

TITLE 16 - HAYDEN LAND USE CODE

ARTICLE 1 – GENERAL PROVISIONS

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16.01.010. Title

This ordinance establishes the regulations and standards governing the use and development of land within the Town of Hayden. 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 Town of Hayden standards for site design, landscaping, parking and public infrastructure.

16.01.020. Short title

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

16.01.030. Authority

- A. This Code is adopted pursuant to the authority contained in the Colorado Revised Statutes (C.R.S.), and the Colorado Constitution, Article 20, Section 6. 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 land use 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- B. Whenever a section of the Colorado Revised Statutes cited in this Code is later amended or superseded, this Code shall be deemed amended to refer to the amended section or section that most nearly corresponds to the superseded section.

16.01.040. Jurisdiction

- A. This Code shall be effective throughout the Town of Hayden’s corporate boundaries. The Town of Hayden’s planning jurisdiction includes all land within the Town of Hayden, and where applicable, the lands within three miles of the Town of Hayden’s boundaries with reference to a major street plan. For purposes of zoning and subdivision, this Code only applies to lands within the Town of Hayden’s corporate boundaries.
- B. A copy of a map showing the boundaries of the Town of Hayden and the area within the three-mile planning jurisdiction shall be available for public inspection in the Town of Hayden offices.

16.01.050. 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’ goals as identified in the Town of Hayden Comprehensive Plan. This Code is designed to:
1. Encourage the most appropriate use of land in the Town;
 2. Encourage innovative, quality site design, architecture and landscaping;
 3. Encourage new development to relate to Town’s historic development pattern;
 4. Promote compact, well-defined, sustainable neighborhoods that enhance 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. Provide a variety of lot sizes and housing types in every neighborhood;
 8. Protect sensitive natural and historic areas and Town of Hayden’s environmental quality;
 9. Integrate a high quality natural environment into the developed portions of the community;
 10. Facilitate adequate and efficient provision of transportation, water, sewage, schools, parks and other public requirements;
 11. Provide protection from geologic, flood and fire hazards and other dangers; and
 12. Promote the health, safety, morals and general welfare of Town of Hayden and its residents.

16.01.060. Interpretation

In their interpretation and application, the provisions of this Code shall be held to be 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.

16.01.070. Applicability of article

- A. The provisions of the Town of Hayden Land Use 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 Hayden Comprehensive Plan and with adopted regulations, policies and other guidelines.

16.01.080. Relationship to existing ordinances

All ordinances, resolutions or motions of the Town of Hayden Board of Trustees or parts thereof in conflict with this Code are to the extent of such conflict hereby superceded 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 Hayden’s right to seek remedies for any violation of previous ordinances that occurred while those ordinances were in effect.

16.01.090. Relationship to Comprehensive Plan

- A. It is the intention of the Town of Hayden that this Code implements the planning policies adopted in the Town of Hayden Comprehensive Plan (“Comprehensive Plan”) for the Town and its extraterritorial planning area. While this relationship is reaffirmed, it is the intent of the Town of Hayden 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 would be in substantial conflict with the Comprehensive Plan, an amendment to the Comprehensive Plan will be required prior to any zoning or subdivision approvals. A substantial conflict will exist when a development proposal would result in changes from the designations of the Future Land Use Plan Map, Street System Map, or Planning Influences Map in the Comprehensive 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.

16.01.100. Effective date

The provisions of this Code became effective November 11, 2005 and were originally adopted on October 6, 2005. 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 Section 3.8.

16.01.110. Fees

Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters shall be charged to applicants for permits, plat approvals, zoning amendments, variances and other administrative relief. The fee schedule shall be adopted annually by Board resolution and is available from the Town Clerk.

16.01.120. Reimbursement of Town costs/deposit

Reasonable 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 amendments, annexation, plan approvals, variances and other administrative relief. In addition to the standard fees, the applicant and the owner of the property which is the subject of the application shall be required to pay any actual costs incurred by the Town for review of the application by consultants, including but not limited to engineering, surveying, legal and planning plus fifteen percent (15%) of such 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 (85%) depleted. These deposits may exceed the total amount of fees collected using the standard schedule of fees. The Town shall not continue the processing of any application for which the applicant or the property owner has refused to deposit 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 applicant. 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 (30) days of written request by the Town.

16.01.130. Severability

If any part, 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. The Town of Hayden Board of Trustees hereby declares that it would have passed the Code including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases be declared invalid.

16.01.140. Computation of time

- A. In computing a period of days, the first day is excluded and the last day is 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.

16.01.150. 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.

16.01.160. 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 Administrator based on the context of their usage and the intention of the section of this Code in which they occur.

- I. 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 zoning districts. Microwave dishes, antennas and similar devices which have a surface area of six (6) square feet or larger shall also be considered accessory structures and shall comply with requirements for accessory buildings and structures, including height requirement.

