

CHAPTER 30 – BERTHOUD DEVELOPMENT CODE

SECTION 1 - GENERAL PROVISIONS

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30.1-101 Title

This ordinance establishes the regulations and standards governing the use and development of land within the Town of Berthoud. Included are provisions for the annexation, subdivision and zoning of land, as well as the administrative procedures governing the submission of applications, administrative and public reviews, and appeals. Also included are the Town of Berthoud’s standards for site and building design, landscaping, parking and public infrastructure.

30.1-102 Short Title

This ordinance shall be known and may be cited as the Town of Berthoud Development Code. Within this ordinance the Town of Berthoud Development Code shall simply be referred to as “this Code.”

30.1-103 Authority

- A. This Code is adopted pursuant to the authority contained in the Colorado Revised Statutes (C.R.S.). Local governments are provided broad authority to plan for and regulate the use of land within their jurisdictions, as authorized in Title 29, Article 20, *et seq.* and Title 31, Article 23, *et seq.* of the C.R.S., as amended. Additional statutory authority may also exist for specific types of development regulation.
- B. Whenever a section of the Colorado Revised Statutes cited in this Code is later amended or superseded, this Code shall be deemed amended to refer to the amended section or section that most nearly corresponds to the superseded section.

30.1-104 Jurisdiction

- A. This Code shall be effective throughout the Town of Berthoud’s municipal boundaries. The Town of Berthoud’s planning jurisdiction includes all land within the Town of Berthoud, and where applicable, the lands within three miles of the Town of Berthoud’s boundaries per C.R.S. §31-12-105(e) (I). For purposes of zoning and subdivision, this Code only applies to lands within the Town of Berthoud’s municipal boundaries.
- B. A copy of a map showing the boundaries of the Town of Berthoud and the area within the three-mile planning jurisdiction shall be available for public inspection in the Town of Berthoud’s offices.
- C. Except as specifically provided herein, this Chapter does not create rights in third parties as beneficiaries. It is intended to create an enforceable relationship between only the Town and the property owners or citizens to whom its provisions directly apply.

30.1-105 Purpose

- A. The purpose of this Code is to create a vital, cohesive, well-designed community in order to enhance the Town's character and further the citizens' vision, goals and objectives as identified in the Town of Berthoud Comprehensive Plan (Comprehensive Plan). This Code is designed to:
1. Encourage the most appropriate uses of land in the Town;
 2. Encourage innovative, quality site design, architecture and landscaping;
 3. Encourage new development to relate to the Town's historic development pattern;
 4. Promote compact, well-defined, sustainable neighborhoods that enhance the Town's character;
 5. Create livable neighborhoods that foster a sense of community and reduce dependency on private vehicles;
 6. Encourage the proper arrangement of streets in relation to existing and planned streets and ensure that streets facilitate safe, efficient and pleasant walking, biking and driving;
 7. Protect agricultural lands, sensitive natural and historic areas and the Town of Berthoud's environmental quality;
 8. Integrate a high quality natural environment into the developed portions of the community;
 9. Facilitate adequate and efficient provision of transportation, water, waste water treatment, schools, parks and other public requirements;
 10. Provide protection from geologic, flood and fire hazards and other dangers; and
 11. Promote the health, safety, morals and general welfare of Town of Berthoud and its residents.

30.1-106 Interpretation

The provisions of this Code shall be interpreted and applied as the minimum requirements for the promotion of the public health, safety and welfare. Whenever the requirements of this Chapter are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the more restrictive, or that imposing the higher standard, shall govern.

30.1-107 Applicability of Code

- A. The provisions of the Town of Berthoud Development Code shall apply to any and all development of land within the municipal boundaries of the Town unless expressly and specifically exempted or provided otherwise in this Code. No development shall be undertaken without prior and proper approval or authorization pursuant to the terms of this Code. All development shall comply with the applicable terms, conditions, requirements, standards and procedures established in this Code.
- B. Except as herein provided, no building, structure or land shall be used and no building or structure or part thereof shall be excavated, erected, constructed, reconstructed, altered, repaired, moved or structurally altered except in conformance with the regulations herein specified for the zone district in which it is located, nor shall a yard, lot or open space be reduced in dimensions or area to an amount less than the minimum requirements set forth herein.
- C. Whenever both the provisions of this Code and provisions of any other law cover the same subject matter, whichever is more restrictive shall govern.

- D. This Code establishes procedural and substantive rules for obtaining the necessary approval to develop land and construct buildings and structures. Development applications will be reviewed for compliance with the Town of Berthoud Comprehensive Plan and with adopted regulations, policies and other guidelines.

30.1-108 Relationship to existing ordinances and resolutions

All ordinances, resolutions or motions of the Town of Berthoud Board of Trustees or parts thereof in conflict with this Code are, to the extent of such conflict, hereby superseded and repealed, provided that no such repeal shall repeal the repealer clauses of such ordinance, resolution or motion, nor revive any ordinance, resolution or motion thereby. The adoption of this Code shall not adversely affect the Town of Berthoud’s right to seek remedies for any violation of previous ordinances that occurred while those ordinances were in effect.

30.1-109 Relationship to Comprehensive Plan

- A. It is the intention of the Town of Berthoud that this Code implements the planning policies adopted in the Comprehensive Plan for the Town and its extraterritorial planning area. While this relationship is reaffirmed, it is the intent of the Town of Berthoud that neither this Code nor any amendment to it may be challenged on the basis of any alleged nonconformity with the Comprehensive Plan.
 - 1. Requirement for Comprehensive Plan amendment. Where a development proposal is not in conformance with the Comprehensive Plan, an amendment to the Comprehensive Plan will be required prior to any zoning or subdivision approvals. Conformance exists when a development proposal matches the designations of the Preferred Land Use Plan.
 - 2. Criteria for evaluating amendment proposals. Amendments to the Comprehensive Plan resulting from development proposals under this Code shall be evaluated according to the criteria and procedure outlined in the Comprehensive Plan.

30.1-110 Effective Date

The provisions of this Code were originally adopted on March 27, 2012. Subsequent revisions to this Code are noted at the beginning of each Chapter with the relevant Ordinance number and effective date of change. Development plans approved under previous regulations that received vested property rights through a site specific development plan shall be valid for the duration of that vested property right provided that all terms and conditions of the site specific development plan are followed. Existing legal uses that may become nonconforming by adoption of this Code shall become legal nonconforming uses subject to the provisions of Chapter 30-3: Zoning.

30.1-111 Application fees

Application fees for all annexation, zoning and development applications shall be paid according to the Town of Berthoud fee schedule. The fee schedule may be revised by Board resolution and is available from the Town Clerk.

30.1-112 Development review & deposit reimbursement of Town costs

Fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters will be charged to applicants for permits, plat approvals, zoning or zoning amendments, site plans, annexations, plan approvals, sign permits, variances, administrative relief and all other applications provided herein. In addition to the standard fees, the applicant and/or the owner of the property which is the subject of the application shall be required to pay any actual costs and fees incurred by the Town for review of the application by consultants, including but not limited to engineering, surveying, legal and planning plus actual costs for Town staff administrative costs and supplies. The Town may require a deposit from

applicants to offset the Town's costs for review prior to consideration of any application submittal pursuant to this Code. Subsequent deposits may be required when the initial deposits are eighty-five percent depleted. These deposits may exceed the total amount of fees collected using the standard schedule of fees. The Town shall not continue processing of any application for which the applicant or the property owner has not deposited the funds to cover the Town's cost of review.

Any funds deposited in excess of the standard fees remaining after paying the actual costs incurred by the Town shall be refunded to the owner or applicant as appropriate. The Town may certify to the County Treasurer any amount due pursuant to this paragraph as a lien on the property for which the application is submitted to be due and payable with the real estate taxes for the Town if the applicant or the property owner does not pay such amount within thirty days of written request by the Town.

30.1-113 Severability

If any section, subsection, sentence, clause or phrase of this Code is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the Code.

30.1.114 Computation of Time

- A. In computing a period of days, the first day and the last day are included.
- B. If the last day of any period is a Saturday, Sunday, or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday or legal holiday.
- C. If a number of months is to be computed by counting the months from a particular day, the period ends on the same numerical day in the concluding month as the day of the month from which the computation is begun, unless there are not that many days in the concluding month, in which case the period ends on the last day of that month.

30.1-115 Miscellaneous

- A. As used in this Code, words used in the singular include the plural and words used in the plural include the singular.
- B. The words “must,” “shall” and “will” are mandatory; “may,” “can,” “should” and “might” are permissive.
- C. The word “lot” shall include the words “building site”, “site”, “plot” or “tract”.
- D. A “building” or “structure” includes any part thereof.
- E. Words used in the present tense include the future tense.

30.1.116 Definitions

- A. The words and phrases used in this Code shall have the meanings defined below unless otherwise specifically provided or unless clearly required by the context. Questions of definition or wording usage shall be interpreted by the Town Administrator based on the context of their usage and the intention of the section of this Code in which they occur.
 - 1. **Access drive** means a street or right-of-way providing ingress and egress to properties adjacent to a regional thoroughfare, arterial street, collector street, or local street.
 - 2. **Accessory building or structure** means a detached subordinate and smaller building which is:

- a. Integrally related to the principal use on the lot;
- b. Subordinate and clearly incidental to the principal building or use of the lot;
- c. Customarily incidental to the principal building or use of the lot;
- d. Located on the same lot as the principal building;
- e. Used only at the same time as the principal building is active and operational;
- f. Not detrimental or an alteration of the character of the area in which the building is located;
and
- g. Not used for living or sleeping quarters

An accessory building or structure shall include, but not be limited to, storage sheds and detached garages in residential and non-residential zoning districts. Microwave dishes, antennas and similar devices which have a surface area of six square feet or larger shall also be considered accessory structures and shall comply with requirements for accessory buildings and structures, including height and setback requirements of Section 3 of this Chapter.

- 3. **Accessory dwelling** means an apartment integrated within a single-family dwelling, or located in a detached accessory building, such as carriage houses or agricultural-type outbuildings, located on the same lot as a single-family dwelling. Accessory dwellings shall be limited to eight hundred fifty square feet in floor area. For purposes of calculating residential density, each accessory dwelling shall count as one-third of a dwelling unit. There shall not be more than one accessory dwelling located on a lot in addition to the principal single-family dwelling.
- 4. **Accessory use** means a use of land or structure incidental to or subordinate to the principal use of a lot which is:
 - a. Integrally related to the principal use on the lot;
 - b. Subordinate and clearly incidental to the principal use of the lot;
 - c. Customarily incidental to the principal use of the lot;
 - d. Located on the same lot as the principal use;
 - e. Used only at the same time as the principal use is active and operational; and
 - f. Not detrimental nor an alteration of the character of the area in which the use is located.
- 5. **Adjacent** means meeting or touching at some point, or separated from a lot or parcel by one of the following: a street, alley, or other right-of-way, lake, stream or open space.
- 6. **Adjacent property owner** means an owner of record of any estate, right or interest in real property abutting the subject property.
- 7. **Affordable housing development or project** means a development or project in which: (1) at least seventy-five percent of the gross acreage to be developed under the plan is to be developed as residential dwelling units or mobile home park spaces; (2) at least ten percent of said dwelling units or spaces (the “affordable housing units”) are to be available for rent or purchase on the terms described in the definitions of *affordable housing unit for rent* or *affordable housing unit for sale* (as applicable); (3) the construction of the dwelling units or spaces is to occur as part of the initial phase of the project and (i) prior to the construction of the market rate units or (ii) on a proportional

basis, according to the same ratio as the number of affordable units bears to the number of the market rate units; and (4) the units will be required by binding legal instrument acceptable to the Town and duly recorded with that County's Clerk and Recorder, to be occupied by and affordable to low-income households for at least twenty years.

