

AN ORDINANCE AMENDING THE DEVELOPMENT CODE FOR THE TOWN OF BERTHOUD, COUNTY OF LARIMER, STATE OF COLORADO.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, LARIMER COUNTY, COLORADO:

Section 1.

The Town of Berthoud Development Code is hereby amended as follows:

a. Chapter 30-5, **Zoning Districts and Standards**, Sections 202(R1), 203(R2), 204(R3), 301(C1), 302(C2), 303(M1), and 304(M2) shall have the last paragraph under **B. Permitted Uses** moved to **C. Permitted Uses by Special Review**.

b. Paragraph F of Section 30-6-109 shall be changed to read that the planning commission shall hold a public meeting on the Final Plat, and...

c. Section 30-7-101, **Purpose**, shall read as follows: The purpose of these Site Plan Regulations is to provide for review of the design and layout of individual sites prior to their development and redevelopment. The Town recognizes that such a review is necessary to:

d. Section 30-7-102, **General Requirements**, shall read as follows: Site Plan Review and approval is required before a building permit may be issued in the Town for all commercial and industrial uses, schools, churches, multifamily structures and developments, municipal or other public or quasi-public uses, except that:

e. The attached newly designed "Typical Road Sections" dated "9/96" shall be adopted and replace the current road sections in the appendix to the Development Code.

f. Paragraph B of Section 30-7-102 shall read as follows: B. This requirement shall not apply to any interior remodeling of a structure; and

g. The first paragraph of Section 30-7-103, **Site Plan Requirements**, shall be amended to read: All site plans submitted to the Town for review and approval shall comply with the submittal requirements as contained in Chapter 30-16 of this code. Preliminary and Final Site Plan review is required, unless the Preliminary Site Plan requirement is waived by the Town Administrator, Planner or their designee at the time of concept review.

h. The following paragraphs A, B and C are added to Section 30-7-103:

**A. New Construction.** All new construction must comply to all of the submittal requirements listed in this chapter as well as all others that are referred to or applicable in this Code.

**B. Existing Structures.** Any remodeling of, or any renovation of, the exterior of an existing structure must also be consistent with Chapter 30-15 Design Guidelines. All existing structures that are to be altered, changed or modified from their current state must comply to all of the submittal requirements listed in this chapter as well as all others that are referred to or applicable in this Code.

**C. Exceptions.** The remodeling of existing structures will be exempt from Site Plan Review as long as the remodeling is interior only and does not expand or alter the existing building envelope or the current use.

i. The following paragraphs A through F shall be substituted for the current paragraphs A through F of Section 30-7-104, **Site Plan Review and Approval Procedure**:

**A. Sketch Plan Review.** The sketch plan review process is mandatory for all development requiring Site Plan Review within the Town. The procedures for sketch plan review are described in Section 30-16-200 of this Code. At the concept review meeting, the Town Administrator, Planner or their designee will provide initial comments on the proposed site plan and will discuss submittal and permit requirements.

**B. Neighborhood Meeting.** A neighborhood meeting will be required for all Site Plan Reviews and the neighborhood meeting will be held prior to a submittal being accepted by the Town (see Section 30-16-201 for neighborhood meeting requirements).

**C. Neighborhood Meeting Notice Requirements.** All applications for site plan review shall require that notification be provided in accordance with Section 30-3-300 of this Code.

**D. Applications.** Applications for site plan review shall be submitted in accordance with Chapter 30-16 of this Code. The Town Administrator, Planner or their designee shall determine if the submitted application is complete. If the application is not complete the



Town may reject the application and inform the applicant of the materials or revisions needed to make the application complete.

**E. Technical Review Process.** Once an application for site plan review has been deemed complete and accepted, the Town Administrator or designee routes the plans and written materials to the appropriate Town staff, and referral agencies for their review. Comments are to be received within three weeks from the referral date. Approximately two weeks following receipt of referral responses, comments are sent to the applicant by the Town. If required, the applicant and appropriate Town staff will meet to discuss the written review comments. The failure of a referral agency or agent to reply within the three week time frame will be considered by the Town as a favorable response to the proposal.