- 2. 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 single-family dwellings. Accessory dwellings shall be limited to eight hundred square feet in floor area. For purposes of calculating residential density, each accessory dwelling shall count as one-half dwelling unit. There shall not be more than one accessory dwelling located on a lot in addition to the single-family dwelling.
- 3. 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 building is active and operational; and
 - f. Not detrimental or an alteration of the character of the area in which the use is located.
- 4. 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.
- 5. Adjacent property owner means an owner of record of any estate, right or interest in real property abutting the subject property.

6. Adult-oriented or sexually-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 (1) 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 (1) 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:

the median income of Routt County 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 Routt 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 permanently.
10. Agricultural activity means farming, including plowing, tillage, cropping, utilization of best management practices, seeding, cultivating or harvesting for the production of food and fiber products; 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.
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 on a street.
13. Alteration means any change, addition or modification in construction, occupancy or use.
14. Amusement center means an establishment providing completely 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 enclosed uses.
15. 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.
16. 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.

17. Animals, domestic means common household pets, such as dogs and cats, kept for amusement, companionship, decoration or interest.
18. Animals, food means fish, fowl, cattle, swine, sheep and others raised for the purposes of food consumption.
19. 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.
20. Appeal means a request by an applicant to the Board of Adjustment or Town Board for a review of and administrative interpretation of any provision of this Chapter or a request for a variance.
21. 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.
22. Appurtenances mean the visible, functional, or ornamental objects accessory to and part of a building.
23. Aquifer recharge area means an area where water is absorbed into a natural aquifer adding to the zone of saturation.
24. Arcade means a series of arches supported on piers or columns.
25. Area of lot means the total horizontal area within the lot line boundaries of a lot.
26. Area of special flood hazard means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.
27. 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.
28. 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.

29. 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.
30. Awning sign means a sign which is painted, stitched, sewn or stained onto the exterior of an awning.
31. 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.
32. Base flood means the flood having a one percent chance of being equaled or exceeded in any given year.
33. Beacon, revolving means a rotating source of light or electronic simulation of a revolving source of light.
31. 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.
32. Bikeway means a path designed for use by bicyclists, which may be used by pedestrians.
33. Blank wall shall mean an exterior building wall with no openings and a single material and uniform texture on a single plane.
34. 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.
35. Board means the governing body of the Town of Hayden; also known as the Town of Hayden Board of Trustees.
36. Board of Adjustment means a Board appointed by the Town of Hayden Board of Trustees whose principal duties are to hear appeals and, where appropriate, grant variances from the strict application of the zoning ordinance.
37. 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.

- 38.** Bollard means a pole used to close a road or path to vehicles above a certain width.
- 39.** 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.
 - b.** Has one or more floors and a roof.
- 40.** Building code(s) means the set of standards that must be followed in the construction and remodeling of buildings and structures.
- 41.** 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.
- 42.** Building height is measured from the existing or finished grade (based on the average of the center of all walls), whichever is more restrictive, 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 deckline (whichever is higher) on a mansard roof, or the average distance between the highest ridge and its eave on a gable, hip, or gambrel roof.
- 43.** Building Official means a person or persons appointed by the Board to implement and enforce provisions of this Code.
- 44.** 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.
- 45.** 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.
- 46.** Cash-in-lieu (also known as “fee-in-lieu”) means that the applicant, at the determination of the Board, may pay the Town money instead of land dedication in those cases where the dedication of land is required, but not the preferred alternative. The payment shall comply with the following requirements unless otherwise provided for by this Code.

- a. Payment shall be based on the market value, to be determined after completion of the platting process, of the entire property as it is valued after platting.
 - b. The value of the land is based upon an appraisal by a competent, independent appraiser selected by the Town and the applicant, or upon value negotiated between the Town and applicant. The suitability of the land to be dedicated for public purposes and the credit to be given toward the land dedication requirement is at the Town's sole option and discretion.
 - c. Combination of dedication and cash-in-lieu:
 - i. The applicant, at the option of the Board, may meet the dedication requirements through a combination of cash-in-lieu and land dedication in those cases where a portion of the dedication of land is not desired.
47. 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.
48. Chapter means Chapter 16 of the Hayden Municipal Code, also referred to as the Hayden Land Use Code, both also referred to as the Code.
49. 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.
50. Child care center shall have the same definition as §26-6-102 (1.5) of the Colorado Revised Statutes in effect at the time of interpretation.
51. 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.
52. Clerestory means a portion of an interior rising above adjacent rooftops and having windows admitting daylight to the interior.
53. Clinic means a building designed and used for the diagnosis and treatment of human patients that does not include overnight care facilities.