8. **Affordable housing unit for rent** means a dwelling unit which is available for rent on terms that would be affordable to households earning eighty percent or less of the median income of that County's residents, as adjusted for family size, and paying less than thirty percent of their gross income for housing, including rent and utilities. The unit must be occupied by and be affordable to such low-income household(s) for a period of at least twenty years.
9. **Affordable housing unit for sale** means a dwelling unit which is available for purchase on terms that would be affordable to households earning eighty percent or less of the median income of Larimer or Weld County residents, as adjusted for family size and paying less than thirty-eight percent of their gross income for housing, including principal, interest, taxes, insurance, utilities and homeowners' association fees. The unit must be occupied by and affordable to such low-income household(s) for a period of at least twenty years or more.
10. **Agricultural activity** means farming, including plowing, tillage, cropping, seeding, cultivating or harvesting for the production of food and fiber products; horticulture, the grazing or raising of livestock (except in feedlots); aquaculture; sod production; orchards; Christmas tree plantations; nurseries; and the cultivation of products as part of a recognized commercial enterprise. Agricultural activity shall not include the cultivation of marijuana.
11. **Agricultural land** means land that is being used for agricultural activities.
12. **Alley** means a public or private minor or secondary way which is used primarily for vehicular service access to the back or side of properties that otherwise abut a street, as described in Section 30-2-105.
13. **Alteration** means any change, addition or modification in construction, occupancy or use.
14. **Alternative power generation facilities** means any use of land in which alternative energies are produced. Alternative energies are those energy sources that are an alternative to fossil fuels, including but not limited to: solar, wind, biofuel, and hydrogen.
15. **Amusement center** means an establishment providing primarily enclosed recreation activities including, but not limited to bowling, roller skating or ice skating, billiards, swimming pools, motion picture theaters, and related amusements. Accessory uses may include the preparation, serving and sale of food and/or sale or rental of equipment related to the uses.
16. **Amusement park** means an outdoor enterprise whose main purpose is to provide the general public with entertaining activity, where tickets are sold or fees collected at the activity. Commercial amusements include miniature golf courses, outdoor arcades, Ferris wheels, children's rides, roller coasters, skateboard parks, go-cart tracks, water parks and similar uses.
17. **Animal boarding** means the operation of an establishment in which domesticated animals other than household pets are housed, groomed, bred, boarded, trained or sold. This term shall not include the operation of a kennel.
18. **Animals, domestic** means common household pets, such as dogs and cats, kept for amusement, companionship, decoration or interest.
19. **Animals, food** means fish, fowl, cattle, swine, sheep and others raised for the purpose of food consumption.

20. **Animals, wild** means animals, such as wolves, tigers, lions and snakes that are not normally a domestic animal or farm animal and would ordinarily be confined in a zoo or found in the wild.
21. **Animated sign** means a sign having an intermittent or continuing variation in the illumination or physical position of any part of the device, except such variations necessary for displaying time-of-day information or temperature information.
22. **Annexation** means the act of attaching, adding, joining, or uniting a parcel of land to the legal entity known as the Town of Berthoud.
23. **Appeal** means a request by an applicant to the Board of Adjustment or Town Board for a review of an administrative interpretation of any provision of this Chapter or a request for a variance.
24. **Applicant** means the owner of land; the owner's authorized representative, or the optionee of the land, as well as mineral owners and lessees; or the Developer applying for an approval by the Town pursuant to this Chapter.
25. **Appurtenances** mean the visible, functional, or ornamental objects accessory to and part of a building.
26. **Aquifer recharge area** means an area where water is absorbed into a natural aquifer adding to the zone of saturation.
27. **Arcade** means a series of arches supported on piers or columns.
28. **Area light** means a light that produces over 2,050 lumens. Area lights include, but are not limited to, street lights, parking lot lights and yard lights.
29. **Area of lot** means the total horizontal area within the lot line boundaries of a lot.
30. **Area of special flood hazard** means the area covered by the floodwaters of the base flood, and are typically delineated on National Flood Insurance Program (NFIP) maps.
31. **Automatic timing device** means a device that automatically controls the operation of a light fixture or fixtures, circuit or circuits. Photocells and light and or motion sensors should be considered automatic-timing devices.
32. **Automotive repair, (major)** means an establishment primarily engaged in the repair or maintenance of commercial and heavy truck motor vehicles, trailers and similar large mechanical equipment, including paint, body and fender and major engine and engine part overhaul, provided it is conducted within a completely enclosed building. Such use shall not include the sale of fuel, gasoline or petroleum products.
33. **Automotive repair, (minor)** means an establishment primarily engaged in the repair or maintenance of passenger and light truck motor vehicles, trailers and similar mechanical equipment, including brake, muffler, upholstery work, tire repair and change, lubrication, tune ups and transmission work, car washing, detailing, polishing or the like, provided it is conducted within a completely enclosed building. Such use shall not include the sale of fuel, gasoline or petroleum products.
34. **Average footcandle** means the level of light measured at an average point of illumination between the brightest and darkest areas. The measurement can be made at the ground surface or at four to five feet above the ground.
35. **Awning** means a fixed or movable roof-like cover of canvas or other material extending in front of a doorway or window, or over a deck, to provide protection from the sun or rain.

36. **Awning sign** means a sign which is painted, stitched, sewn or stained onto the exterior of an awning.
37. **Banner** means any sign intended to be hung either with or without frames, possessing characters, letter, illustrations or ornamentations applied to paper, plastic, vinyl or fabric of any kind.
38. **Bar or tavern** means an establishment providing or dispensing fermented malt beverages, and/or malt, vinous or spirituous liquors and in which the sale of food products such as sandwiches or light snacks is secondary.
39. **Base flood** means the flood having a one percent chance of being equaled or exceeded in any given year, also known as the 100-year flood, and is a standard used by the National Flood Insurance Program (NFIP).
40. **Beacon, revolving** means a rotating or blinking source of light or electronic simulation of a revolving source of light.
41. **Bed and breakfast** means an establishment operated in a private residence or portion thereof, which provides temporary accommodations to overnight guests for a fee and which is occupied by the operator of such establishment.
42. **Berm** means an earthen barrier of compacted soils preventing the passage of liquid materials, or providing screening from adjacent uses.
43. **Bikeway** means a path designed for use by bicyclists, which may be used by pedestrians.
44. **Bike lane** means a dedicated lane of a street intended for use by bicycles.
45. **Billboard** means a sign advertising products not made, sold, used, or served on the premise displaying the sign.
46. **Blank wall** means an exterior building wall with no openings and a single material and uniform texture on a single wall plane.
47. **Block** means a unit of land, or a group of lots, bounded by streets or by a combination of streets and public lands, or other rights-of-way other than an alley, waterways or any barrier to the continuity of development, or land which is designated as a block on any recorded subdivision tract.
48. **Board** means the governing body of the Town of Berthoud; also known as the Town of Berthoud Board of Trustees.
49. **Board of Adjustment** means the Town of Berthoud Planning Commission acting as the Board of Adjustment.
50. **Boarding and rooming house** means a building or portion of which is used to accommodate, for compensation, four or more boarders or roomers, not including members of the occupant's immediate family who might be occupying such building. The word *compensation* shall include compensation in money, services or other things of value.
51. **Bollard** means a pole used to protect a building from impact or to close a road or path to vehicles above a certain width.

52. **Building** means any permanent or temporary structure built for the shelter or enclosure of persons, animals, chattels or property of any kind, which is governed by the following characteristics:
- a. Is permanently affixed to the land, or
 - b. Has one or more floors and a roof.
53. **Building code(s)** means the set of standards that must be followed in the construction and remodeling of buildings and structures.
54. **Building envelope** means the two dimensional (horizontal) space within which a building or structure is permitted to be built on a lot. The size of a building envelope is typically defined by setbacks, easements, and floor-area ratio.
55. **Building frontage** means the horizontal, linear dimension of that side of a building, which abuts a street, a parking area, a mall, or other circulation area open to the public and has either a main window display or a public entrance to the building.
56. **Building height** is measured from the average of finished grade at the center of all walls of the building to the top of the parapet or highest roof beam (whichever is higher) on a flat or shed roof, to the top of the parapet or deck level (whichever is higher) of a mansard roof, or the average distance between the highest ridge and its eave of a gable, hip, or gambrel roof.
57. **Building Official** means a person or persons charged with implementing and enforcing provisions of the Building Code.
58. **Bulb** means the source of electric light - to be distinguished from the whole assembly (See Luminaire).
59. **Business** means any lawful commercial endeavor to engage in the manufacturing, purchase, sale, lease or exchange of goods and/or the provision of services.
60. **CBT Unit** means a Unit of the Colorado Big Thompson Project. A CBT Unit shall be defined to have a firm yield of 0.6 acre feet.
61. **Caliper** means the American Association of Nurserymen standard for trunk measurement of nursery stock, as measured at six inches above the ground for trees up to and including four-inch caliper size, and as measured at twelve inches above the ground for larger sizes.
62. **Candela** (cd) means a unit of luminous intensity.
63. **Canopy** means an ornamental or functional roof-like structure which is supported from the façade of a building. It may or may not be supported by columns.
64. **Canopy sign** means a sign that is permanently affixed to a roofed shelter attached to and supported by a building, by columns extending from the ground or by a combination of a building and columns.
65. **Cantilever** means an architectural element which projects from a structure and is supported at only one end.
66. **Cash in lieu of water dedication** means a separate and distinct fee from water taps, as required in Section 30-1-105 hereof, which fee shall be utilized primarily to acquire water rights and necessary facilities for all beneficial uses within the Town. The Town shall issue a Certification of Water Dedication Credits for cash in lieu of water dedication payments for future development of the Town.

67. **Cash-in-lieu** (also known as “fee-in-lieu”) for all purposes except water dedication means that the applicant, at the discretion of Town staff with final approval by the Town Administrator, shall pay the Town money instead of dedicating land in those cases where such delivery or dedication is required.
68. **Cemetery** means land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including mausoleums and mortuaries when operated in conjunction with, and within the boundaries of, such cemetery.
69. **Center line** means a line running midway between the bounding right-of-way lines of a street or alley. Where the bounding lines are irregular, the center line shall be determined by the Town Planner or Town Engineer.
70. **Certificate of occupancy** means a certificate issued by the Town only for the benefit of the Town after final inspection and upon a finding that the building, structure, site and/or development complies with all provisions of the applicable Town codes, permits, requirements and approved plans.
71. **Change in use or Change in Land Use** means a change in the purpose or activity for which a particular piece of land or its buildings is designed, arranged or intended or for which it is occupied or maintained as provided in the zoning regulations for the zone district in which the land is located.
72. **Chapter** means Chapter 30 of the Berthoud Municipal Code, also referred to as the Berthoud Development Code, both also referred to as this Code.
73. **Character** means those attributes, qualities and features that make up and distinguish a building or development and give it a sense of purpose, function, definition and uniqueness.
74. **Child care center** shall have the same definition as C.R.S. §26-6-102 (1.5) in effect at the time of interpretation.
75. **Child care home** means a residential home providing care to no more than six children.
76. **Child care home, large** means a family child care home that provides care for seven to twelve children.
77. **Church or place of worship and assembly** means a building containing a hall, auditorium or other suitable room or rooms used for the purpose of conducting religious or other services or meetings of the occupants of such structure. Church or place of worship and assembly shall include churches, synagogues or the like, but shall not include buildings used for commercial endeavors, including, but not limited to, commercial motion picture houses or stage productions.
78. **Clerestory** means a portion of an interior rising above adjacent rooftops and having windows admitting daylight to the interior.
79. **Clinic** means a building designed and used for the diagnosis and treatment of human patients that does not include overnight care facilities.
80. **Clubs and lodges** means organizations of persons for special purposes or for the promulgation of sports, arts, literature, politics or other common goals, interests or activities, characterized by membership qualifications, dues or regular meetings, excluding clubs operated for profit and/or places of worship or assembly.

81. **Commercial mineral deposits** mean oil, gas, gravel and other natural deposits that may be extracted from a property for economic benefit.
82. **Common area** means an area of land and buildings within a residential development which is developed for the use and enjoyment of all residents of the project, as distinguished from land designated for their individual, private use.
83. **Common equestrian stabling and grazing** means shared pastures and/or common barns for horses in a conservation subdivision and which is owned and maintained by a homeowner's association.
84. **Community Design Standards** means the standards set forth in Chapter 30, Section 2: Design Standards.
85. **Community facility** means a publicly owned facility or office building which is primarily intended to serve the recreational, educational, cultural, and administrative or entertainment needs of the community as a whole.
86. **Community influence area (CIA)** means the area extending three miles or more beyond the Town's municipal boundaries, for which the Town may be statutorily required to undertake general land use planning activities.
87. **Compatibility** means the characteristics of different uses or activities or design which allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include height, scale, mass and bulk of structures. Other characteristics include pedestrian or vehicular traffic, circulation, access and parking impacts, landscaping, lighting, noise, odor and architecture. Compatibility does not mean "the same as." Rather, compatibility refers to the sensitivity of development proposals to nearby existing and proposed development.
88. **Comprehensive Plan** means the adopted Town of Berthoud Comprehensive Plan, as amended.
89. **Compressed gravel** means gravel that has ninety-five percent compaction at standard proctor densities at two percent \pm optimum moisture content.
90. **Condominium** means a single dwelling unit in a multiple unit structure or a commercial/industrial building which is separately owned and which may be combined with an undivided interest in the common areas and facilities of the property.
91. **Conservation easement** means a right to prohibit certain acts with respect to the property in order to maintain the property in a manner that will preserve its value for recreation, education, habitat, open space, or historical importance.
92. **Construction documents** means the written specifications and drawings showing the specific location and design of improvements to be installed for the subdivision or development project in accordance with all applicable requirements and land uses.
93. **Container** (also known as cargo or shipping container) means a truck trailer body or a shipping container that can be detached from the chassis for loading into a vessel, a rail car or stacked in a container depot. Containers may be ventilated, insulated, refrigerated, flat rack, vehicle rack, open top, bulk liquid or equipped with interior devices. Containers may not be permitted for permanent use as storage or building purposes without site plan and/or building permit approval.
94. **Convenience retail store** means a retail store containing less than 5,000 square feet of gross floor area which sells everyday goods and services which may include, without limitation, ready-to-eat food products, groceries, over-the-counter drugs and sundries.