**F. Approval.** The Town Administrator and Planner shall be responsible for processing all applications for Site Plan Review within the Town of Berthoud. The Town Administrator and Planner shall also have the responsibility of ensuring that all applications and submittal requirements are met prior to initiating any official action as listed herein. The authority and responsibility for making the decision to approve, disapprove or approve with conditions all requests for a Site Plan Review will rest with the Town Administrator, Planner and other staff members as designated by the Town Administrator and Planner.

j. Section 30-7-105, **Design Requirements**, shall read as follows: All site plans submitted for review under the requirements of this Code shall be in conformance with Chapter 30-15 **Design Guidelines**, to the maximum extent practicable and all other applicable sections of this Code.

k. Paragraph A of Section 30-7-106, **Development Agreement**, shall be amended to read as follows:

**A. Guarantee of Public Improvements.** If required, no site plan shall be recorded until the applicant has submitted and the Town Board of Trustees has approved a development agreement in accordance with the requirements of Section 30-3-200 of this Code.

l. Subsections E and F of Section 30-7-104 are hereby deleted.

m. Paragraph C of Section 30-7-104, **SITE PLAN REVIEW AND APPROVAL PROCEDURE**, shall read as follows: All applications for site plan review shall require that notification be provided in

accordance with section 30-3-300 of this Code.

n. Paragraph C of Section 30-9-201 is corrected to read as follows: Required off-street parking spaces shall be located on the same lot or premises as the building or use for which they are required except for spaces which are provided collectively for two or more buildings or uses on adjacent lots and unless the total number of parking spaces supplied collectively is equal to the number of spaces required by this chapter, unless an alternative location is approved by the Town.

o. Paragraph E of Section 30-9-201 is corrected to read as follows: The property owner shall be responsible for maintaining any vehicular use area in good condition, free of refuse and all landscaping in healthy growing condition.

p. Section 30-9-300, **Fences and Walls**, shall be amended to read as follows:

Fences and Walls may be permitted in all districts as accessory uses in accordance with the limitations as set forth on the table entitled "Maximum Fencing Height by Zoning and Location" in the appendix to this Code.

A. All corner lots shall have one designated front yard and will be determined by the Town Planner or Building Inspector. The decision of which yard will be designated as the front yard and side yard will be based upon the orientation of the house, and the street the house is addressed to. A residential side yard that abuts a street will have a maximum height for a fence of four feet (4') unless such fence is located at least fifteen feet (15') from the lot line abutting a street. If a fence is to be located behind the primary structure (e.g. a dwelling unit or other primary building) the maximum height of the fencing will be six feet (6') for residential and commercial zones and eight feet (8') for M1 and M2 zones.

B. On all corner lots, no fence or wall shall be placed or maintained within the triangular yard space formed by the intersection of the curb lines of the intersecting streets, or flow line if there is no curb, and a line joining points on said curb or flow line thirty (30) feet from the point of intersection of said lines.

C. No stranded wire, barbed wire, or electrified fence shall be installed in any residential district. In commercial and manufacturing districts, the Planner and Building Inspector may grant a permit for the installation of security arms and barbed wire strands



atop protective fences or walls, provided that the lowest strand of barbed wire is maintained at least six (6) feet above the adjoining ground level outside the fence. Agricultural districts may use stranded wire, barbed wire, or electrified fencing for agricultural purposes.

D. No fencing shall be placed in a designated road Right of Way or street easement.

q. Sections (14) and (15) are deleted from paragraph A of Section 30-10-104.

r. The second paragraph of paragraph B of Section 30-10-104 shall read as follows: Upon completion of the process for which the petition was filed, the administrative expenses will be tabulated. The applicant shall be notified of the Town's actual administrative costs. The applicant shall remit the balance prior to the Board of Trustees taking final action or prior to the issuance of a Certificate of Occupancy, whichever occurs later in the process.

s. Section 30-10-103, **Submittal Review Fees**, shall have the following fees added to the listing: (1) Upon receipt of a petition for a Master Plan, the applicant shall pay \$250.00 plus \$10.00 for each lot. (2) Upon receipt of a petition for a Special Use Review, the applicant shall pay \$150.00.

t. Section 30-11-501, **Reference Criteria Manual**, shall read as follows: "For the purposes of adequately distributing treated water, the Town of Berthoud adopts by reference the working standards of the Denver Water Department as published in the Engineering Standards, latest edition."