54. 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.
55. Commercial mineral deposits mean oil, gas, gravel and other natural deposits that may be extracted from a property for economic benefit.
56. Common equestrian stabling and grazing means shared pastures and/or common barns for horses in conservation subdivision which is owned and maintained by a homeowner's association.
57. Common open space means a parcel of land, an area of water, or a combination of land and water within the site designated for a planned unit development overlay zone (PUD) designed and intended primarily for the use or enjoyment of residents, occupants and owners of the planned development.
58. Community Design Standards means the standards set forth in this Chapter 16, Article 2.
59. 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.
60. 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.
61. Comprehensive Plan means the Town of Hayden Comprehensive Plan, as adopted.
62. Compressed gravel means gravel that has ninety-five percent compaction at standard proctor densities at two percent \pm optimum moisture content.
63. Condominium means a single dwelling unit in a multiple unit structure, which is separately owned and which may be combined with an undivided interest in the common areas and facilities of the property.

64. 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.
65. Container (also known as cargo or shipping container) means a truck trailer body 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.
66. Convenience retail store means a retail store containing less than five thousand (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.
67. 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.
68. Cornice means a continuous, molded projection that crowns a wall or other construction, or divides it horizontally.
69. 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.
70. 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.
71. 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.
72. Crosswalk means a designated area for pedestrians to cross a street or other right-of-way.
73. Cul-de-sac means a local street with only one outlet and having the other end for the reversal of traffic movement.
74. Cultural assets means buildings, locations and other features considered historically or socially significant to the community.
75. Dedicated land means land transferred to the Town by platting, title, deed or other legal method approved by the Town Attorney.

76. 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.
77. Density (gross) means the overall average number of dwelling units located on the 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.
78. Density (net) means the number of dwelling units located on the development divided by the developable area. Developable area includes the entire residential portion of the development, except land dedicated for public and private streets, rights-of-way, parks, open space, and other land areas open to the public.
79. Design standards mean the standards that set forth specific requirements for buildings and infrastructure.
80. Detached structure means any structure having no party wall or common wall with another structure. Bridges, tunnels and other similar means of connecting one (1) structure to another shall not be considered to constitute a party wall or a common wall.
81. 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.
82. 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.
83. 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 change in use of land or a structure;
- iv.** Any alteration of a shore or bank of a river, stream, lake, pond, reservoir or wetland;
- v.** The commencement of drilling oil or gas wells, mining, stockpiling of fill materials, filling or excavation on a parcel of land;
- vi.** The demolition of a structure;
- vii.** The clearing of land as an adjunct of construction;
- viii.** The deposit of refuse, solid or liquid waste, or fill on a parcel of land;
- ix.** The installation of landscaping within the public right-of-way, when installed in connection with the development of adjacent property;
- x.** The construction of a roadway through or adjoining an area that qualifies for protection as a wildlife or natural area; and
- xi.** 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.
84. Development plan means the written and graphical documents that detail the provisions for development of a PD development. 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.
85. 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.
86. Dormer means a projecting structure built out from a sloping roof, usually with a vertical window or vent.
87. Downtown means the central business district of the Town. The boundary of downtown may change as the Town grows.
88. Drive aisles 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.
89. Drive-in 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.
90. Driveway means a constructed vehicular access serving one or more properties and abutting a public or private road.
91. Dwelling means a building used exclusively for residential occupancy, including single-family dwellings, two-family dwellings and multi-family dwellings.

92. 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.
93. Dwelling, single-family means a building designed exclusively for occupancy by one family, but not including mobile home, except as otherwise provided herein.
94. 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.
95. 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 and manufactured housing situated on a permanent foundation.
96. Dwelling, two-family means a building designed for occupancy by two families living independently of each other.
97. Dwelling unit means one or more rooms and a single kitchen and at least one bathroom, designed, occupied or intended for occupancy as separate quarters for the exclusive use of a single family for living, cooking and sanitary purposes, located in a single-family, two-family or multi-family dwelling or mixed-use building.
98. 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.
99. Eave means the overhanging lower edge of a roof.
100. Elevation means the external vertical plane of a building. Elevations are considered different if they have different roof lines, building materials, details, color and overall stylistic expression
101. Engineer means a professional engineer licensed by the State of Colorado.
102. Entertainment facilities and theaters mean a building or part of a building devoted to showing motion pictures or dramatic, musical or live performances.
103. Environmentally sensitive areas mean aquifer recharge areas, significant wildlife habitat and migration corridors, unique vegetation and critical plant communities, and ridge lines.

- 104.** Exhaust pipe means a pipe used to guide waste exhaust gases away from a controlled combustion inside an engine or stove.
- 105.** 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.
- 106.** 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 (4) feet in length.
- 107.** 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.
- 108.** Family child care home shall have the same definition as §26-6-102(4) of the Colorado Revised Statutes applicable at the time of interpretation.
- 109.** 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.
- 110.** 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 fattening such livestock.
- 111.** FEMA means Federal Emergency Management Agency.

- 112.** FHA means Federal Housing Administration.
- 113.** Flood or flooding means a general and 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.
- 114.** 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.
- 115.** Flood prone 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.
- 116.** 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.
- 117.** 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.
- 118.** 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.
- 119.** 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.
- 120.** 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.
- 121.** Footprint, also called ground level footprint, means the outline of a building's perimeter at ground level.
- 122.** 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.