95. **Convenience shopping center** means a shopping and service center located in a complex which is planned, developed and managed as a single unit, and located within and intended to primarily serve the consumer demands of adjacent employment areas and residences.
96. **Cooperative Planning Area (CPA)** means the broader region within which land use activities are deemed to potentially impact the Town. While the Town may not have land use jurisdiction over much of this area, it is considered to be an area of significant planning influence.
97. **Cornice** means a continuous, molded projection that crowns a wall or other construction, or divides it horizontally.
98. **Covenant** means a private written agreement outlining regulations specific to a development. It is not enforced by the Town. No covenant shall be construed to be a waiver or modification of a requirement of this Code.
99. **Critical feature of Flood Control System** Critical feature means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.
100. **Critical plant community** means vegetation which is essential to the conservation of threatened or endangered species and which may require special management considerations or protection.
101. **Crosswalk** means a designated area for pedestrians to cross a street or other right-of-way.
102. **Cul-de-sac** means a local street with only one outlet and having the other end for the reversal of traffic movement.
103. **Cultural assets** means buildings, locations and other features considered historically or socially significant to the community.
104. **Dedicated land** means land transferred to the Town by platting, title, deed or other legal method approved by the Town Attorney.
105. **Dedication** means any grant to a public entity by a landowner of a right to use that land for public purposes. It involves a transfer of property rights and an acceptance of the dedicated property by the appropriate public agency.
106. **Density (gross)** means the overall average number of dwelling units located in a development and calculated on a per-acre basis. Gross density is calculated by dividing the total number of residential units by the total acreage contained within a development.
107. **Density (net)** means the number of dwelling units located in a development divided by the developable area. Developable area includes the entire residential portion of the development, except land dedicated for public and private streets, detention ponds, third-party easements, rights-of-way, parks, open space, and other land areas open to the public.
108. **Design standards** mean the standards that set forth specific requirements for buildings and infrastructure.
109. **Detached structure** means any structure having no party wall or common wall with another structure. Bridges, tunnels and other similar means of connecting one structure to another shall not be considered to constitute a party wall or a common wall.
110. **Detention basin** means a man-made or natural water collection facility designed to collect surface and sub-surface water in order to impede its flow and to release the water into natural or manmade outlets at a rate that is not greater than the rate of flow prior to the development of the property.

111. Developer means any person, partnership, joint venture, limited liability company, association or corporation who participates as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale or lease of a development.

112. Development means the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into two or more parcels. When appropriate in context, development shall also mean the act of developing or the result of development.

a. Development shall also include:

- i. Any construction, placement, reconstruction, alteration of the size, or material change in the external appearance of a structure on land;
- ii. Any change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on a tract of land or a material increase in the intensity and impacts of the development;
- iii. Any alteration of a shore or bank of a river, stream, lake, pond, reservoir or wetland;
- iv. The commencement of drilling oil or gas wells, mining, stockpiling of fill materials, filling or excavation on a parcel of land;
- v. The demolition of a structure;
- vi. The clearing of land as an adjunct of construction;
- vii. The deposit of refuse, solid or liquid waste, or fill on a parcel of land;
- viii. The installation of landscaping within the public right-of-way, when installed in connection with the development of adjacent property;
- ix. The construction of a roadway through or adjoining an area that qualifies for protection as a wildlife or natural area; and
- x. Any manmade 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 located within the area of special flood hazard.

b. Development *shall not* include:

- i. Work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way;
- ii. Work by any public utility for the purpose of inspecting, repairing, renewing or constructing on established rights-of-way any mains, pipes, cables, utility tunnels, power lines, towers, poles, or other infrastructure. This exemption shall not include work by a public entity in constructing or enlarging mass transit or fixed guide way mass transit depots or terminals or any similar traffic-generating activity;
- iii. The maintenance, renewal, improvement, or alteration of any structure, if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure;

- iv. The use of any land for an agricultural activity;
 - v. A change in the ownership or form of ownership of any parcel or structure; or
 - vi. The creation or termination of rights of access, easements, covenants concerning development of land, or other rights in land.
113. **Development agreement** means an agreement by a developer with the Town which clearly establishes the developer's responsibility regarding project phasing, the provision of public and private facilities and improvements and any other mutually agreed to terms and requirements.
114. **Development plan** means the written and graphical documents that detail the provisions for development of a Planned Unit Development (PUD). These provisions may include, and need not be limited to, easements, covenants and restrictions relating to: use; location and bulk of buildings and other structures; intensity of use or density of development; utilities, private and public streets, ways, roads, pedestrians, areas, and parking facilities; common open space, and other public facilities.
115. **Developmental disability** means a disability that is manifested before the person reaches twenty-two years of age; constitutes a substantial handicap to the affected individual; and is attributable to mental retardation or related conditions which include cerebral palsy, epilepsy, autism or other neurological conditions when such conditions result in impairment of general intellectual functioning or adaptive behavior similar to that of a mentally retarded person.
116. **Distillery** means any establishment where spirituous liquors are manufactured. Distilleries may include a tasting room and retail sales where such manufactured liquors may be sold and consumed on-site. Distilleries are regulated and licensed in accordance with the Colorado Department of Revenue Liquor Enforcement Division.
117. **Dormer** means a projecting structure built out from a sloping roof, usually with a vertical window or vent.
118. **Downtown** means the central business district of the Town. The boundary of downtown may change as the Town grows.
119. **Drive aisle** means the lanes in a parking lot devoted to the passage of vehicles, as opposed to the parking stalls. The term drive aisle does not include lanes used only, or primarily for, drive-in customer service.
120. **Drive-through use** means an establishment which by design, physical facilities, service, product or packaging procedures encourages or permits customers to receive services, obtain goods or be entertained while remaining in their motor vehicles.
121. **Driveway** means a constructed vehicular access serving one or more properties and abutting a public or private road.
122. **Dwelling** means a building used primarily for residential occupancy, including single-family dwellings, two-family dwellings and multi-family dwellings. Dwellings may include home occupations as defined by this Code.
123. **Dwelling, multi-family** means a dwelling containing three or more dwelling units, not including hotels, motels, fraternity houses and sorority houses and similar group accommodations.
124. **Dwelling, single-family** means a building designed exclusively for occupancy by one family, but not including mobile homes, except as otherwise provided herein.

125. **Dwelling, single-family attached** means a residential building containing dwelling units, each of which primary ground floor has access to the outside and which are attached to each other by party walls without openings. The term is intended primarily for such dwelling types as townhouses and duplexes.
126. **Dwelling, single-family detached** means a single-family dwelling which is not attached to any other dwelling or building by any means, excluding mobile homes.
127. **Dwelling, two-family** means a building designed for occupancy by two families living independently of each other.
128. **Dwelling unit** means any building or a portion thereof which contains living facilities, including provisions for sleeping, eating, cooking, and sanitation, as required by the International Building Code or the International Residential Code, as locally amended.
129. **Easement** means a right generally established in a real estate deed or on a recorded plat to permit the use of land by the public, a corporation or particular persons for specified uses.
130. **Eave** means the overhanging lower edge of a roof.
131. **Eighty-five (85) degree full cut-off type fixtures** means fixtures that do not allow light to escape above an 85-degree angle measured from a vertical line from the center of the lamp extended to the ground.
132. **Elevation** means the external vertical plane of a building.
133. **Employment campus** means an area characterized by single and multi-tenant uses commonly including corporate headquarters, research and development facilities, laboratories, offices and light industrial uses.
134. **Engineer** means a professional engineer licensed by the State of Colorado.
135. **Entertainment facilities and theaters** mean a building or part of a building devoted to showing live performances.
136. **Environmentally sensitive areas** mean aquifer recharge areas, significant wildlife habitat and migration corridors, unique vegetation and critical plant communities, and ridge lines.
137. **Equipment (small) rental establishments without outdoor sales** means the display of equipment entirely within a building for sale or rent, and outdoor storage or display of equipment is not permitted. Equipment allowed through this definition are typically hand-operated, intended to be stored indoors, and geared to the general public and not the construction industry, such as ladders, blowers, mowers, saws, generators, etc.
138. **Equipment rental (heavy) establishments with outdoor sales** means the display of heavy equipment outside of a building for sale or rental purposes. Examples of such equipment includes, but is not limited to tractors, dozers, cranes, harvesters, etc.
139. **Exhaust pipe** means a pipe used to guide waste exhaust gases away from a controlled combustion inside an engine or stove.
140. **Exhaust vent** means a continuous open passageway from the flue collar or draft hood of the appliance to the outside atmosphere for the purpose of removing flue gases.

141. **Exotic animals** means all animals raised or boarded that are not commonly classified as household pets or livestock, but are wild in nature and may have the ability to inflict bodily harm on humans, including snakes in excess of four feet in length.
142. **Extension of water service** means any extension of the Town water service for which a tapping charge is assessed or any increase in Town water service resulting from a Change in Land Use.
143. **Exterior lighting** means temporary or permanent lighting that is installed, located or used in such a manner to cause light rays to shine outside. Fixtures that are installed indoors that are intended to light something outside are considered exterior lighting.
144. **Façade** means the elevation or exterior face of a building.
145. **Family** means an individual living alone, or either of the following groups living together as a single housekeeping unit and sharing common living, sleeping, cooking and eating facilities:
- a. Any number of persons related by blood, marriage, adoption, guardianship or other duly authorized custodial relationship; or
 - b. Any unrelated group of persons consisting of:
 - i. Not more than three persons; or
 - ii. Not more than two unrelated adults and their children, if any; or
 - iii. Not more than eight developmentally disabled persons and appropriate staff occupying a dwelling unit and living as a single, housekeeping unit; or
 - c. Not more than one (1) individual related by blood, marriage or adoption who is required to register as a sexual offender under the provisions of Colorado law.
146. **Farm animals** means animals commonly raised or kept in an agricultural, rather than urban, environment including but not limited to, chickens, pigs, sheep, goats, horses, cattle, llamas, emus, ostriches, donkeys and mules.
147. **Feedlot** means any tract of land or structure, pen or corral, wherein cattle, sheep, goats, emus, ostriches or swine are maintained in close quarters for the purpose of raising such livestock.
148. **FEMA** means Federal Emergency Management Agency.
149. **Fence** means any structure that is comprised of posts, boards, wire, stakes, rails or any combination of similar elements that provides a physical barrier, enclosure or boundary.
150. **Fence sign** means a sign affixed in any way to or painted on any part of a fence.
151. **FHA** means Federal Housing Administration.
152. **Final acceptance** means the acknowledgement by the Town that the guaranty or warranty period for public improvements has expired and there are no outstanding items to be corrected under the provisions of the guaranty or warranty.
153. **Final Development Plan (FDP)** means a development review process under previous versions of the Land Development Code.
154. **Final plat** means a completed map of a subdivision setting forth fully and accurately all legal information, survey certification and any accompanying materials as required by this Code.

155. **Fixture** means the assembly that holds the lamp in a lighting system. It includes the elements designed to give light output control; such as a reflector (mirror) or refractor (lens), the ballast, housing, and the attachment parts.
156. **Flood or flooding** means a temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters or the unusual and rapid accumulation of runoff or surface waters from any source.
157. **Floodplain or flood hazard area** means areas which have been designated by the Board, the Colorado Water Conservation Board or FEMA as susceptible to flooding.
158. **Floodprone** means areas subject to flooding which have not been designated as a floodplain or flood hazard area by the Board, the Colorado Water Conservancy Board or FEMA.
159. **Floodway** means the channel of a river or other watercourse 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 0.5 foot.
160. **Flood Insurance Rate Map (FIRM)** means the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
161. **Flood Insurance Study** means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.
162. **Flood light** means light that produces up to 1,800 lumens and is designed to "flood" a well-defined area with light. Generally, floodlights produce from 1,000 to 1,800 lumens.
163. **Floor area**, also called **gross floor area**, means the total square footage of the building measured along the outside walls of the building and including each floor level, but not including open balconies, garages or other enclosed automobile parking areas and basement storage areas, and not including one-half of all storage and display areas for durable goods.
164. **Floor Area Ratio (FAR)** means the amount of gross floor area of all principal buildings on a lot or block, as the case may be, divided by the total area of such lot, or the block size, respectively, on which such buildings are located. For mixed-use blocks, the residential square footage shall be added to the commercial development for a total block FAR.
165. **Flow line** means the low point within a street section wherein water collects and flows, typically the gutters along each edge of the pavement.
166. **Footprint**, also called **ground level footprint**, means the outline of a building's perimeter at ground level.
167. **Foot-candle** means the illumination produced on a surface one foot from a uniform point source of one candela. Foot candles will be measured by a light meter.
168. **Foster care home** shall have the same meaning as §26-6-102(4.5) of the Colorado Revised Statutes applicable at the time of interpretation.
169. **Freestanding sign** means a sign which is supported by one or more columns, uprights, poles or braces extended from the ground, or which is erected on the ground and shall also include a monument sign and pole signs but does not include a sign attached to a structure.

