BUFFERS

The Town desires development occurring along the Highway 287 and I-25 corridor to have significant buffers. Due to the difficulty in writing standards for such a broad area, the following requirements may be amended by the Town Board in a manner that meets the intent of this section and goals in the Land Use Plan. An exception to these requirements is made for the commercial areas located at Highway 287 and Highway 56. The Town Board of Trustees has determined that the development of properties adjacent to major arterials creates special health, safety and welfare concerns for the occupants of buildings adjacent to these arterials. These special circumstances include, but are not limited to, pollution by noise; fumes and roadway sand and chemicals; dangerous circumstances created by vehicles going out of control; and, the intensity of the high speed, high volume traffic.

- A. **Highway 287.** Refer to figure 30-9 for a visual description of the following requirements. The east side of Highway 287 and the bypass must have 200 foot buffers for the purposes of buffering noise impacts and to help create a "sense of place" by increasing the visibility of the Town's urban boundary. Areas on the west side of Highway 287 are required to have a 500 foot buffer in order to provide views of the mountains and to create a rural image from the highway consistent with Larimer County FA-1 zoning density (2.3 acres per unit) and 50% clustering requirements.

The east/west portion of the Highway 287 bypass has been designated as the core of the Berthoud/Loveland separator area. The purpose of the separator area is to help create community identity with a rural/open space separation. Where the bypass travels in an east/west direction, 900-foot setbacks are required. Where the bypass stops traveling in an east/west direction and begins bending to the north or south, the 900-foot setback requirement extends horizontally until it is beyond 900 feet from the highway. At the east and west ends of this area beyond the 900 foot setback (identified as "view corridor" in Figure 30-9