- 123.** 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.
- 124.** 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.
- 125.** 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.
- 126.** Gable means the triangular portion of wall enclosing the end of a pitched roof from cornice or eaves to ridge.
- 127.** Garage means a building or part of a building wherein motor vehicles are housed or stored.
- 128.** Gasoline station means any building, land area, premises or portion thereof, where gasoline or other petroleum products or fuels are sold and 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.
- 129.** 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.
- 130.** Grade means the degree of rise or descent of a sloping surface.
- 131.** Grade, finished means the final elevation of the ground surface after development.
- 132.** Grade, natural means the elevation of the ground surface in its natural state, before man-made alterations.
- 133.** 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 (25,000) square feet. The term large grocery store is synonymous with supermarket.

- 134.** 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 (25,000) square feet.
- 135.** 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.
- 136.** 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.
- 137.** 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 aged 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 aged 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.
- 138.** 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.
- 139.** Growth Management Area (GMA) means the area surrounding the Town that the Town will consider for annexation and development applications. The GMA is delineated on the Land Use Map in the Town Comprehensive Plan.
- 140.** 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, and has no cooking facilities.
- 141.** Health club means a facility that provides physical fitness services and/or equipment to its members.

- 142.** Highway, corridor means the area within and adjacent to the right-of-way of Colorado Highway 40.
- 143.** Hip roof means a roof having sloping ends and sides meeting at an inclined projecting angle.
- 144.** 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.
- 145.** 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.
- 146.** Home occupation means an occupation or business activity conducted by the resident which results in a product or service and which actively is conducted by a person on the same lot on which the person resides.
- 147.** 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.”
- 148.** Homestead Lot means a lot of no less than 2 acres containing one single family dwelling used as a principal residence.
- 149.** Horticulture means the growing of fruits, vegetables, herbs, flowers or ornamental plants.
- 150.** 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.
- 151.** 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 five or more guest rooms.
- 152.** Household pet means any animal that has been bred or raised to live in or about the habitation of humans and is dependant 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, hamsters, ferrets, pot bellied pigs, guinea pigs and similar rodents, fish, reptiles, rabbits and such other species as would normally be sold at a local pet shop.

- 153.** 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.
- 154.** 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.
- 155.** 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.
- 156.** 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.
- 157.** Industrial, Light means enterprises engaged in the processing, manufacturing, compounding, assembly, packaging, treatment or fabrication of materials and products, from processed or previously manufactured materials. Warehousing, wholesaling and distribution of the finished products are allowed. In addition, it shall include trucking and equipment repair facilities, construction and excavation companies, storage facilities, businesses serving primarily industry, and similar enterprises.
- 158.** Industrial, Heavy means manufacturing with significant external effects, power generation, basic processing from raw materials, mineral extraction or other enterprises which pose significant risks due the manufacturing processes that involve hazardous or commonly recognized offensive conditions.
- 159.** 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.
- 160.** 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.

- 161.** Intra-neighborhood connections mean connections (such as trails and roads) within the same neighborhood.
- 162.** Inter-neighborhood connections mean connections (such as trails and roads) between neighborhoods.
- 163.** Irrigation ditch or canal means a channel designed to transport irrigation water.
- 164.** 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.
- 165.** 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.
- 166.** 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.
- 167.** Landowner means any owner of a legal or equitable interest in real property, and includes the heirs, successors, and assigns of such ownership interests.
- 168.** 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, revegetation and the preservation, protection and replacement of existing trees.
- 169.** 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.
- 170.** Large retail establishment means a retail establishment, or any combination of retail establishments in a single building, occupying a total of more than twenty-five thousand (25,000) gross square feet of floor area, except that no supermarket shall be deemed to be a large retail establishment.

171. 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.
172. 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.
173. 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.
174. 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.
175. 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.
176. 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.
177. Live-work unit means a mixed-use unit consisting of commercial or light industrial functions depending on the zone district; and a residential function.
178. Livestock means cows, horses, goats, donkeys, mules, sheep or chickens.
179. 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 hour 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 hour 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 hour per day nursing services are required.
180. 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.
181. Lot depth means the average distance between the front lot line and the rear lot line.
182. 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.
183. 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.
184. Lot line, rear means the line opposite the front lot line.
185. 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.
186. Lot line, side means any lot lines other than the front lot line or rear lot line.
187. Lot size means the total horizontal area within the lot lines of a lot; synonymous with area of lot.
188. 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.

- 189.** 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 Article.
- 190.** Machine shop means a workshop where power-driven tools are used for making, finishing, or repairing machines or machine parts.
- 191.** Management Agency means the agency in charge of the “208 Water Quality Plan” in the Hayden area.
- 192.** Manager means the Town Manager or Administrator of the Town of Hayden.
- 193.** 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.
- 194.** Manufacturing means a business which makes products by hand or by machinery.
- 195.** 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.
- 196.** 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.