170. **Frontage** means the length of property along one side of a street between property or lease boundary lines.
171. **Full cutoff fixture** means a fixture which, as installed, gives no emission of light above a horizontal plane.
172. **Functional open space** means open space which is large enough to serve a practical purpose such as recreation, wildlife habitat or preservation of areas of agricultural, archeological or historical significance and shall exclude areas used for off-street parking, off-street loading, service driveways and setbacks from oil and gas wells or their appurtenances, or other hazards to the public.
173. **Funeral home** means a building used for the preparation of deceased persons for burial or cremation, for the display of deceased persons and/or for ceremonies or services related thereto, including cremation and the storage of caskets, funeral urns, funeral vehicles and other funeral supplies.
174. **Gable** means the triangular portion of wall enclosing the end of a pitched roof from cornice or eaves to ridge.
175. **Garage** means a building or part of a building wherein motor vehicles are housed or stored.
176. **Gasoline station** means any building, land area, premises or portion thereof, where gasoline or other petroleum products or fuels are sold and in which light maintenance activities such as engine tune-ups, lubrication and minor repairs may be conducted. Gasoline stations shall not include premises where heavy automobile maintenance activities such as engine overhaul, automobile painting and body and fender work are conducted.
177. **Geologic hazards** mean unstable or potentially unstable slopes, undermining, faulting, landslides, rock falls, flood, wildfire or similar naturally occurring dangerous features or soil conditions or natural features unfavorable to development.
178. **Glare** means intense light that results in discomfort and/or a reduction of visual performance and visibility.
179. **Grade** means the degree of rise or descent of a sloping surface.
180. **Grade, finished** means the final elevation of the ground surface after development.
181. **Grade, natural** means the elevation of the ground surface in its natural state, before man-made alterations.
182. **Grocery store, large** means a retail establishment which primarily sells food, but also may sell other convenience and household goods, and which occupies a space greater than twenty-five thousand square feet. The term large grocery store is synonymous with supermarket.
183. **Grocery store, small** means a retail establishment primarily selling food, as well as other convenience and household goods, which occupies a space of not more than twenty-five thousand square feet.
184. **Gross square footage (GSF)** means the total floor area designed for occupancy and use, including basements, mezzanines, stairways and upper floors, if any, expressed in square feet and measured from the centerline of joint partitions and from outside wall faces.
185. **Group home, developmentally disabled** means a group home, licensed by the state, for the exclusive use of not more than eight developmentally disabled persons and the appropriate staff.

186. **Group home, elderly** means an owner-occupied or nonprofit group home for the exclusive use of not more than eight persons sixty years of age or older and the appropriate staff.
- a. “*Nonprofit group home*” means a group home for the elderly which is owned and operated by a person or organization as provided by 31-23-303, C.R.S., 1973.
 - b. “*Owner-occupied group home*” means a group home for the elderly which is owned and operated by an individual or individuals who actually reside at and maintain their primary place of residence in the group home.
187. **Group home, mentally ill** means a group home, licensed by the state, for the exclusive use of not more than eight mentally ill persons and the appropriate staff.
188. **Growth Management Area (GMA)** means the existing incorporated area of the Town as well as additional areas outside of the current Town limits determined to be feasible for development at greater than county densities within the next twenty years.
189. **Guaranty** means any form of security in an appropriate amount and form satisfactory to the Town. “Guaranty” shall cover construction performance and warranty term provisions.
190. **Guest house** means an accessory structure which is physically detached from a single-family dwelling unit, is serviced through the same utility meters or connections as the principal use, and is intended for temporary occupancy by visitors to the family residing in the single-family dwelling.
191. **Health club** means a facility that provides physical fitness services and/or equipment to its members.
192. **Highway, corridor** means the area within and adjacent to the rights-of-way of Colorado Highway 56, Colorado Highway 287 and Interstate 25.
193. **High intensity activity node** means a land use that caters to the needs of local residents and visitors alike and may contain a wide palette of uses that include commercial, office, residential, civic and transit amenities.
194. **Hip roof** means a roof having sloping ends and sides meeting at an inclined projecting angle.
195. **Historic district** means an area related by historical events or themes by visual continuity or character or by some other special feature that helps give it a unique historical identity. Such area may be designated a historic district by local, state, or federal government and given official status and protection.
196. **Historic site** means a structure or place of historical significance. Such structure or place may be designated a historic site by local, state, or federal government and given official status.
197. **Holiday lighting** means festoon type lights, limited to small individual bulbs on a string, where the output per bulb is no greater than 15 lumens.
198. **Home occupation** means an occupation or business activity conducted by the resident which results in a product or service and which is actively conducted by a person on the same lot on which the person resides.
199. **Homeowners association** means the association set up to enforce the covenants and to maintain all common areas and buildings for a development. Also known as an “Owners Association.”
200. **Horticulture** means the growing of turf, fruits, vegetables, herbs, flowers or ornamental plants.

201. **Hospital** means an institution providing health services for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training and central services facilities and staff offices.
202. **Hotel/motel/lodging establishment** means a building intended and used for occupancy as a temporary abode for individuals who are lodged with or without meals, in which there are twelve or more guest rooms.
203. **Household pet** means any animal that has been bred or raised to live in or about the habitation of humans and is dependent on people for food and shelter, not including animals defined as livestock, exotic animals or animals capable of inflicting substantial physical harm to humans. Includes dogs, domestic cats, canaries, parrots, pygmy goats, hamsters, ferrets, potbellied pigs, guinea pigs and similar rodents, fish, reptiles, rabbits and such other species as would normally be sold at a pet shop.
204. **Human scale (pedestrian scale)** means the proportional relationship between the dimensions of a building or building element, street, outdoor space or streetscape element and the average dimensions of the human body, taking into account the perceptions and walking speed of a typical pedestrian.
205. **I-25 corridor/Hwy. 56 gateways** means the land near this intersection that may include bridge enhancements, entrance monumentation and special landscape treatments designed to announce entrance into the community.
206. **Illuminance** means the amount of light that covers a surface, measured by foot-candle or lux.
207. **Illuminating device** means the following:
1. Light fixture types
 - a. Full cutoff fixture types- A fixture which, as installed, gives no emission of light above a horizontal plane.
 - b. Floodlights and spotlights - Fixtures defined as having a full beam width or beam spread of less than 110 degrees.
 2. Lamp types
 - a. Incandescent lamps - Lamps which produce light via an electrically heated metallic filament.
 - b. Fluorescent lamps - Lamps that use fluorescence of a phosphor to produce visible light.
208. **High intensity discharge (HID) lamps** mean lamps, which produce visible light directly by the electrical heating or excitation of a gas. Examples of such lighting include, but are not limited to, Metal Halide, High Pressure Sodium, Low Pressure Sodium and Mercury Vapor. Fluorescent lights are not considered HID lighting.
209. **Illumination, concealed** means an artificial light source either internal to a sign structure or shielded from public view and from the surrounding properties used to illuminate only the face of a sign and not any area beyond the face.
210. **Illumination, direct** means lighting by means of an unshielded light source (including neon tubing) which is effectively visible as a part of the sign, where light travels directly from the source to the viewer's eye.

211. **Illumination, indirect** means lighting by means of a light source directed at a reflecting surface in a way that illuminates the sign from the front, or a light source that is primarily designed to illuminate the entire building facade upon which a sign is displayed. Indirect illumination does not include lighting which is primarily used for purposes other than sign illumination; e.g., parking lot lights, or lights inside a building that may silhouette a window sign but are primarily installed to serve as inside illumination.
212. **Illumination, internal** means lighting by means of a light source that is within a sign having a translucent background, silhouetting opaque letters or designs, or which is within letters or designs that are made of a translucent material.
213. **Industrial, Heavy** means uses engaged in the processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous conditions. Heavy industrial also means those uses engaged in the cleaning of equipment or work processes involving solvents, solid waste or sanitary waste transfer stations, recycling establishments, truck terminals, public works yards, and container storage.
214. **Industrial, light** means uses engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales or distribution of products, provided all manufacturing activities are contained entirely within a building and noise, odor, smoke, heat, glare and vibration resulting from the manufacturing activity are contained entirely within the building. Light industrial shall also mean uses such as the manufacture of electronic instruments, preparation of food products, pharmaceutical manufacturing, research and scientific laboratories or the like. Light industrial shall not include uses such as mining and extracting industries, petrochemical industries, rubber refining, and primary metal or related industries.
215. **Informational sign** means a noncommercial sign the sole purpose of which is to convey information or directions with respect to the premises on which it is maintained.
216. **Infrastructure** means those man-made structures which serve the common needs of the population, such as: potable water systems; wastewater disposal systems; solid waste disposal sites or retention areas; storm drainage systems; electric, gas or other utilities; bridges; roadways; bicycle paths or trails; pedestrian sidewalks, paths or trails; and transit stops.
217. **Initial acceptance** means an acknowledgment by the Town that to the best of the Town's knowledge, all work has been completed in accordance with the plans and specifications.
218. **Inn** means a building intended and used for occupancy as a temporary abode for individuals who are lodged with or without meals, in which there are less than twelve guest rooms. **Integrate** means to combine or coordinate separate elements (such as housing, recreation, jobs, and shopping) to provide a harmonious, interrelated whole; organized or structured so that constituent parts function cooperatively.
219. **Intra-neighborhood connections** mean connections (such as trails and roads) within the same neighborhood.
220. **Inter-neighborhood connections** mean connections (such as trails and roads) between neighborhoods.
221. **Irrigation ditch or canal** means a channel designed to transport irrigation water.

222. **Junk** means scrap brass, iron, lead, tin, zinc; all other scrap metals and the alloys; bones; rags; used cloth, rope, rubber, tinfoil, bottles; old or used machinery of any type; used tools; used appliances; used lumber or crates; building materials; industrial equipment, fabrication of any material; used pipe or pipe fittings; used conduit or conduit fittings; used automobile parts; derelict vehicles, farm and heavy equipment construction vehicles; used tires and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition.
223. **Junkyard** means a building, structure or parcel of land, or portion thereof, used for collecting, displaying, storing, selling or reselling junk. Junkyards shall not include a recycling facility.
224. **Kennel** means a facility licensed to house dogs, cats or other household pets and/or where grooming, breeding, boarding or training or selling of animals is conducted as business.
225. **Laboratory and/or research facility** means a facility primarily engaged in scientific research, analysis, production, and/or experimentation of a product.
226. **Lamp or bulb** means the light-producing source installed in the socket portion of a luminaire.
227. **Landowner** means any owner of a legal or equitable interest in real property, and includes the heirs, successors, and assigns of such ownership interests.
228. **Landscaping** means any combination of living plants such as trees, shrubs, plants, vegetative ground cover or turf grasses, and may include structural features such as walkways, fences, benches, works of art, reflective pools or fountains. Landscaping shall also include irrigation systems, mulches, topsoil and soil preparation, re-vegetation and the preservation, protection and replacement of existing trees.
229. **Land improvements** means physical changes made to land and/or structure placed on or under the land surface in order to change the natural or preexisting conditions of the land.
230. **Lane** means a private street, portion of a roadway delineated for a single line of vehicles; or a secondary means of access to the lots abutting a street and not intended for general traffic circulation.
231. **Laundry and dry-cleaning retail outlet** means a laundry or dry-cleaning business which consists primarily of serving retail customers, provided that any laundry and dry-cleaning processing that occurs on the premises is limited to items which are brought directly to the premises by the retail customer.
232. **Legal building site** means a lot that can be developed within the provisions of this Code and within other rules and regulations adopted by the Town.
233. **Levee** means a manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.
234. **Levee system** means a flood protection system which consists of a levee or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.
235. **Light pollution** means any adverse effect of manmade light including, but not limited to, light trespass, up-lighting, the uncomfortable distraction to the eye, or any man made light that diminishes the ability to view the night sky. Often used to denote urban sky glow.