u. The Chart located in paragraph C of Section 30-13-304 shall have the last 5 maximum heights changed to 20 feet and the last 6 maximum size in square feet changed to 60 square feet per side.

v. Section 30-14-081, **New Plant Materials**, shall be changed to Section 30-14-801, **New Plant Materials**.

aa. Paragraph B of Section 30-14-303 shall read as follows: Tree lawns shall consist of a lawn area a minimum of ten (10) feet in width, extending from the back of the curb to the edge of the detached sidewalk.

bb. The last sentence of paragraph D of Section 30-14-303 shall read as follows: Tree selection shall be from the Recommended Trees for Plains Communities of Eastern Colorado by The Colorado Tree Coalition, which is included in the appendix of this code.

cc. Subsections (1) and (3) of paragraph A of Section 30-15-503 shall read as follows:

(1) Front yard fencing shall be designed to complement the house. Front yard fencing is encouraged to be less than 42" in height and shall be no higher than four (4) feet in residential zones. Materials should be constructed of stained wood, wrought iron, or similar materials to complement the house.

(3) Limited rear yard fencing to enclose a patio or deck is acceptable. A maximum of 250 linear feet is permitted. Maximum height is six (6) feet in all zones except manufacturing.

dd. Paragraph B of Section 30-16-200 shall reference 30-16-201.

ee. The first sentence under Section 30-16-602, **Preliminary Subdivision Plat Submittal Requirements**, shall read as follows: "The following information and data are required for a preliminary plat submittal."

ff. Sections 30-16-500(E), 30-16-601(B), 30-16-602(B), 30-16-603(B), 30-16-701(B), 30-16-702(B), 30-16-801(B), 30-16-802(D), 30-16-802(E) and 30-16-803(D) require that 24" x 36" drawings are to be submitted and shall also include that it is required that there be submitted 12 copies of all plans on a format of 11" x 17" and 1 copy on a format of 8 1/2" x 11".

gg. The following definitions shall be added to Section 30-2-102, **Definitions**:

**Corner Lots:** All corner lots shall have 1 front yard, 2 side yards and 1 rear yard. The Town Planner and Building Inspector shall designate these yards and will base their decision on the orientation of the structure on the lot and the street to which the structure is addressed to.

**Yards** means all properties will have one (1) **Front Yard**, one (1) **Back Yard** and two (2) **Side Yards**.

**Yard, Front** means that portion of a lot which abuts a street and extends across the width of the lot between the property line and the nearest line or point of the building or primary structure.

**Yard, Side** means that portion of a lot which is located between the front yard and the rear yard whose width is that area between the primary structure and the side property line or street if the property is a corner lot.



**Yard, Back or Rear** means that portion of a lot which is located between the rear lot line and the primary structure that extends across the full width of the lot.

Section 2. Effective Date:

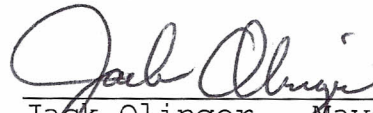
The Board of Trustees of the Town of Berthoud herewith finds, determines and designates that this Ordinance shall take effect and be in force thirty (30) days after publication.

At its meeting February 11, 1997, a public hearing was set by the Board of Trustees of the Town of Berthoud for its meeting held on the 25th day of February, 1997. After the public hearing, this Ordinance was read, passed and ordered published by the Board of Trustees at its meeting this 25th day of February, 1997.

ATTEST:

TOWN OF BERTHOUD:

  
\_\_\_\_\_  
Mary K. Cowdin - Town Clerk

  
\_\_\_\_\_  
Jack Olinger - Mayor Pro Tem

Published: \_\_\_\_\_

## **CHAPTER 30-7 SITE PLAN REGULATIONS**

### **30-7-101 Purpose**

The purpose of these Site Plan Regulations is to provide for review of the design and layout of individual sites prior to their development *and redevelopment*. The Town recognizes that such a review is necessary to :

- A. Ensure that the development of individual lots is done in a manner as to protect the health, safety, and general welfare of the community;
- B. Improve the livability of residential neighborhoods, enhance the appearance and customer draw of commercial areas, increase property values, improve the compatibility of adjacent land uses, and contribute to the overall image and appeal of the Town;
- C. Ensure that public facilities are in place to serve development; and
- D. Ensure that new development is accountable for its proportionate fair share of the cost of necessary facility construction and expansion.

