

ORDINANCE NO. 927

AN ORDINANCE AMENDING THE DEVELOPMENT CODE OF THE TOWN OF BERTHOUD, LARIMER AND WELD COUNTIES, COLORADO

BE IT ORDAINED BY THE TOWN OF BERTHOUD, LARIMER AND WELD COUNTIES, COLORADO THAT:

Section 1. The following sections or subsections of the Berthoud Development Code shall be amended.

Paragraphs D through G of Section 30-5-201 titled AG AGRICULTURAL DISTRICTS of CHAPTER 30-5 ZONING DISTRICTS AND STANDARDS shall be re-lettered as A, B, C and D. The first portion of paragraph D shall read as follows: D. Area and Bulk Requirements. The following yard, lot and space requirements apply to all uses in the AG district. The following subparagraphs of paragraph D under this section shall be amended and supplemented to read as follows:

(3) Maximum building height shall be forty (40) feet for dwellings, attached garages and other building uses as listed in Section 30-5-201 B. (Nos. 1, and 3 through 5). Maximum building height shall be thirty (30) feet for accessory structures.

(4) Minimum depth of the front yard shall be twenty-five (25) feet. Accessory structures are not permitted within the front yard area.

(5) Minimum depth of the rear yard for dwellings, attached garages and other building uses as listed in Section 30-5-201 B. (Nos. 1 and 3 through 5) shall not be less than twenty-five (25) feet. The minimum depth of the rear yard for accessory structures and detached garages shall be the same as the minimum side yard widths for accessory structures.

(6) Minimum side yard width shall be five (5) feet for one (1) story dwellings, accessory structures and other building uses as listed in Section 30-5-201 B. (Nos. 1 and 3 through 5) that do not exceed twenty-two (22) feet in building height and seven feet six inches (7 - 6) for dwellings, accessory structures and other building uses as listed in Section 30-5-201 B. (Nos. 1 and 3 through 5) that exceed one (1) story and/or twenty-two (22) feet in building height.

The following new numbered subsections "(7)" and "(8)" shall be added to paragraph D under this section.

(7) Minimum side yard width on the street side of any corner lot for dwellings, garages, accessory structures and other building uses as listed in Section 30-5-201 B. (Nos. 1 and 3 through 5) shall be fifteen (15) feet.

(8) Garage vehicle entrances must be recessed ten (10) feet behind the majority of the dwelling front façade. The dwelling front façade may include covered front porches which extend out from the dwelling front façade a minimum of five (5) feet, are at least as long as fifty percent (50%) of the frontage of the dwelling less the garage, and are constructed as a substantial architectural feature of the dwelling utilizing finish materials similar and consistent with other finish materials used on the exterior of the dwelling. If a covered front porch is used in determining the distance the garage must be recessed behind the front façade of the home, the covered front porch shall not be converted to an enclosed, heated and habitable space as defined by the Town's adopted building code. These requirements shall not apply to all dwellings which were constructed prior to the date of adoption of this code.

Subparagraphs (3) through (7) of paragraph D of Section 30-5-202 titled R1 SINGLE FAMILY RESIDENTIAL DISTRICT shall be amended and supplemented to read as follows:

(3) Maximum building height shall be forty (40) feet for dwellings, attached garages, and other building uses as listed in Section 30-5-202 B. (Nos. 2 through 8). Maximum building height shall be thirty (30) feet for accessory structures.

(4) Minimum depth of the front yard shall be twenty (20) feet. Accessory structures are not permitted within the front yard area.

(5) Minimum depth of the rear yard for dwellings, attached garages and other building uses as listed in Section 30-5-202 B. (Nos. 2 through 8) shall not be less than twenty (20) feet. The minimum depth of the rear yard for accessory structures and detached garages for lots not abutting alleys shall be the same as the minimum side yard widths for accessory structures.

(6) Minimum side yard width shall be five (5) feet for one (1) story dwellings, accessory structures and other building uses as listed in Section 30-5-202 B. (Nos. 2 through 8) that do not exceed twenty-two (22) feet in building height and seven feet six inches (7 – 6) for dwellings, accessory structures and other building uses as listed in Section 30-5-202 B. (Nos. 2 through 8) that exceed one (1) story and/or twenty-two (22) feet in building height.

(7) Minimum side yard width on the street side of any corner lot for dwellings, garages, accessory structures and other building uses as listed in Section 30-5-202 B. (Nos. 2 through 8) shall be fifteen (15) feet.

The following new numbered subsections "(8)" and "(9)" shall be added to paragraph D under this section:

(8) Garage vehicle entrances must be recessed ten (10) feet behind the majority of the dwelling front façade. The dwelling front façade may include covered front porches which extend out from the dwelling front façade a minimum of five (5) feet, are at least as long as fifty percent (50%) of the frontage of the dwelling less the garage, and are constructed as a substantial

architectural feature of the dwelling utilizing finish materials similar and consistent with other finish materials used on the exterior of the dwelling. If a covered front porch is used in determining the distance the garage must be recessed behind the front façade of the home, the covered front porch shall not be converted to an enclosed, heated and habitable space as defined by the Town's adopted building code. These requirements shall not apply to all dwellings which were constructed prior to the date of adoption of this code.

(9) Minimum setback to the entrance of a garage facing an alley shall be fifteen (15) feet. If the entrance to the garage does not face the alley then the minimum setback from the alley shall be three (3) feet.

Subparagraphs (3) through (9) of paragraph D of Section 30-5-205 titled R4 TRADITIONAL NEIGHBORHOOD DISTRICT shall be amended and supplemented to read as follows:

(3) Maximum building height shall be forty (40) feet for dwellings, attached garages, and other building uses as listed in Section 30-5-205 B. (Nos. 2 through 14). Maximum building height shall be thirty (30) feet for accessory structures.