236. **Light trespass** means any light emitted by a luminaire falls where it is not wanted or needed or shines beyond the property on which the luminaire is installed.
237. **Lighting** means any or all parts of a luminaire that function to produce light.
238. **Lighting, indirect** when applied to the lighting of signs, shall mean reflected light only from a concealed light source outside the sign face which reflects from the sign face only or from the sign face and sign copy.
239. **Limited indoor recreation facility** means a place where recreation activities occur completely within an enclosed structure including but not limited to bowling alleys, skating rinks, pool halls, and video and pinball parlors.
240. **Limited outdoor recreation facility** means a place with outdoor activities including but not limited to miniature golf, batting cages, water slides, skateboard parks, driving ranges, and go-cart tracks.
241. **Livestock** means cows, horses, swine, goats, donkeys, mules, sheep or chickens.
242. **Long-term care facility** means any of the following:
- a. **Convalescent center** means a health care institution that is planned, organized, operated and maintained to offer facilities and services to inpatients requiring restorative care and treatment and that is either an integral patient care unit of a general hospital or a facility physically separated from, but maintaining an affiliation with, all services in a general hospital.
 - b. **Nursing care facility** means a health care institution planned, organized, operated and maintained to provide facilities and health services with related social care to inpatients that require regular medical care and twenty-four hours per day nursing services for illness, injury or disability. Each patient shall be under the care of a physician licensed to practice medicine in the State of Colorado. The nursing services shall be organized and maintained to provide twenty-four hours per day nursing services under the direction of a registered professional nurse employed full time.
 - c. **Intermediate health care facility** means a health-related institution planned, organized, operated and maintained to provide facilities and services which are supportive, restorative or preventive in nature, with related social care, to individuals who because of a physical or mental condition, or both, require care in an institutional environment but who do not have an illness, injury or disability for which regular medical care and twenty-four hours per day nursing services are required.
243. **Lot** means a designated parcel, tract or area of land established by plat or subdivision of at least a sufficient size to meet minimum requirements for use, street frontage coverage and area, and to provide required yards and other open spaces in the zoning district in which the lot is located, and which has direct access onto a public or private street.
244. **Lot, corner** means a lot or parcel of land abutting upon two or more streets at their intersection, or upon two parts of the same street forming an interior angle of less than 135 degrees. All corner lots shall have one front yard, one back or rear yard and two side yards. The Town Planner and Building Official shall designate these yards and will base their decision on the orientation of the structure on the lot and the street to which the structure is addressed to.
245. **Lot depth** means the average distance between the front lot line and the rear lot line.

246. **Lot, flag** means a lot so shaped and designed that the main building site area is set back from the street on which it fronts and includes a narrow access strip connecting the main building site with the frontage street.
247. **Lot line, front** means the property line dividing a lot from a street. On a corner lot only one street line shall be considered as a front line, and the shorter street frontage shall be considered the front line.
248. **Lot line, rear** means the line opposite the front lot line.
249. **Lot, reverse corner** means a corner lot having its side street line substantially a continuation of the front lot line of the first lot to its rear.
250. **Lot line, side** means any lot lines other than the front lot line or rear lot line.
251. **Lot size** means the total horizontal area within the lot lines of a lot; synonymous with area of lot.
252. **Lot width** means the distance parallel to the front lot line, measured at the front building setback line. Lot width on a curving front lot line means the distance parallel to the tangent of the front lot line at the building setback line. The lot width and the lot frontage may have different lengths on an irregularly shaped lot as they are measured at different points on the lot.
253. **Lowest floor** means the lowest floor of the lowest enclosed area (including basement). 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 non-elevation design requirements of this Chapter.
254. **Lumen** means a unit of luminous flux; the flux emitted within a unit solid angle by a point source with a uniform luminous intensity of one candela. One foot-candle is one lumen per square foot. One lux is one lumen per square meter.
255. **Luminaire** means the complete lighting unit, including the lamp, the fixture, and other parts.
256. **Luminance** means at a point and in a given direction, the luminous intensity in the given direction produced by an element of the surface surrounding the point divided by the area of the projection of the element on a plane perpendicular to the given direction. Units: candelas per unit area. The luminance is the perceived brightness that can be seen, the visual effect of the illuminance, reflected, emitted or transmitted from a surface.
257. **Machine shop** means a workshop where power-driven tools are used for making, finishing, or repairing machines or machine parts.
258. **Management Agency** means the agency in charge of the “208 Water Quality Plan” in the Berthoud area.
259. **Manager** means the Town Manager or Administrator of the Town of Berthoud.
260. **Manufactured home** means a single-family dwelling which:
- a. Is partially or entirely manufactured in a factory;
 - b. Is at least twenty-four feet wide and thirty-six feet long;
 - c. Is permanently affixed to and installed on an engineered permanent foundation at the entire perimeter of the dwelling.

- d. Has a pitched or cosmetically equivalent roof of at least 4/12 pitch, and brick, or cosmetically equivalent wood exterior siding; and
- e. Is certified pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974", 42 U.S.C. 5401, et seq., as amended.

261. **Manufacturing** means a business which makes products by hand or by machinery.
262. **Massing** means the distribution of the volume of a structure or landscape and the visual weight relationships of the various forms of a structure or landscape to one another and to the structure or landscaping as a whole.
263. **Master plan** means a development plan that shows how an entire site is proposed for development in a general fashion including a delineation of proposed construction phases.
264. **Mean sea level** means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.
265. **Measurement of luminance** means a lamp output with the following characteristics:
- a. Total output: Measurement of total output is in lumens. This should be understood to be the initial lumen value for the lamp.
 - b. Illuminance: Measurements of illuminance are expressed in initial lumens per square foot. (A desktop illuminance of twenty initial lumens per square foot is adequate for most purposes.)
 - c. In measuring illuminance, the light detector or meter should be pointed directly at the light source or sources. The intervening light path should be free of obstruction.
266. **Median** means an area in the approximate center of a street or highway which is used to separate the directional flow of traffic.
267. **Medical and dental office or clinic** means an establishment operated by one or more duly licensed members of the human health care professions including, but not limited to, physicians, dentists, chiropractors, psychiatrists and osteopaths, where patients are not lodged overnight but are admitted for outpatient examination and/or treatment.
268. **Medical marijuana center** means a person licensed pursuant to C.R.S. Title 12, Article 43.3, to operate a business as described in C.R.S. 12-43.3-402 that sells medical marijuana to registered patients or primary caregivers as defined in section 14 of article XVIII of the state constitution, but is not a primary caregiver.
269. **Medical marijuana-infused products manufacturer** means a person licensed pursuant to C.R.S. Title 12, Article 43.3 to operate a business as described in C.R.S. 12-43.3-404.
270. **Medical Marijuana Optional premises cultivation operation** means a person licensed pursuant to C.R.S. Title 12, Article 43.3 to operate a business as described in C.R.S. 12-43.3-403.
271. **Meeting place and place for public assembly** means a hall, auditorium or other suitable room or rooms used for the purpose of conducting meetings of the membership and guests of the owner of such structure. The same shall not include commercial endeavors such as commercial movie picture houses, stage productions or the like.

272. **Micro-brewery** means any establishment that manufactures malt liquors or fermented malt beverages on-site, including the sale and consumption of such beverages on-site. Micro-brewery can also mean brew pub, where food is permitted to be served for consumption on-site. Breweries and brew pubs are regulated and licensed in accordance with the Colorado Department of Revenue Liquor Enforcement Division.
273. **Mini-storage warehouse** means a building or a group of buildings containing separate, individual self-storage units divided from the floor to ceiling by walls, each with an independent entrance from the exterior of the building and that are designed to be rented or leased on a short-term basis to the general public for private storage of personal goods, materials and equipment.
274. **Mixed use** shall mean the development of a lot tract or parcel of land, building or structure with two or more different uses including but not limited to residential, office, retail, public uses, personal service or entertainment uses, designed, planned and constructed as a unit.
275. **Mixed use building** means a building designed, planned and constructed as a unit, used partially for residential use and partly for commercial uses including, but not limited to, office, retail, public uses, personal service or entertainment uses.
276. **Mixed use dwelling unit** means the dwelling unit in a mixed use building. For purposes of calculating residential density, each dwelling unit shall count as one-half dwelling unit.
277. **Mobile home** means a unit partially or entirely manufactured in a factory, built on a permanent chassis, and which is designed to be transported on streets to the place where it is to be occupied as a dwelling unit, is at least eight feet wide and thirty-two feet long; and is designed to be used as a dwelling without permanent foundation when connected to required utilities. A mobile home does not include a factory built home, manufactured home, or a recreational vehicle (RV).
278. **Model home** means a dwelling temporarily used as a sales office or demonstration home for a residential development under construction, said dwelling being used as an example of a product offered for sale to purchasers (by a realtor, building developer or contractor). The dwelling may be furnished but not occupied as a residence while being used as a “model home.”
279. **Model plans** means a set of standard plans for a home.
280. **Modified grid pattern** means a grid pattern of streets and blocks adapted to the topography, unique natural features, environmental constraints, and peripheral open space areas.
281. **Mullion** means a slender vertical member dividing the opening for a pair of double doors, sometimes removable to permit the passage of large objects, or also, a vertical member between the lights of a window.
282. **Municipality** means an incorporated city or town.
283. **Muntin** means a strip of wood or metal that separates and holds panes of glass in a window.
284. **Native Seed Area** means an area that is planted using broadcast native or drought-tolerant seed mix, resulting in a drought-tolerant turf. These areas have a water dedication requirement of 0.8 acre-feet per acre.
285. **Natural Area** means an area that (a) is appropriately vegetated and free of weeds; (b) is capable of maintaining the existing vegetation without irrigation; (c) has been dedicated to and accepted by the Town; and (d) is a wetland under the criteria in the Wetlands Delineation Manual utilized by the U.S. Army Corps of Engineers and U.S. Environmental Protection Agency in effect at the time of dedication to the Town. All Natural Areas shall be encumbered by a conservation easement.

Natural Areas do not require any irrigation. In order to qualify as a Natural Area, the Developer must pay the Town's fees and expenses incurred in determining whether the area is a wetland and appropriately vegetated, and the Natural Area must be accepted by the Town at the Town's sole discretion by and through the Town Administrator.

286. **Natural preserve/open lands** means areas identified on the Town Comprehensive Plan Preferred Land Use map or related maps including but not limited to: parks, bodies of water, the Hwy. 287 buffer area, trail corridors, conservation easements, irrigation ditches, floodplains and flood ways, natural drainage and water ways, significant native trees and vegetation, wildlife travel corridors, special habitat features, remnant native prairie habitat, plains cottonwood galleries, and any wetland greater than one-quarter acre in size.
287. **Neighborhood** means a geographical area, the focus of which are residential uses, but also may include a mixture of activities that people need to live. A neighborhood may include a diversity of housing types, schools, parks, shopping and jobs (frequently service-type), and civic buildings.
288. **Neighborhood commercial center** means a shopping center which contains businesses that are intended to provide goods and services to the immediate neighborhood (within a one-quarter mile radius).
289. **New construction** means structures for which the start of construction or remodeling commenced on or after the effective date of this Code.
290. **Nightclub** means a bar or tavern containing more than one hundred square feet of dance floor area.
291. **Noncommercial sign** means a sign that does not commercially advertise and which references any noncommercial activity or event.
292. **Nonconforming building** means a building or structure, or portion thereof, that does not conform to the regulations of this Code, but that was lawfully constructed under the regulations in force at the time of construction.
293. **Nonconforming sign** means a sign which does not conform to the regulations within this Code but was lawfully erected under the regulations in force at the time it was erected.
294. **Nonconforming use** means a use that does not conform to the use regulations of this Code, but that was lawfully established under the regulations in force at the time the use was established and has been in regular use since that time.
295. **Noxious weeds** means plants that are determined by the State of Colorado, Larimer or Weld County, or the Town as a noxious weed or an alien plant that is aggressively invasive including but not limited to Leafy Spurge, Russian Knapweed, Spotted Knapweed, Diffuse Knapweed, Canada Thistle, Musk Thistle, Field Bindweed, Volunteer Rye, and Jointed Goatgrass.
296. **Nursing facility** means a facility, or a distinct part of a facility, which meets the state nursing home licensing standards, is maintained primarily for the care and treatment of inpatients under the direction of a physician, and meets the requirements in federal regulations for certification as a qualified provider of nursing facility services. "Nursing facility" includes private, nonprofit, or proprietary intermediate nursing facilities for the mentally retarded or developmentally disabled.
297. **Off-site improvement** means any improvement on property wholly or partly located outside the area of the property being subdivided, whether or not in the same ownership of the entity doing the subdivision.
298. **Oil and gas operation** means any structure, facility or activity which is constructed on or disturbs land in association with oil or gas drilling, production or waste treatment and disposal, including

but not necessarily limited to wells, tanks or tank batteries, pits, access roads for ingress and egress and pipelines.

299. **Oil or gas well** means a well that produces oil or gas.
300. **Open space** means any land or water area with its surface open to the sky, which serves specific uses of providing park and recreation opportunities, conserving natural areas and environmental resources and protecting areas of agricultural, archeological or historical significance. Open space shall not be considered synonymous with vacant or unused land. Usable open space shall exclude areas used for off-street parking, off-street loading, service driveways, setbacks from oil and gas wells and their appurtenances, or other hazards to the public, native open areas on steep slopes, floodways, or easements for utilities.
301. **Open space, common** means a parcel of land, an area of water, or a combination of land and water within a development designed and intended primarily for the use or enjoyment of residents, occupants and owners of that development.
302. **Open space, public** means an open space area conveyed or otherwise dedicated to the Town for public recreational or conservation uses. Public opens spaces are to be unencumbered by oil and gas wells, their appurtenances or other hazards to the public.
303. **Open Water** means a body of water, such as a pond or reservoir, whether existing or created and whether for purposes of water storage, aesthetic, or recreation, that has an adequate physical and legal water supply to maintain the open water condition year round, and that has been accepted by the Town for Open Water land use.
304. **Outdoor light fixture** means when an outdoor illuminating device, outdoor lighting or reflective surface, luminous tube, lamp or similar device, permanently installed or portable, used for illumination, decoration, or advertisement. Such devices include, but are not limited to, lights used for:
- a. parking lot lighting;
 - b. roadway lighting;
 - c. buildings and structures;
 - d. recreational areas;
 - e. landscape lighting;
 - f. billboards and other signs (advertising or other);
 - g. product display area lighting;
 - h. building or structure decoration; or
 - i. building overhangs and open canopies.
305. **Outdoor storage** means the keeping, in an unenclosed area, of any equipment, goods, junk, material, merchandise or vehicles, including boats, RV's and trailers, in the same place for more than twenty-four hours. Containers may not be permitted for use as permanent storage or building purposes without site plan and/or building permit approval.