### **30-7-102 General Requirements**

Site Plan Review and approval is required before a building permit may be issued in the Town for all commercial and industrial uses, schools, churches, *multifamily structures and developments*, municipal or other public or quasi-public uses, except that:

- A. This requirement shall not apply to the development or redevelopment of single family or two-family dwellings;
- B. *This requirement shall not apply to any interior remodeling of a structure; and*
- C. This requirement shall not apply to development applications which are processed as a Planned Unit Development (PUD), in accordance with Section 30-5-400 of this code.

### **30-7-103 Site Plan Requirements**

All site plans submitted to the Town for review and approval shall comply with the submittal requirements as contained in *Chapter* 30-16 of this code. Preliminary and Final Site Plan review is required, unless the Preliminary Site Plan requirement is waived by the Town Administrator, *Planner* or their designee at the time of concept review.

- A. *New Construction. All new construction must comply to all of the submittal requirements listed in this chapter as well as all others that are referred to or applicable in this Code.*

*Updated 1/8/97*



*B. Existing Structures.* Any remodeling of, or any renovation of, the exterior of an existing structure must also be consistent with Chapter 30-15 Design Guidelines. All existing structures that are to be altered, changed or modified from their current state must comply to all of the submittal requirements listed in this chapter as well as all others that are referred to or applicable in this Code.

*C. Exceptions.* The remodeling of existing structures will be exempt from Site Plan Review as long as the remodeling is interior only and does not expand or alter the existing building envelop or the current use.

### **30-7-104 Site Plan Review and Approval Procedure**

**A. Sketch Plan Review.** The *sketch plan review* process is mandatory for all development requiring Site Plan Review within the Town. The procedures for *sketch plan review* are described in Section 30-16-200 of this Code. At the concept review meeting, the Town Administrator, Planner or their designee will provide initial comments on the proposed site plan and will discuss submittal and permit requirements.

*B. Neighborhood Meeting.* A neighborhood meeting will be required for all Site Plan Reviews and the neighborhood meeting will be held prior to a submittal being accepted by the Town (see Section 30-16-201 for neighborhood meeting requirements).

*C. Neighborhood Meeting Notice Requirements.* All applications for site plan review shall require that notification be provided in accordance with section 30-3-300 of this Code.

**D. Applications.** Applications for site plan review shall be submitted in accordance with Chapter 30-16 of this code. The Town Administrator, Planner or their designee shall determine if the submitted application is complete. If the application is not complete the Town may reject the application and inform the applicant of the materials or revisions needed to make the application complete.

**E. Technical Review Process.** Once an application for site plan review has been deemed complete and accepted, the Town Administrator or designee routes the plans and written materials to the appropriate Town staff, and referral agencies for their review. Comments are to be received within three weeks from the referral date. Approximately two weeks following receipt of referral responses, comments are sent to the applicant by the Town. If required, the applicant and appropriate Town staff will meet to discuss the written review comments. The failure of a referral agency or agent to reply within the three week time frame will be considered by the Town as a favorable response to the proposal.

**F. Approval.** The Town Administrator and Planner shall be responsible for processing all applications for Site Plan Reviews within the Town of Berthoud. The Town's Administrator and Planner shall also have the responsibility of ensuring that all applications and submittal requirements are met prior to initiating any official action as listed above. The authority and

responsibility for making the decision to approve, disapprove or approve with conditions all request for a Site Plan Review will rest with the Town's Administrator, Planner and other staff members as designated by the Town's Administrator and Planner.

### **30-7-105 Design Requirements**

All site plans submitted for review under the requirements of this code shall be in conformance with Chapter 30-15 *Design Guidelines*, to the maximum extent practicable *and all other applicable sections of this Code.*

### **30-7-106 Development Agreement**

**A. Guarantee of Public Improvements.** *If required,* no site plan shall be recorded until the applicant has submitted and the Town Board of Trustees has approved a development agreement in accordance with the requirements of Section 30-3-200 of this Code.