- 197.** Medical marijuana industry means the operation of a medical marijuana center, medical marijuana-infused products manufacturer or optional premises cultivation operation including, but not limited to, the following definitions:
- a.** *Medical marijuana* means marijuana that is grown and sold for a purpose authorized by Article XVIII, § 14 of the Colorado Constitution.
 - b.** *Medical marijuana center* means a person licensed to operate a business as described in the Colorado Medical Marijuana Code that sells medical marijuana and medical marijuana-infused products to registered patients or primary caregivers as defined in Article XVIII, § 14 of the Colorado Constitution, but is not a primary caregiver, which a municipality is authorized to prohibit as a matter of law.
 - c.** *Medical marijuana-infused products manufacturer* means a person licensed pursuant to the Colorado Medical Marijuana Code to operate a business manufacturing medical marijuana-infused products, which a municipality is authorized to prohibit as a matter of law.
 - d.** *Optional premises cultivation operation* means a person licensed pursuant to the Colorado Medical Marijuana Code to grow and cultivate marijuana for a purpose authorized by Article XVIII, § 14 of the Colorado Constitution, which a municipality is authorized to prohibit as a matter of law.
 - e.** *Patient* has the meaning set forth in Article XVIII, § 14(1)(c) of the Colorado Constitution.
 - f.** *Primary caregiver* has the meaning set forth in Article XVIII, §14 (1)(f) of the Colorado Constitution.
- 198.** 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.
- 199.** 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 or personal goods, materials and equipment.
- 200.** 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.

- 201.** 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.
- 202.** 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 (½) dwelling unit.
- 203.** 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 (8) feet wide and thirty-two (32) 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).
- 204.** 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.”
- 205.** Model plans means a set of standard plans for a home. Models are considered different if they have different floor plans, garage placement, and building massing (form and structure).
- 206.** 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.
- 207.** 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.
- 208.** Multiple family dwelling means a structure containing three or more dwelling units, including what is commonly known as an apartment building, but not including group, row or townhouses, or hotels, motels or condominiums, fraternity and sorority houses and similar group accommodations.
- 209.** Municipality means an incorporated city or town.

- 210.** Muntin means a rabbeted member for holding the edges of windowpanes within a sash.
- 211.** Natural areas means floodplains and flood ways, natural drainage and water ways, significant native trees and vegetation, wildlife travel corridors, special habitat features such as raptor nest sites, key nesting, breeding or feeding areas for birds; fox and coyote dens, prairie dog colonies over twenty-five acres in size, remnant native prairie habitat, plains cottonwood galleries, and any wetland greater than one-quarter (¼) acre in size as identified on the Town Comprehensive Plan Maps.
- 212.** 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.
- 213.** 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).
- 214.** New construction means structures for which the start of construction or remodeling commenced on or after the effective date of this Code.
- 215.** Nightclub means a bar or tavern containing more than one hundred square feet of dance floor area.
- 216.** 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.
- 217.** 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.
- 218.** Noxious weeds means plants that are determine by the state of Colorado, Routt 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.
- 219.** 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.

- 220.** 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.
- 221.** Oil or gas well means a well that produces oil or gas.
- 222.** 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.
- 223.** Outdoor storage means the keeping, in an unroofed area, of any equipment, goods, junk, material, merchandise or vehicles in the same place for more than twenty-four hours. Containers and semi-trailers may not be used for residential or storage uses except on construction sites.
- 224.** Outlot means a measured piece of land contained within subdivided land that is not a building lot. A 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 owners association.
- 225.** 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.
- 226.** 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.
- 227.** Parcel means a tract or plot of land.
- 228.** Park means an area open to the general public and reserved and usable for recreational, educational or scenic purposes.
- 229.** 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.

- 230.** Parking garage means an off-street parking area within a building.
- 231.** Parking lot means an outdoor off-street parking area or vehicular use area.
- 232.** Pergola is a structure of parallel colonnades supporting an open roof of beams and crossing rafters or trellis work, over which climbing plants are trained to grow.
- 233.** Permanent monument means any structure of masonry and/or metal permanently placed on or in the ground, including those expressly placed for surveying reference.
- 234.** 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.
- 235.** Personal and business service shops means shops primarily engaged in providing services generally involving the care of the person or such person's apparel 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.
- 236.** Phase means a portion of property that is being platted and engineered for development at one time.
- 237.** Pilaster means a rectangular support or pier treated architecturally as a column, with a base shaft and capital.
- 238.** Planned Unit Development (PUD) Overlay Zone means a development involving a related group of residences, businesses, or industries and associated uses. Planned as a single entity, the project is subject to development and regulations as one land-use unit rather than as an aggregation of individual buildings located on separate lots. The planned unit development overlay zone will include usable, functional open space for the mutual benefit of the entire tract; and is designed to provide variety and diversity through the variation of normal zoning and subdivision standards so that maximum long-range benefits can be gained, and the unique features of the development or site preserved and enhanced while still being in harmony with the surrounding neighborhood.