306. **Outlot** means a measured piece of land contained within subdivided land that is not a building lot. An outlot may be conveyed to the public for open space or other public purposes, be retained by the developer for merger with a later subdivision, or be conveyed to an owner's association.
307. **Overall Development Plan (ODP)** means a development plan that shows how an entire site is proposed for development and which may be processed as a Planned Unit Development in accordance with the previous Land Development Code.
308. **Owner** means any person who alone, jointly or severally with others, or as an agent, trustee, executor or other representative capacity, has legal or equitable title to any property.
309. **Parapet** means a low, protective wall at the edge of a terrace, balcony or roof, especially that part of an exterior wall, fire wall, or party wall that rises above the roof.
310. **Parcel** means a tract or plot of land.
311. **Park** means an area open to the general public and reserved and usable for recreational, educational or scenic purposes.
312. **Park, pocket** means an approximately one-half acre park including playground equipment that is developed, owned and maintained by persons other than the Town of Berthoud.
313. **Parking area (off-street)** means all off-street areas and spaces designed, used, required or intended to be used for the parking, storage, maintenance, service, repair, display or operation of motor vehicles, including driveways or access ways in and to such areas, but not including any outdoor storage area used principally as a "recreational vehicle, boat or truck storage" use, storage areas for landscaping and other bulk items or public streets and rights-of-way.
314. **Parking garage** means an off-street parking area within a building.
315. **Parking lot** means an outdoor off-street parking area or vehicular use area.
316. **Parking space** means an area of at least two hundred square feet with dimensions of ten feet by twenty feet exclusive of driveways, aisles or maneuvering areas. All parking spaces shall have direct unobstructed access to a street, drive aisle or alley.
317. **Parkway** means that portion of the public right-of-way between the curb line and the adjoining property line.
318. **Partially shielded light** means when the bulb of the fixture is shielded by a translucent siding and the bulb is not visible at all. Light may be emitted at the horizontal level of the bulb.
319. **Pergola** is a structure of parallel colonnades supporting an open roof of beams and crossing rafters or trellis work.
320. **Permanent monument** means any structure of masonry and/or metal permanently placed on or in the ground, including those expressly placed for surveying reference.
321. **Person** means a natural person, joint venture, stock company, partnership, association, club, company, corporation, business, trust or organization or the manager, lessee, agent, representative, officer or employee of any of the foregoing entities, acting as a unit.
322. **Personal and business service shops** means shops primarily engaged in providing services generally involving the care of the person or such person's appearance or rendering services to business establishments such as laundry or dry-cleaning retail outlets, portrait/photographic studios, beauty or barber shops, employment service, or mailing and copy shops.

323. **Phase** means a portion of property that is being platted and engineered for development at one time.
324. **Pilaster** means a rectangular support or pier treated architecturally as a column, with a base shaft and capital.
325. **Planned Unit Development (PUD) Overlay** means an overlay zone that may be used to modify permitted or conditional land uses and specific standards including lot size, building bulk, gross density, and lot coverage or floor area ratios. A PUD overlay may only be used to modify the existing zoning of a parcel.
326. **Plant nursery and greenhouse** means any land or structure used primarily to raise trees, shrubs, flowers or other plants for sale or for transplanting.
327. **Plat** means a map of certain described land showing property and lot boundaries, location of public utilities, easements and other information prepared in accordance with the requirements of this Code, approved by the Town and recorded in the records of the respective County Clerk and Recorder.
328. **Preliminary Development Plan (PDP)** means a development review process under previous versions of the Land Development Code.
329. **Prime farmland** means land that has the best combination of physical, water supply and chemical characteristics for producing food, feed, forage, fiber and oilseed crops, and other agricultural crops with minimum inputs of fuel, fertilizer, pesticides, and labor and without intolerable soil erosion, as determined by the Secretary of Agriculture. Prime farmland includes land that possesses the above characteristics but is being used currently to produce livestock and timber. It does not include land already in or committed to urban development or water storage.
330. **Principal use** means the main use of land or of a structure as distinguished from a subordinate or accessory use.
331. **Private school** means a school that does not derive its support, in whole or in part, from moneys raised by a city, town, state, county or school district tax.
332. **Professional office** means an office for professionals such as physicians, dentists, lawyers, architects, engineers, artists, musicians, designers, teachers, accountants and others who through training are qualified to perform services of a professional nature and where no storage or sale of merchandise exists, except as accessory to the professional services.
333. **Program deficiency** means a defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations or of the National Flood Insurance Program standards.
334. **Proof of ownership** means ownership as specified in a current title insurance commitment, title policy, certification of title issued by a title insurance company licensed by the State of Colorado or recorded deed or copy of current property taxes.
335. **Property** means all real property subject to development regulation by the Town.
336. **Property line** means the boundary of any lot, parcel or tract as the same is described in the conveyance of such property to the owner; and does not include the streets or alleys upon which the said lot, parcel or tract abuts.

337. **Public areas** means streets, parks, open spaces and other property designated or described for public use on a map or plat approved by the Town and for which fee title is vested in the Town or other public entity.
338. **Public facilities** means those constructed facilities, including but not limited to, transportation systems or facilities, water systems or facilities, wastewater systems or facilities, storm drainage systems or facilities, fire, police and emergency systems or facilities, electric, gas, telecommunication utilities or facilities, and publicly owned buildings or facilities.
339. **Public hearing** means a meeting called by the Board of Trustees, Planning Commission, or the Board of Adjustment for which public notice has been given and which is held in a place at which interested parties may attend to hear issues and to express their opinions.
340. **Public improvement** means any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree lawn, landscaped open space, off-street parking area, lot improvement or other facility which benefits the public.
341. **Public school** means a school that derives all or a portion of its support from moneys raised by a general state, county or school district tax and is controlled and operated by the Thompson R2J or Weld County School District.
342. **Public utility** means a common carrier supplying electricity, wire telephone service, natural gas, water, wastewater or storm water service or similar public services, but shall not include railroads or other forms of rail mass transit or depots or terminals supporting the same; or wireless telecommunication facilities.
343. **Push cart** means a mobile vending cart, pushcart or trailer that is not motorized or attached to a vehicle for towing and that does not exceed ten feet in length, four feet in width or eight feet in height. A pushcart may be used to cook and prepare food for vending or to serve commissary prepared, ready-to-eat or packaged food in individual servings.
344. **Raw water** means water rights acceptable to the Town for domestic purposes after treatment, or water rights acceptable to the Town that may be used for irrigation of public facilities.
345. **Raw Water Credit** means the number of S.F.E.'s for which dedication credits are certified by the Town in exchange for cash in lieu of water dedication payments or water rights dedications to the Town.
346. **Recessed light** means when a light is built into a structure or portion of a structure such that the light is fully cut-off and no part of the light extends or protrudes beyond the underside of a structure or portion of a structure.
347. **Recreational vehicle (RV)** means a vehicle primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is drawn by another vehicle. The following shall be considered a recreational vehicle:
- a. Camping trailer or tent trailer means a folding structure, constructed of canvas, plastic or similar water repellent material designed to be mounted on wheels and designed for travel and recreation.
 - b. Motorized camper, motor home, recreational conversion van or bus means a recreational vehicle consisting of a portable, temporary dwelling to be used for travel, recreation and vacation uses, and constructed as an integral part of a self-propelled vehicle.
 - c. Pick-up camper means an enclosure designed to be mounted on or loaded into a pick-up truck chassis for use as a temporary dwelling for travel and recreation.

- d. A tent, meaning a portable or temporary cover or shelter, with or without side panels, which is supported by poles and is made of canvas, plastic or similar materials.
 - e. A travel trailer, meaning a towed vehicle designed as a temporary dwelling for travel and recreation. Travel trailer, self-contained, means a trailer which can operate independently of connections to sewer, water and electric systems. It contains a water-flushed toilet, lavatory, shower or bath and kitchen sink, all of which are connected to water storage and sewage holding tanks located within the trailer.
348. **Recreational vehicle park** means a parcel of land specifically developed for locating only recreational vehicles on lots on a short-term basis.
349. **Recreational vehicle site** means a plot of ground within a recreational vehicle park intended for the accommodation of a recreational vehicle, tent or other individual camping unit on a temporary basis.
350. **Recycling facility** means a building or lot used for the collection and/or processing of recyclable material. Processing shall mean the preparation of material for efficient shipment by such means as baling, compacting, flattening, grinding, crushing, mechanical sorting or cleaning. Such a facility, if entirely enclosed within a building or buildings, shall be considered a warehouse.
351. **Religious assembly (neighborhood scale)** means any structure or place wherein religious worship, ceremonies, rituals, and education are held for a congregation, and one that is not considered a community scale religious assembly.
352. **Religious assembly (community scale)** means any structure or building larger than 25,000 square feet in size wherein religious worship, ceremonies, rituals, and education are held.
353. **Resource extraction, processing and sales** means removal or recovery by any means whatsoever of sand, gravel, soil, rock, minerals, mineral substances or organic substances other than vegetation, from water or land on or beneath the surface thereof, exposed or submerged.
354. **Restaurant, drive-through** means any establishment in which the principal business is the sale of foods and beverages to the customer in a ready-to-consume state and in which the design or principal method of operation of all or any portion of the business is to allow food or beverages to be served directly to the customer in a motor vehicle without the need for the customer to exit the motor vehicle.
355. **Restaurant, fast food** means any establishment in which the principal business is the sale of food and beverages to the customer in a ready-to-consume state, and in which the design or principal method of operation includes the following characteristics:
- a. Food and beverages are usually served in paper, plastic or other disposable containers;
 - b. The consumption of food and beverages is encouraged or permitted within the restaurant building, within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building; or the food and beverages are available for carry-out or pick up from drive-through facilities.
356. **Restaurant, standard** means any establishment in which the principal business is the sale of food and beverages to customers in a ready-to-consume state; where fermented malt beverages, and/or malt, special malt or vinous and spirituous liquors may be produced on the premises as an accessory use; and where the design or principal method of operation includes one or both of the following characteristics:

- a. Customers are served their food and/or beverages by a restaurant employee at the same table or counter at which the items are consumed; or
 - b. Customers are served their food and/or beverages by means of a cafeteria-type operation where the food or beverages are consumed within the restaurant building.
357. **Resubdivision** means the changing of any existing lot or lots, street rights-of-way or easements of a subdivision plat previously recorded with the Larimer or Weld County Clerk and Recorder.
358. **Retail establishment, large** means a retail establishment, or any combination of retail establishments in a single building, occupying a total of more than fifty thousand gross square feet of floor area, except that no supermarket shall be deemed to be a large retail establishment.
359. **Retail establishment, small** means a retail establishment, or any combination of retail establishments in a single building, occupying a less than fifty thousand gross square feet of floor area.
360. **Retail and supply yard establishments with outdoor storage** means any use where building supply products such as lumber or landscape materials are offered for sale, and are displayed and stored in an unenclosed area.
361. **Retention basin** means a pond, pool or basin used for permanent storage of water runoff.
362. **Right-of-way** means a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, irrigation ditch or for another special use. The usage of the term “right-of-way” for land platting purposes shall mean that every right-of-way established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains or any other use involving maintenance by a public agency shall be dedicated to that public use on the plat on which such right-of-way is established.
363. **Roof, gable** means a roof sloping downward in two parts from a central ridge, so as to form a gable at each end.
364. **Roof, hip** means a roof having sloping ends and sides meeting at an inclined projecting angle.
365. **Roof sign** means a sign erected above the highest point of the coping of a flat roof; or to the deck line of a mansard roof; or to the average height of a gable, pitched or hipped roof. Also, any sign mounted on a pitched or sloping wall and extending higher than the lowest portion of the adjoining roof shall constitute a roof sign.
366. **Salvage or wrecking yard** means a place where motor vehicles and parts are wrecked, disassembled, repaired and resold, a place where secondhand goods including waste paper, bottles, automobile tires, clothing, other scrap materials and salvage are collected to be stored and a place where used lumber and used building materials are stored for sale or resale.
367. **Sanitary facilities** mean toilets, urinals, lavatories, showers, utility sinks and drinking fountains, and the service buildings containing these units.
368. **Sanitary waste station** means a facility used for removing and disposing of waste from self-contained camping vehicle sewage holding tanks.
369. **Senior housing** means multifamily residential structures that provide housing for an elderly population, and typically include minimum age restrictions.