### **30-7-107 Time Limit For Validity of Site Plans**

**A. Preliminary Site Plan.** Approval of a preliminary site plan shall be valid for a period of one (1) year. Within this one year period, the applicant shall proceed by the filing of a final site plan with the Town. Upon written application, and for good cause, the Town Board may extend the preliminary site plan for two (2) successive one-year periods. The property owner must request an extension in writing not later than 30 days prior to the date of expiration of the plan. Failure to submit a written request within the specified time period shall cause a forfeiture of the right to request an extension of approval. If no final site plan is submitted within the required time, then the right to submit the final site plan shall be forfeited.

**B. Time Limit for Validity of Final Site Plan.** All work within the public right-of-way of an approved final site plan must be completed within two (2) years from the time of final site plan approval. For the purposes of this Code, a final site plan and accompanying plans is complete once all engineering improvements (including but not limited to water, sewer, streets, sidewalk, curb, gutter, street lights, fire hydrants and storm drainage) are installed and completed in accordance with Town rules and regulations. Failure to complete development of a final site plan within the specified time period shall cause forfeiture of the right to proceed under the final site plan and require resubmittal and reapproval of all plans.



## 30-9-300

## Fences and Walls

Fences and Walls may be permitted in all districts as accessory uses in accordance with the following limitations:

### *Maximum Fencing Height by Zoning and Location*

Zoning District	Fencing Location				
	Front Yard	Side Yard	Back Yard	Behind Structure	Side Yard of Corner Lot 0'/15' from lot line abutting a street
R1	4'	6'	6'	6'	4'/6'
R2	4'	6'	6'	6'	4'/6'
R3	4'	6'	6'	6'	4'/6'
R4	Height to be determined by classification of use.				
R5	4'	6'	6'	6'	4'/6'
C1	3'	6'	6'	6'	3'/6'
C2	3'	6'	6'	6'	3'/6'
M1	4'	8'	8'	8'	4'/8'
M2	4'	8'	8'	8'	4'/8'
AG	6'	6'	6'	6'	4'/6'

A. All corner lots shall have one designated front yard and will be determined by the Town Planner or Building Inspector. The decision of which yard will be designated as the front yard and side yard will be based upon the orientation of the house, and the street the house is addressed to. A residential side yard that abuts a street will have a maximum height for a fence of four feet (4') unless such fence is located at least fifteen feet 15' from the lot line abutting a street. If a fence is to be located behind the primary structure (e.g. a dwelling unit or other primary building) the maximum height of the fencing will be six feet 6' for residential and commercial zones and 8 feet for M1 and M2 zones.

B. On all corner lots, no fence or wall shall be placed or maintained within the triangular yard space formed by the intersection of the curb lines of the intersecting streets, or flow line if there is no curb, and a line joining points on said curb or flow line thirty (30) feet from the point of intersection of said lines.

C. No stranded wire, barbed wire, or electrified fence shall be installed in any residential district. In commercial and manufacturing districts, the Planner and Building Inspector may grant a permit for the installation of security arms and barbed wire strands atop protective fences or walls, provided that the lowest strand of barbed wire is maintained at least six (6) feet above the adjoining ground level outside the fence. Agricultural districts may use stranded wire, barbed wire, or electrified fencing for agricultural purposes.

D. No fencing shall be placed in a designated Right of Way.

## 30-15-503 Fences

A. The following criteria shall be considered:

- (1) Front yard fencing shall be designed to complement the house. Front yard fencing is encouraged to be less than 42' in height and shall be no higher than four (4) feet in residential zones. Materials should be constructed of stained wood, wrought iron, or similar to complement the house.
- (2) Rear yard perimeter fencing is discouraged. Rear yard fencing if used is encouraged to be no higher than four (4) feet. A visually permeable fence is preferred.
- (3) Limited rear yard fencing to enclose a patio or deck is acceptable. A maximum of 250 linear feet is permitted. Maximum height is six feet in all zones except manufacturing.