- 239.** Plant nursery and greenhouse means any land or structure used primarily to raise trees, shrubs, flowers or other plants for sale or for transplanting.
- 240.** 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 Routt County Clerk and Recorder.
- 241.** Prairie dogs mean small stout-bodied burrowing rodents with shallow cheek pouches native to both North and Central America.
- 242.** Prime farmland means land that has the best combination of physical 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.
- 243.** Principal use means the main use of land or of a structure as distinguished from a subordinate or accessory use.
- 244.** 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.
- 245.** 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.
- 246.** 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 NFIP standards in §§ 60.3, 60.4, 60.5 or 60.6.
- 247.** Proof of ownership means ownership as specified in a current title insurance commitment or policy, or certification of title, issued by a title insurance company licensed by the state of Colorado.
- 248.** Property means all real property subject to land use regulation by the Town.
- 249.** 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.

- 250.** 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.
- 251.** 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.
- 252.** 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.
- 253.** 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.
- 254.** Public open space 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.
- 255.** 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 Hayden School District RE-1.
- 256.** 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.
- 257.** 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.
- 258.** 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.
- 259.** Recreational Vehicle Park means a parcel of land specifically developed for locating only recreational vehicles on lots on a short-term basis.
- 260.** 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.
- 261.** 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.
- 262.** Resource extraction, processes 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.
- 263.** 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.

264. 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.

265. 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.

266. Resubdivision means the changing of any existing lot or lots, street rights-of-way or easements of a subdivision plat previously recorded with the Routt County Clerk and Recorder.

267. Retention basin means a pond, pool or basin used for permanent storage of water runoff.

268. 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 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.

- 269.** Roof, gable means a roof sloping downward in two parts from a central ridge, so as to form a gable at each end.
- 270.** Roof, hip means a roof having sloping ends and sides meeting at an inclined projecting angle.
- 271.** 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.
- 272.** Sanitary facilities mean toilets, urinals, lavatories, showers, utility sinks and drinking fountains, and the service buildings containing these units.
- 273.** Sanitary waste station means a facility used for removing and disposing of waste from self-contained camping vehicle sewage holding tanks.
- 274.** Searchlight means an apparatus used to project a beam of light.
- 275.** Senior citizen means a person fifty years of age or older.
- 276.** Service building means a structure housing toilet, lavatory, bath, laundry, service sink and other such sanitary facilities as may be required.
- 277.** 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.
- 278.** Setback, front yard means the distance a building or structure must be placed from the front lot line.
- 279.** Setback, rear yard means the distance a building or structure must be placed from the rear lot line.
- 280.** Setback, side yard means the distance a building or structure must be placed from the side lot line.

- 281.** 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.
- 282.** Sidewalk means the hard surface path within the street right-of-way for use by pedestrians and/or bicyclists.
- 283.** 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 materials or items greater than thirty inches in height. Trees shall not be planted in the triangular area. The size of the sight distance triangles is determined as follows:
- a.** At the intersection of any two streets or where a street intersects with an alley, a triangle measuring thirty feet along each curb or edge of roadway from their point of intersection, the third side being a diagonal line connecting the first two.
 - b.** At the intersection of a driveway or private access and a street, a triangle measuring fifteen feet in length along the edge of the driveway and along the curb or edge of roadway from their point of intersection, the third side being a diagonal line connecting the first two.
- 284.** 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.
- 285.** Sign, projecting means any sign supported by a building wall and projecting from that wall.
- 286.** 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.
- 287.** 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.
- 288.** 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.

- 289.** 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.
- 290.** Site specific development plan shall mean and be limited to the “final plat” of a subdivision or a “final site plan” of a PUD Planned Unit Development Overlay District (also known as a “final PUD development plan”) when approved as a site specific development plan by the Board by ordinance.
- 291.** Split garages means having at least two separate garages that are oriented in different directions.
- 292.** 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.
- 293.** 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.
- 294.** Street means a public thoroughfare which affords the principal means of vehicular access to abutting property. The term includes public or private streets.
- 295.** Street, arterial means a street as described in Article 2 – Streets.
- 296.** Street, collector means a street as described in Article 2 – Streets.
- 297.** Street, local means a street as described in Article 2 – Streets.
- 298.** Street, rural means a street as described in Article 2 - Streets.

- 299.** 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.
- 300.** 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.
- 301.** 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.
- 302.** 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.
- 303.** 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.
- 304.** Subdivision Improvement Agreement (SIA) means the agreement between the Town and the Developer providing for the construction and installation of public improvements and landscaping, security and warranties therefore, and dedications of public improvements and land.
- 305.** 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.
- 306.** 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 10 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.

307. Swing-in garage means a garage that is oriented so that the garage doors are perpendicular to the street.

308. Tandem garage means a garage that allows for the parking of one car in front of another.

309. 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 can not move until the back car is moved.