370. **Searchlight** means an apparatus used to project a beam of light.
371. **Service building** means a structure housing toilet, lavatory, bath, laundry, service sink and other such sanitary facilities as may be required.
372. **Setback** means the required unoccupied space between the nearest projection of a structure and the property line of the lot on which the structure is located.
373. **Setback, front yard** means the distance a building or structure must be placed from the front lot line.
374. **Setback, rear yard** means the distance a building or structure must be placed from the rear lot line.
375. **Setback, side yard** means the distance a building or structure must be placed from the side lot line.
376. **Sexually-oriented or adult-oriented use** means a use of property where the principal use, or a significant or substantial adjunct to another use of the property, is the sale, rental, display or other offering of live entertainment, dancing or material which is distinguished or characterized by its emphasis on depicting, exhibiting, describing or relating to "specified sexual activities" or "specified anatomical areas" as the primary attraction to the premises, including, but not limited to:
- a. ***Adult arcade*** means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.
 - b. ***Adult bookstore, adult novelty store or adult video*** means a commercial establishment which devotes a significant or substantial portion of its stock-in-trade or interior floor space to, or has as one of its principal business purposes, the sale, rental or viewing, for any form of consideration, of (a) any books, magazines, periodicals or other printed matter or photographs, films, motion pictures, videocassettes, slides, or other visual representations which are characterized by the depiction or description of specified sexual activities or specified anatomical areas, or (b) any instruments, devices or items which are designed or intended for use with or in specified sexual activities.
 - c. ***Adult cabaret*** means a nightclub, bar, restaurant, concert hall, auditorium or similar commercial establishment which features:
 - i. Persons who appear in a state of nudity;
 - ii. Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or
 - iii. Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
 - d. ***Adult motel*** means a hotel, motel or similar commercial establishment which offers private rooms to the public and provides patrons live performances or closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual

activities or specified anatomical areas and has a sign visible from a public right-of-way which advertises the availability of this adult type of photographic reproductions.

- e. **Adult motion picture theater** means a commercial establishment which is distinguished or characterized by showing of films, motion pictures, videocassettes, slides or similar photographic reproductions with an emphasis on depicting or describing specified sexual activities or specified anatomical areas which are regularly shown for any form of consideration.
- f. **Adult theater** means a theater, concert hall, auditorium or similar business which, for any form of consideration, regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.
- g. **Adult photo studio** means any establishment which, upon payment of a fee, provides photographic equipment and/or models for the purpose of photographing "specified anatomical areas."
- h. **Commercial establishment** with respect to the regulation of sexually oriented businesses may have other principal business purposes that do not involve the depicting or describing of specified sexual activities or specified anatomical areas and still be categorized as a sexually oriented business. Such other business purposes will not serve to exempt such commercial establishments from being categorized as a sexually oriented business so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe specified sexual activities or specified anatomical areas. The term *commercial establishment* includes clubs, fraternal organizations, social organizations, civic organizations or other similar organizations with paid memberships.
- i. **Nude model studio** means any place where a person who appears in a state of nudity or displays specified anatomical areas is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculpted, photographed or similarly depicted by other persons.
- j. **Nudity or state of nudity** means:
 - i. The appearance of human bare buttock, anus, male genitals, female genitals or the areola or nipple of the female breast; or
 - ii. A state of dress which fails to opaquely and fully cover human buttocks, anus, male or female genitals, pubic region or areola or nipple of the female breast.
- k. **Peep booth** means a viewing room, other than a private room, of less than one hundred fifty square feet of floor space upon the premises of a sexually oriented business where there are exhibited photographs, films, motion pictures, video cassettes or other video reproductions, slides or other visual representations which depict or describe specified sexual activities or specified anatomical areas.
- l. **Private room** means a room in an adult motel that is not a peep booth, has a bed in the room, has a bath in the room or adjacent to the room, and is used primarily for lodging
- m. **Sexual encounter establishment** means a business or commercial establishment which, as one of its primary business purposes, offers for any form of consideration, a place where two or more persons may congregate, associate or consort for the purpose of specified sexual activities or the exposure of specified anatomical areas, when one or more of the persons exposes any specified anatomical area.

- n. ***Sexually oriented business*** means an adult arcade, adult bookstore, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, nude model studio, sexual encounter establishment or other similar business and includes:
 - i. The opening or commencement of any sexually oriented business as a new business;
 - ii. The conversion of an existing business, whether or not a sexually oriented business, to a sexually oriented business;
 - iii. The addition of any sexually oriented business to any other existing sexually oriented business;
 - iv. The relocation of any sexually oriented business; or
 - v. The continuation of a sexually oriented business in existence on the effective date of the initial ordinance codified herein.

- o. ***Specified anatomical areas*** means:
 - i. Less than completely and opaquely covered: human genitals, pubic region, buttocks, and female breast below a point above the top of the areola.
 - ii. Human male genitals in a discernibly turgid state even if completely and opaquely covered.

- p. ***Specified sexual activities*** means acts, simulated acts, exhibitions, representation, depictions or descriptions of:
 - i. Human genitals in a state of sexual stimulation or arousal.
 - ii. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast.
 - iii. Intrusion, however slight, of any object, any part of an animal's body, or any part of a person's body into the genital or anal openings of any person's body or into the body of an animal.
 - iv. Cunnilingus, fellatio, anilingus, masturbation, bestiality, lewd exhibition of genitals or excretory function.
 - v. Flagellation, mutilation or torture for purposes of sexual arousal, gratification or abuse.

- q. ***Stage*** means a raised floor or platform at least three feet above the surrounding floor measured perpendicularly from the edge of the stage to the surrounding floor and at least thirty-six square feet in area.

- 377. **Shielded light** means when the light emitted from the fixture is projected below a horizontal plane running through the lowest point of the fixture where light is emitted. The bulb is not visible with a shielded light fixture, and no light is emitted from the sides of the fixture. Also considered a full cut-off fixture.

- 378. **Shopping center** means a group of retail and service establishments located in a complex which is planned, developed, owned or managed as a unit, with off-street parking provided on the property.

- 379. **Sidewalk** means the hard surface path within the street right-of-way for use by pedestrians and/or bicyclists.

380. **Sight distance triangle** means the area at the corner of an intersection that is to be kept free of shrubs, ground covers, berms, fences, structures, or other visual obstructions or materials or items between a height of twenty-four inches and ten feet above the adjoining street level.
381. **Sign** means any device that is sufficiently visible to persons not located on the lot where the device is located, to accomplish either of the following objectives: (a) is designed to attract the attention of such persons; or (b) communicate information to them.
382. **Sign, projecting** means any sign supported by a building wall and projecting from that wall.
383. **Sign, wall** means any sign painted on, incorporated in or affixed to the building wall, or any sign consisting of cut-out letters or devices affixed to the building wall with no background defined on the sign other than the building wall itself.
384. **Sign, window** is a sign that is painted on, applied or attached to a window or that can be read through the window from the public right-of-way.
385. **Significant wildlife habitat and migration corridors** are areas designated by the Colorado Division of Wildlife and/or the Colorado Natural Diversity Information Source (www.ndis.nrel.colostate.edu) as areas of landscape that provide food, cover and water sufficient to meet the needs of a given species to survive and reproduce.
386. **Single Family Equivalent Unit (“SFE” or S.F.E.)** means a number related to the volume of water necessary to meet the demand and use requirements including systems losses and consumptive use requirements, of an average single family dwelling unit which is defined herein as 0.4 acre feet. An S.F.E. shall be defined as 0.4 acre feet for all purposes. The S.F.E. unit value assigned to such average dwelling unit is 1.0.
387. **Single room occupancy boarding house** means a housing type consisting of one room, often with cooking facilities and with private or shared bathroom facilities.
388. **Site plan** means a scale drawing of a lot, showing the actual measurements, the size and location of any existing or proposed buildings, the location of the lot in relation to abutting streets, and other details such as parking areas, access points, landscaped area, building areas, setbacks from lot lines, building heights, floor areas, densities, utility locations and easements.
389. **Site specific development plan** shall mean and be limited to the Final Plat of a subdivision, Conveyance Plat, a Final Development Plan of a PUD, or a Site Plan when approved as a site specific development plan by the Planning Commission or Board.
390. **Special event sign** means a temporary sign directing attention to an activity of limited duration.
391. **Split garages** means having at least two separate garages that are oriented in different directions.
392. **Spotlight or floodlight** means any lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction (see definition for floodlight).
393. **Staff** means a full or part-time employee of the Town. Staff may also include professional firms and/or persons designated by the Town to act within a certain capacity including legal, engineering, planning, code enforcement, inspection and other professional fields.
394. **Start of construction** includes substantial improvement, and means the date the building permit was issued, provided that the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty days of the permit date. The actual start means 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. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

395. **Street** means a public thoroughfare which affords the principal means of vehicular access to abutting property. The term includes public or private streets.
396. **Street, arterial** means a street as described in Section 30-2-105.
397. **Street, collector** means a street as described in Section 30-2-105.
398. **Street, local** means a street as described in Section 30-2-105.
399. **Street, rural** means a street as described in Section 30-2-105.
400. **Street furniture** means constructed objects, such as outdoor seating, kiosks, bus shelters, sculpture, tree grids, trash receptacles, fountains and telephone booths, that have the potential for enlivening and giving variety to streets, sidewalks, plazas and other outdoor spaces open to and used by the public.
401. **Streetscape** means the distinguishing character of a particular street, within the public right-of-way, including paved materials, and the adjacent space extending along both sides of a street including landscaping, sidewalks, medians, lighting, street furniture, and signage.
402. **Structure** means a combination of materials to form a construction for use, occupancy or ornamentation whether installed on, above or below the surface of land or water.
403. **Subdivider or developer** means any person, partnership, joint venture, limited liability company, association or corporation who participates as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale or lease of a development.
404. **Subdivision** means the platting of a lot or the division of a lot, tract or parcel of land into two or more lots, plots or sites.
405. **Subsidence** means a local mass movement that involves the downward settling or sinking of the solid Earth's surface. Subsidence may be due to natural geologic processes or man's activity such as coal mining.
406. **Substantial damage** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would be equal to, or exceed, fifty percent of the market value of the structure before it was damaged.
407. **Substantial improvement** means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either:
- a. Before the improvement or repair is started; or
 - b. If the structure has been damaged and is being restored, before the damage occurred.
 - c. For the purpose 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. Substantial improvements shall be calculated cumulatively over a period of the previous ten years.

The term does not, however, include either:

- a. 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
- b. Any alteration of a structure listed on the National Register of Historic Places or the State Inventory of Historic Places.

408. **Supplemental Irrigation Water** means additional potable water which will be required for irrigation at times when water is not available through a non-potable irrigation system.
409. **Swing-in garage** means a garage that is oriented so that the garage doors are perpendicular to the street.
410. **Tandem garage** means a garage that allows for the parking of one car in front of another.
411. **Tandem parking** means parking two cars in a driveway or parking space so that one car is right in front of the other and the front car cannot move until the back car is moved.
412. **Tavern** see “Bar or tavern”.
413. **Technical Review Committee (TRC)** means the committee established to review development proposals and subdivision applications on behalf of the Town.
414. **Temporary business** means a business commonly recognized as being conducted for regularly scheduled or occurring portions of a year – not to exceed four consecutive months. Examples of a temporary business include, but are not limited to, Christmas tree sale lots, farmer’s markets, circuses, carnivals, new home sales operations, etc.
415. **Temporary directional sign** means a free-standing sign giving direction to an open house, house for sale, garage sale or a temporary business.
416. **Temporary lighting** means lighting that is intended to be used for a special event for seven days or less.
417. **Temporary use** means a prospective use intended for limited duration, is to be located in a zoning district not permitting such use, and shall not include continuing a nonconforming use or building.
418. **Title commitment** means formal documentation from a title insurance company licensed by the State of Colorado listing the name of the owner of the property under consideration, the legal description of the property and any encumbrances of the property such as easements, rights-of-way, liens or mineral interests.
419. **Tourist facility** means an establishment set up to primarily provide local tourist information to visitors.
420. **Town** means the Town of Berthoud, a municipal corporation of the State of Colorado. The Town may act through the Board or an official of the Town specifically authorized to perform the act.
421. **Town Administrator** means the Town Administrator of the Town of Berthoud, Colorado.