## New Definitions

**Yards:** All properties will have one (1) **Front Yard**, one (1) **Back or Rear Yard** and two (2) **Side Yards**.

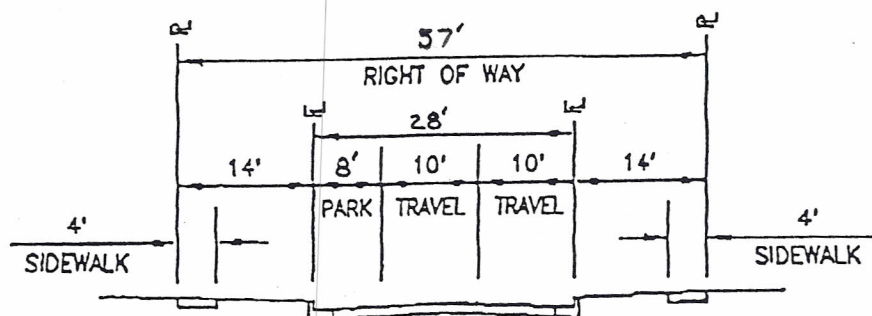
**Yard, Front:** That portion of a lot which abuts a street and extends across the width of the lot between the property line and the nearest line or point of the building or primary structure.

**Yard, Back or Rear:** That portion of a lot which is located between the rear lot line and the primary structure that extends across the full width of the lot.

**Yard, Side:** That portion of a lot which is located between the front yard and the rear yard whose width is that area between the primary structure and the side property line or street if the property is a corner lot.

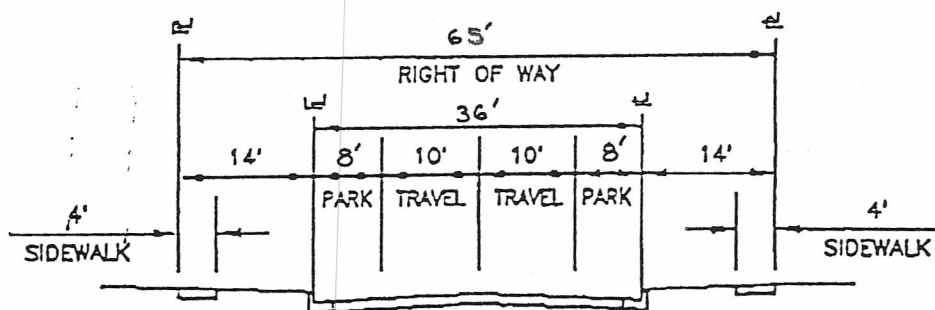
**Corner Lots:** All corner lots shall have 1 front yard, 2 side yards and 1 rear yard. The Town Planner and Building Inspector shall designate these yards and will base their decision on the orientation of the structure on the lot and the street to which the structure is addressed to.



RESIDENTIAL

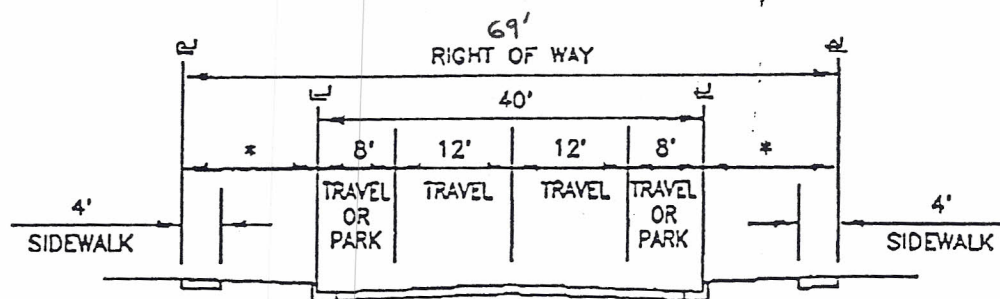
(PARKING ONE SIDE)

N.T.S.

RESIDENTIAL

(PARKING BOTH SIDES)

N.T.S.

INDUSTRIAL/COMMERCIAL

N.T.S.

NOTE:

- 1) DRIVE-OVER CURB, GUTTER AND SIDEWALK MAY BE APPROPRIATE IN SOME INDUSTRIAL NEIGHBORHOODS, SUBJECT TO WRITTEN APPROVAL BY THE TOWN.
- \*2) VARIES DEPENDING ON LANDSCAPING EDGING WIDTH AND SPECIFIC CURB, GUTTER AND SIDEWALK CONFIGURATION APPROVED.
- 3) REFER TO SEPARATE SHEET FOR CURB, GUTTER AND SIDEWALK DETAILS.

TOWN OF BERTHOUD

328 MASSACHUSETTS AVENUE  
P.O. BOX 1229  
BERTHOUD, COLORADO 80513  
(970) 532-2643

TYPICAL ROAD  
SECTIONS

DATE  
9/96