310. Tavern means an establishment providing or dispensing fermented malt beverages, and/or malt, special malt, vinous or spirituous liquors and in which the sale of food products such as sandwiches or light snacks is secondary.

311. Temporary use means a prospective use intended for limited duration, may be located in a zoning district not permitting such use, and shall not include continuing a nonconforming use or building.

312. 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.

313. Tourist facility means an establishment set up to primarily provide local tourist information to visitors.

314. Town means the Town of Hayden, 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.

315. Town Comprehensive Plan means the plan, which was adopted by the Planning Commission and Board in accordance with C.R.S § 31-23-206, to guide the future growth, protection and development of the Town, affording adequate facilities for

housing, transportation, comfort, convenience, public health, safety and general welfare of its population.

- 316.** Tree lawn means a strip of landscaping within the right-of-way, generally between the street and an adjacent sidewalk.
- 317.** Truck stop 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.
- 318.** Undermining means land that has been mined under the surface of the ground.
- 319.** USGS datum means United States Geological Survey basis of elevations.
- 320.** Vacant land means land that does not have structures or other development on it.
- 321.** Variance. 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.
- 322.** Vegetation means plants growing in a place, including, but not limited to trees, shrubs, vines, grasses and groundcover.
- 323.** Vehicle major repair, servicing and maintenance means any building, or portion thereof, where heavy maintenance activities such as engine overhauls, automobile/truck painting, body or fender work, welding or the like are conducted. Such use shall not include the sale of fuel, gasoline or petroleum products.
- 324.** Vehicle minor repair, servicing and maintenance means the use of any building, land area, premises or portion thereof, where light maintenance activities such as engine tune-ups, lubrication, carburetor cleaning, brake repair, car washing, detailing, polishing or the like are conducted.
- 325.** Vehicle Rental Facility means the rental of automobiles, light trucks, sport utility vehicles and vans including offices and the incidental parking and servicing of vehicles for rental or lease.
- 326.** 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 land use or site over a designated period of time.

- 327.** Vested property right shall mean 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 Chapter.
- 328.** 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.
- 329.** 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.
- 330.** Walkable means a distance of one-quarter ($\frac{1}{4}$) mile or within a five to ten minute walk.
- 331.** 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; or
 - b. Any portion of a parking area restricted to the exclusive use of pedestrian travel.
- 332.** 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.
- 333.** 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.

- 334.** Warehousing means a business which stores or stocks merchandise or commodities.
- 335.** 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.
- 336.** Wetland means lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water.
- 337.** 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.
- 338.** 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.
- 339.** 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.
- 340.** 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.
- 341.** 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.
- 342.** 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.
- 343.** Yard, front setback means the distance a building or structure must be placed from the front property line.

- 344.** 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.
- 345.** Yard, rear setback means the distance a building or structure must be placed from the rear property line.
- 346.** 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.
- 347.** Yard, side setback means the distance a building or structure must be placed from the side property line.
- 348.** Zone district means a zone district of the Town as established in Article 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.”
- 349.** Zoning map means the official zoning map adopted by the Town by ordinance, as amended.

16.01.170. Public Hearing and general notice provisions
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1. 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 statute or ordinance and will be conducted before the Planning Commission, the Board of Trustees or the Board of Trustees acting as the Board of Adjustment. 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. The Town Manager is responsible for the scheduling of all public hearings.
- (2) Annexation hearings, according to the Colorado Revised Statutes, must be scheduled 30 to 60 days after the Board adopts a Resolution of Substantial Compliance for the annexation petition.
- (3) Subject to Section 3 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.
- (4) 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.

2. 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) Notice shall be given to any person who makes a written request for such notice by mailing a written notice to such person not later than fifteen (15) days before the hearing.
- (2) 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 fifteen (15) days before the hearing to those persons who have listed for taxation any real property located within one hundred fifty (150) feet of the lot, parcel or property area that is the subject of the application or appeal.
- (3) 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 (15) days before the hearing .
- (4) 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 (15) days before the hearing.
- (5) Where required by statute or ordinance to give notice of annexation hearings to special districts, school districts and Routt County Commissioners and the Routt County Attorney, notice shall be given by a certified mailing of a written notice not later than twenty-five (25) days before the hearing.
- (6) 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 (15) 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, Airport Overlay or Planned Unit Development (PUD) Overlay District approvals and any amendments to such approvals.
- (7) 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.
- (8) The Town Clerk shall give notice of any public hearing required as follows:

- a. Notice shall be given to potentially interested persons by publishing a notice one (1) time in a newspaper having general circulation in the area not less than fifteen (15) days prior to the hearing.
- b. For Annexation Hearings, notice should be published in a newspaper having general circulation in the area for four (4) successive weeks beginning not less than thirty (30) days prior to the hearing.
- c. 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.