422. **Tract** means a parcel platted in a subdivision set aside as unsuitable for development or for a public or community-wide purpose which shall be shown on the plat. A public or community-wide purpose may include a drainage area, stormwater detention or retention areas, areas for signs, parks, open space, utilities, or land areas reserved for other public facilities. Except for restricted tracts, a tract is further defined as having been dedicated to the Town or a quasi-public agency having an easement to the Town or quasi-public agency, or as being owned by a homeowners' association for the subdivision in which the tract is located.
423. **Tree lawn** means a strip of landscaping within the right-of-way, generally between the street and an adjacent sidewalk.
424. **Truck depot** means an establishment engaged primarily in the fueling, servicing, repair or parking of tractor trucks or similar heavy commercial vehicles, including the sale of accessories and equipment for such vehicles. A truck stop may also include overnight accommodations, showers or restaurant facilities primarily for the use of truck crews.
425. **Undermining** means land that has been mined under the surface of the ground.
426. **Uplighting** means lighting that is directed in such a manner as to shine light rays above the horizontal plane.
427. **Use by right** means a use that is permitted by the zoning district regulations
428. **USGS datum** means United States Geological Survey basis of elevations.
429. **Vacant land** means land that does not have structures or other development on it.
430. **Variance** means a grant of relief from the requirements of this Code which permits construction in a manner that would otherwise be prohibited by this Code.
431. **Vegetation** means plants growing in a place, including, but not limited to trees, shrubs, vines, grasses and groundcover.
432. **Vehicle trip** means a single or one-way vehicle movement to or from a property or study area. Vehicle trips can be added together to calculate the total number of vehicles expected to enter and leave a specific development or site over a designated period of time.
433. **Vested property right** means the right to undertake and complete the development and use of property under the terms and conditions of a site specific development plan approved as provided in this Code.
434. **Veterinary hospital** means any facility which is maintained by or for the use of a licensed veterinarian in the diagnosis, treatment or prevention of animal diseases.
435. **Veterinary facilities, small animal clinic** means any facility maintained by or for the use of a licensed veterinarian in the diagnosis, treatment or prevention of animal diseases wherein the animals are limited to dogs, cats or other comparable household pets and wherein the overnight care of said animals is prohibited except when necessary in the medical treatment of the animal.
436. **Walkable** means a distance of ¼ mile or within a five to ten-minute walk.
437. **Walkway** means:
- a. A right-of-way dedicated to public use that is not within a street right-of-way, to facilitate pedestrian access through a subdivision block by means of a hard surface path; or3

- b. Any portion of a parking area restricted to the exclusive use of pedestrian travel.

438. **Walkway, connecting** means:

- a. Any street sidewalk; or
- b. Any walkway that directly connects a building entrance(s) to a sidewalk adjoining a street sidewalk, and connects other origins and destinations for pedestrians, including but not limited to commercial establishments, schools, parks, dwellings, work places and transit stops, without requiring pedestrians to walk across parking lots or driveways, around buildings or following parking lot outlines which are not aligned to a logical route.

439. **Warehouse and distribution** means storage, wholesale, and distribution of manufactured products, supplies or equipment, including accessory offices or showrooms, including incidental retail sales, but excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions.

440. **Warehousing** means a business which stores or stocks merchandise or commodities.

441. **Water right** means a decreed right to use in accordance with its priority a certain portion of the waters of the State by reason of the appropriation of the same. It shall include both direct flow and storage rights. Water right shall also be used in the context of water right dedications to include allotment contracts with the Northern Colorado Water Conservancy District and its Municipal Subdistrict.

442. **Water surface elevation** means the height, in relation to the NGVD of 1929 (or other datum where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

443. **Wetland** means lands as defined by Federal standards where there is a transition between terrestrial and aquatic systems, where the water table is usually at or near the surface, or the land is covered by shallow water.

444. **Wireless telecommunication equipment** means any equipment used to provide wireless telecommunication service which is not affixed to or contained within a wireless telecommunication facility, but is instead affixed to or mounted on an existing building or structure that is used for some other purpose. Wireless telecommunication equipment also includes a ground mounted base station used as an accessory structure that is connected to an antenna mounted on or affixed to an existing building.

445. **Wireless telecommunication facility** means any freestanding facility, building, pole, tower or structure used to provide only wireless telecommunication services, and which consists of, without limitation, antennae, equipment and storage and other accessory structures used to provide wireless telecommunication services.

446. **Wireless telecommunication services** means services providing for the transmission of wireless communications utilizing frequencies authorized by the Federal Communications Commission for paging systems, enhanced specialized wireless telecommunication, television, personal communication services or cellular telephone.

447. **Workshop and custom small industry** means a facility wherein goods are produced or repaired by hand, using hand tools or small-scale equipment, including small engine repair, furniture making and restoring, upholstering, restoration of antiques and other art objects, or other similar uses.

448. **Yard** means that portion of the open area on a lot extending open and unobstructed from the ground upward from a lot line for a depth or width specified by the regulations for the zone district in which the lot is located.
449. **Yard, front** means a yard extending across the full width of the lot between the front lot line and the nearest line or point of the building.
450. **Yard, rear** means a yard extending across the full width of the lot between the rear lot line and the nearest line or point of the building.
451. **Yard, side** means a yard extending from the front yard to the rear yard between the side lot line and the nearest line or point of the building.
452. **Zone district** means a zone district of the Town as established in Section 3 of this Chapter, unless the term is used in a context that clearly indicates that the term is meant to include both the zone district(s) of the Town and the zone district(s) of an adjoining governmental jurisdiction. Also referred to as “zoning district.”
453. **Zoning map** means the official zoning map adopted by the Town by ordinance, as amended.

30.1-117 Public hearing and general notice provisions

A. Specific purposes

Public hearings are open meetings conducted by local boards to gather information from the public and to survey public opinion as part of the local rule-making process. Public hearings are required by either the State of Colorado or Town of Berthoud and will be conducted before the Planning Commission, the Board of Trustees or the Planning Commission acting as the Board of Adjustment as appropriate. Public hearings will be conducted under the following general conditions:

1. Before reviewing an application for a permit that requires a public hearing, said hearing shall be scheduled within a reasonable time as allowed by the schedules of Town officials and staff. Town staff is responsible for the scheduling of all public hearings.
2. Subject to Subsection C below, the hearing shall be open to the public and all persons interested in the outcome of the appeal or application shall be given an opportunity to present evidence and arguments.
3. The Board of Trustees, Planning Commission or Board of Adjustment conducting the hearing may place reasonable and equitable limitations on the presentation of evidence, arguments and the cross-examination of witnesses.

B. Public notice requirements

The Town shall give notice of any public hearing required as provided below. The applicant shall be responsible for all costs of such notice.

1. Where required by statute or ordinance to give notice to surrounding property owners, notice shall be given by mailing a written notice not later than five days before the hearing to those persons who have listed for taxation any real property located within three hundred feet of the lot, parcel or property area that is the subject of the application or appeal.
2. Where required by statute or ordinance to give notice to other interested property owners such as mineral interest owners of record, mineral and oil and gas lessees for the property, and appropriate ditch companies notice shall be given by mailing a written notice not later than fifteen days before the hearing.

3. Where required by statute or ordinance to give notice to other parties of interest or referral agencies, notice shall be given by mailing a written notice not later than fifteen days before the hearing.
4. Where required by statute or ordinance to give notice of annexation hearings to special districts, school districts and Larimer or Weld County Commissioners and the Larimer or Weld County Attorney, notice shall be given by a certified mailing of a written notice not later than twenty-five days before the hearing.
5. If notice by posting of the property is required by statute or ordinance, such notice shall occur by prominently posting signs on the property that is the subject of the proposed action. Such signs shall be posted no less than fifteen days prior to the hearing and shall be easily legible from the nearest public streets. Sign shall be in the format available from the Town.
 - a. Posting shall be required for all properties seeking annexation, zoning, rezoning, major subdivision, minor subdivision or PUD approvals and any amendments to such approvals.
6. If posting was done by the applicant, the applicant shall provide (prior to the hearing) an affidavit showing the property was posted within the specified time.
7. The Town shall give notice of any public hearing required as follows:
 - a. Notice shall be given to potentially interested persons by publishing a notice one time in a newspaper having general circulation in the area not less than fifteen days prior to the hearing.
 - b. This notice shall state the date, time and place of the hearing, reasonably identify the lot, parcel or property that is the subject of the application or appeal, and give a brief description of the action requested or proposed. Proof of publication shall be made part of the record at the time of the public hearing.

C. Hearing and notification requirements

Listed below are the notification requirements in the Town of Berthoud. Abbreviations used below include C.R.S. (Colorado Revised Statutes) and Hearing (Public Hearing). Hearings will be noticed per the Town of Berthoud in most instances, but notice requirements for annexation must follow provisions of the Colorado Revised Statutes. Mailed notices identified below would normally include notice of both the Planning Commission and Town Board meeting/hearings as appropriate.

Table 1.1 Hearing and notification requirements				
	Hearing	Publication	Mailed notice	Post sign
Annexation	Before Commission as regular agenda item. Before Town Board per C.R.S.	4 successive weeks starting at least 30 days prior to Statutory Hearing.	Yes, to property owners within 300 feet no less than 25 days and no more than 30 days prior to Statutory Hearing.	Yes, no less than 30 days prior to Statutory Hearing.
Zoning	Before	No less than 15 days prior to	Yes, to property owners w/in 300 feet sent no less than 15	Yes, no less than 15 days prior to

	Commission as regular agenda item and Town Board as hearing.	Commission meeting.	days prior to Commission meeting.	Commission meeting.
	Hearing	Publication	Mailed notice	Post sign
Rezoning	Before Commission as regular agenda item and Board as hearing.	No less than 15 days prior to hearing.	Yes, to properties within 300 foot area sent no less than 15 days prior to Commission meeting.	Yes, no less than 15 days prior to Commission meeting.
Concept Plan	Before both Commission and Board as regular agenda items.	No less than 15 days prior to Commission meeting.	Yes, to properties within 300 feet no less than 15 days prior to meeting.	Yes, no less than 15 days prior to Commission meeting.
Preliminary Plat	Before Planning Commission as regular agenda item and Board as hearing.	No less than 15 days prior to meeting.	Yes, to property owners within 300 feet no less than 15 days prior to meeting.	Yes, no less than 15 days prior to Commission meeting.
Final Plat	Before Planning Commission as Hearing. <u>No</u> Board meeting or hearing.	No less than 15 days prior to Commission meeting.	Yes, to property owners within 300 feet no less than 15 days prior to Commission hearing.	Yes, no less than 15 days prior to Commission hearing.
Conveyance Plat	Before Commission as regular agenda item and Board as hearing.	No less than 15 days prior to Commission meeting.	Yes, to property owners within 300 feet, and referral agencies no less than 15 days prior to Commission meeting.	Yes, no less than 15 days prior to Commission meeting.
PUD or amendment to PUD	Before Commission as regular agenda item and Board as hearing.	No less than 15 days prior to hearing.	Yes, to property owners within 300 feet, and referral agencies no less than 15 days prior to Commission meeting.	Yes, no less than 15 days prior to Commission meeting.

	Hearing	Publication	Mailed notice	Post sign
Comprehensive Plan Amendment	Before Planning Commission as hearing and Board as regular agenda item.	No less than 15 days prior to Commission hearing.	No	No
Zoning Amendment	Before Planning Commission as regular item and Town Board as hearing.	No less than 15 days prior to hearing.	Yes, to property owners within 300 feet no less than 15 days prior to Commission meeting.	Yes, no less than 15 days prior to Commission meeting.
Variances & Appeals	Board of Adjustment (BOA) as hearing	No less than 15 days prior to hearing.	Yes, to property owners within 300 feet no less than 15 days prior to BOA hearing.	Yes, no less than 15 days prior to BOA hearing.
Conditional Use	Before Planning Commission as regular agenda item, Town Board as hearing.	No less than 15 days prior to hearing.	Yes, to property owners within 300 feet, and referral agencies no less than 15 days prior to Commission meeting.	Yes, no less than 15 days prior to Commission meeting.
Minor Subdivision	Before Planning Commission as hearing.	No less than 15 days prior to hearing.	Yes, to property owners within 300 feet no less than 15 days prior to Commission hearing.	Yes, no less than 15 days prior to Commission hearing.
Site Plan Review & Action	Administrative approval unless referred to Planning Commission by Administrator	No notice required,	No notice required,	No notice required,

D. Modification of application at hearing

1. In response to questions or comments by persons appearing at the hearing or to suggestions or recommendations by the Board of Trustees, Planning Commission or Board of Adjustment, the applicant may agree to modify his or her application, including the plans and specifications submitted.
2. Unless such modifications are so substantial or extensive so as to materially change the plans, the hearing body may approve the application with the stipulation that the permit will not be issued until plans reflecting the agreed upon changes are submitted to the Town for review and approval as an administrative act.

E. Hearing continuations

The Board, Commission or Board of Adjustment may continue the hearing to a subsequent meeting at a certain date and time or may close the hearing and continue the meeting to deliberate the issues until a final decision is made. If a hearing is continued to a certain date and time, no further notice of a continued hearing or meeting need be published.

F. Record

A tape recording shall be made of all hearings, and transcripts of such hearings may be requested within thirty days of the close of the hearing. Transcripts shall be provided within a reasonable time after deposit of the cost of the preparation of the transcript with the Town.

30.1-118 to 30.1-xxx Reserved