(4) Minimum depth of the front yard shall be a minimum of ten (10) feet and a maximum of twenty-five (25) feet for dwellings and a minimum of twenty (20) feet for other building uses as listed in Section 30-5-205 B. (Nos. 2 through 14). No accessory structures are permitted within the front yard area.

(5) Minimum depth of the rear yard for dwellings, attached garages and other building uses as listed in Section 30-5-205 B. (Nos. 2 through 14) shall not be less than twenty (20) feet. The minimum depth of the rear yard for accessory structures and detached garages for lots not abutting alleys shall be the same as the minimum side yard widths for accessory structures.

(6) Minimum side yard width shall be five (5) feet for one (1) story dwellings, accessory structures and other building uses as listed in Section 30-5-205 B. (Nos. 2 through 14) that do not exceed twenty-two (22) feet in building height and seven feet six inches (7 – 6) for dwellings, accessory structures and other building uses as listed in Section 30-5-202 B. (Nos. 2 through 8) that exceed one (1) story and/or twenty-two (22) feet in building height.

(7) Minimum side yard width on the street side of any corner lot for dwellings, garages, accessory structures and other building uses as listed in Section 30-5-205 B. (Nos. 2 through 14) shall be fifteen (15) feet.

(8) Garage vehicle entrances must be recessed ten (10) feet behind the majority of the dwelling front façade. The dwelling front façade may include covered front porches which extend out from the dwelling front façade a minimum of five (5) feet, are at least as long as fifty percent (50%) of the frontage of the dwelling less the garage, and are constructed as a substantial architectural feature of the dwelling utilizing finish materials similar and consistent with other

finish materials used on the exterior of the dwelling. If a covered front porch is used in determining the distance the garage must be recessed behind the front façade of the home, the covered front porch shall not be converted to an enclosed, heated and habitable space as defined by the Town's adopted building code. These requirements shall not apply to all dwellings which were constructed prior to the date of adoption of this code.

(9) Minimum percentage of common area for open space shall be thirty (30) percent for multifamily dwellings.

The following new numbered subsection "(10)" shall be added to paragraph D under this section:

(10) Minimum setback to the entrance of a garage facing an alley shall be fifteen (15) feet. If the entrance to the garage does not face the alley then the minimum setback from the alley shall be three (3) feet.

The following paragraph D. and subsections "(1)" through "(4)" shall be added to Section 30-5-301 titled C1 LIMITED COMMERCIAL DISTRICT:

D. Area and Bulk Requirements. The following yard, lot and space requirements apply to all uses in the C-1 district:

(1) Minimum lot width shall be fifty (50) feet.

(2) Maximum building height shall be forty (40) feet.

(3) Minimum yard depth shall be twenty (20) feet from the centerline of an alley or from a zoning district line, except that where more than fifty (50) percent of the lots in the block are developed with buildings with less rear setback, the average of such developed lots shall be the minimum requirement for all new buildings or additions in said block.

(4) Maximum floor area ratio shall be 1:2.

Subparagraphs (1) through (2) of paragraph D of Section 30-5-302 titled C2 GENERAL COMMERCIAL DISTRICT shall be amended and supplemented to read as follows:

(1) Maximum building height shall be forty (40) feet.

(2) Minimum yard depth shall be twenty (20) feet from the centerline of an alley or from a zoning district line, except that where more than fifty (50) percent of the lots in the block are developed with buildings with less rear setback, the average of such developed lots shall be the minimum requirement for all new buildings or additions in said block.

The following new numbered subparagraph "(3)" shall be added to paragraph D

under this section:

- (3) Maximum floor area ration shall be 2:1.

Paragraphs A and B of Section 30-9-102 titled **SUPPLEMENTARY LOT AREA AND BUILDING REQUIREMENTS** shall be amended and supplemented to read as follows:

A. Lot Area and Width.

- (1) No part of an area or width required for a lot for the purpose of complying with the provisions of this Code shall be included as an area or width required for another lot.

B. Projections into required yards.

- (1) Cornices, eaves, bay windows, chimneys, and similar architectural appendages may project into a required yard not more than two (2) feet if the structure is located five (5) feet or more from a property line and not more than one (1) foot if the structure is located three (3) feet to five (5) feet from the property line.

- (2) Uncovered porches, patios, exterior balconies, decks, staircases and similar architectural appendages located more than three (3) feet above grade at any point may project into a required yard not more than six (6) feet and may not project any distance into required front or side yards.

- (3) Uncovered porches, patios, exterior balconies, decks, staircases and similar architectural appendages located three feet or less above grade at any point, may project no closer than three (3) feet to a side or rear property line and no closer than fifteen (15) feet to a front property line.

- (4) Covered porches, patios, exterior balconies, decks, staircases and similar architectural appendages must conform to the side and rear yard setback requirements for the zoning district in which they are located.

- (5) Covered porches, patios, exterior balconies, decks, staircases and similar architectural appendages may project no closer than fifteen (15) feet to the front property line.

Paragraph B of Section 30-15-501 titled **SINGLE FAMILY DWELLINGS** shall be amended and supplemented to read as follows:

- B. Garages that load from local streets shall be setback a minimum of ten (10) feet from the front façade of the house and must conform to the setback requirements for the zoning district in which they are located.

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 March 26, 2002, a public hearing was set by the Board of Trustees of the Town of Berthoud for its meeting held on the 9th day of April, 2002. After the public hearing, the Ordinance was read, passed and ordered published by the Board of Trustees at its meeting this 9th day of April, 2002.

TOWN OF BERTHOUD:

Milan Karspeck
Milan Karspeck – Mayor

ATTEST:

Mary K. Cowdin
Mary K. Cowdin – Town Clerk

Published: 4-11-02