3. Hearing and Notification Requirements

Listed below are the notification requirements in the Town of Hayden

Table 1.1 Hearing and Notification requirements				
	Hearing	Publication	Mailed Notice	Post Sign
Annexation ▪ Before Town Board	Yes, scheduled by Town Staff for a date not less than 30 days or more than 60 days after Resolution of Substantial Compliance by Town Board.	4 successive weeks starting at least 30 days prior to hearing.	By Town Clerk no less than 25 days and no more than 30 days prior to hearing. Notices sent to County, special districts and others sent by certified mail. Applicant mail to mineral owners as per 16.13.060C.3 of Code	Yes (posted by applicant, must supply an affidavit of posting)
Zoning ▪ Before Planning Commission <u>and</u> Town Board as Hearings	Yes, scheduled within a reasonable amount of time by Town Manager.	No less than fifteen (15) days prior to hearing.	By Town Clerk to properties within 150 foot area sent no less than 15 days prior to hearing.	Yes (posted by applicant, must supply an affidavit of posting)
Rezoning ▪ Before Planning Commission <u>and</u> Town Board as Hearings	Yes, scheduled within a reasonable amount of time by Town Manager.	No less than fifteen (15) days prior to hearing.	By Town Clerk to properties within 150 foot area sent no less than 15 days prior to hearing.	Yes (posted by applicant, must supply an affidavit of posting).

Table 1.1 Hearing and Notification requirements				
	Hearing	Publication	Mailed Notice	Post Sign
Sketch Plan ▪ Before Planning Commission as regular agenda item	Agenda item scheduled within a reasonable amount of time by Town Manager.	No less than fifteen (15) days prior to meeting.	By Town Clerk to surrounding properties within 150 feet no less than 15 days prior to meeting.	No
Preliminary Plat ▪ Before Planning Commission as Hearing – Town Board as regular agenda item	Commission Hearing scheduled within a reasonable amount of time by Town Manager.	No less than fifteen (15) days prior to hearing.	By Town Clerk to surrounding properties, interested parties and referral agencies no less than 15 days prior to hearing.	Yes (posted by applicant, must supply an affidavit of posting)
Final Plat ▪ Before Planning Commission and Town Board as regular agenda items	Scheduled within a reasonable amount of time by Town Manager	No	Referral to review agencies within a reasonable time prior to Commission meeting.	No
PUD and Airport Overlay Zones ▪ Before both Planning Commission and Town Board as Hearing	Scheduled within a reasonable amount of time by Town Manager.	No less than fifteen (15) days prior to hearing.	By Town Clerk to surrounding properties, interested parties and referral agencies no less than 15 days prior to hearing.	Yes (posted by applicant, must supply an affidavit of posting)
Comprehensive Plan Amendment ▪ Hearing before Planning Commission	Scheduled by Town Staff.	No less than fifteen (15) days prior to hearing.	No	Yes (posting done by Town Staff)
Article 3: Zoning Amendment ▪ Before both Planning Commission and Town Board as Hearing	Scheduled by Town Staff.	No less than fifteen (15) days prior to hearing.	By Town Clerk to surrounding properties within 150 feet no less than 15 days prior to meeting.	Yes (posted by applicant, must supply an affidavit of posting)

Table 1.1 Hearing and Notification requirements				
	Hearing	Publication	Mailed Notice	Post Sign
Variations, Appeals, Temporary Permits Board of Adjustment at Public Hearing	Scheduled within a reasonable amount of time by Town Manager.	No less than fifteen (15) days prior to hearing.	By Town Clerk to surrounding properties within 150 feet, interested parties and referral agencies no less than 15 days prior to hearing.	Yes (posted by applicant, must supply an affidavit of posting)
Conditional Use ▪ Before Planning Commission as regular agenda item, Town Board as Public Hearing	Scheduled after Planning Commission recommendation	No less than 15 days prior to hearing.	By Town Clerk to owners of properties within 150 feet of the affected property, interested parties and referral agencies no less than 15 days prior to hearing.	Yes (posted by applicant no less than 15 days prior to hearing; applicant must supply affidavit of posting)
Minor Subdivision ▪ Before Planning Commission as Hearing, Board as regular agenda item	Scheduled within a reasonable amount of time by Town Manager.	No less than fifteen (15) days prior to hearing.	By Town Clerk to surrounding properties, interested parties and referral agencies no less than 15 days prior to hearing.	Yes (posted by applicant, must supply an affidavit of posting)

4. 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 Manager for review and approval.

5. 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 unless a period of six (6) weeks or more elapses between hearing dates.

6. Record

A tape recording shall be made of all hearings, and transcripts of such hearings may be requested within thirty (30) 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.

7. Written decision

- (1) Any final decision made by the Manager, Board of Adjustment, Planning Commission or Board of Trustees regarding an application shall be written and sent to the applicant or appellant and all other persons who make a written request for a copy.
- (2) In addition to a statement of the hearing body's final decision on an application, the written decision shall include the findings, conclusions and supporting reasons or facts.

16.01.180. – XX Reserved.