

## ORDINANCE NO. 1163

AN ORDINANCE AMENDING PORTIONS OF CHAPTER 30, SECTIONS 30-2-115, 30-2-116, 30-3-104 AND 30-6-106 OF THE TOWN OF BERTHOUD DEVELOPMENT CODE, TOWN OF BERTHOUD, LARIMER AND WELD COUNTIES, COLORADO.

WHEREAS, the Planning Commission of the Town of Berthoud has reviewed the proposed Development Code amendments and recommend adoption of same; and

WHEREAS, the Board of Trustees, after reviewing these documents in a public hearing, has determined that it is in the best interests of the Town that the proposed amendments to Chapter 30, Development Code, Sections 30-2-115, 30-2-116, 30-3-104, and 30-6-106 be amended.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, LARIMER AND WELD COUNTIES, COLORADO:

### Section 1: Adoption.

Pursuant to part 2 of Article 16 of Title 31, C.R.S., there is hereby adopted the amendments attached as Exhibit A, herein to modify regulations regarding the size and location of fences, percentage of garage along the front façade of residential property, accessory building setback at alley, and final plat dedication language within the Town. Three (3) copies of the Code, adopted herein are now filed in the office of the Town Clerk of Berthoud, Colorado and may be inspected during regular business hours.

The Board of Trustees determines that adoption of proposed amendments to Chapter 30, Development Code, Sections 30-2-115, 30-2-116, 30-3-104, and 30-6-106 as set forth in the Development Code of the Town of Berthoud is in the best interests of the Berthoud community, and

The Board of Trustees hereby adopts such amendments and repeals all provisions of the Berthoud Development Code in conflict with these amendments.

### Section 2: Validity.

If any part or parts of this ordinance are for any reason held to be invalid such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Trustees hereby declares that it would have passed this ordinance and each part or parts thereof, irrespective of the fact that any one part or parts be declared invalid.

### Section 3: Certification.

At its meeting on September 10, 2013 this Ordinance was read, passed and ordered published by the Board of Trustees.

The Town Clerk shall certify to the passage of this ordinance and make not less than three copies of the adopted Code available for inspection by the public during regular business hours.

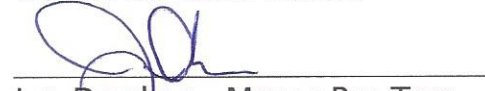
Section 4: Effective Date.

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.

**ATTEST:**

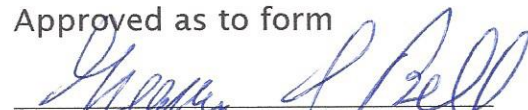
  
Mary K. Cowdin - Town Clerk

**TOWN OF BERTHOUD**

  
Jan Dowker - Mayor Pro-Tem

Published: September 12, 2013

Approved as to form

  
Gregory S. Bell, Town Attorney

Published: 9-19-13

## EXHIBIT A

<b>30-2-115      Fences and walls</b>
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**Section 30-2-115.B.4.a** *is deleted and replaced with the following:*

1. Height limitations. Fences or walls shall be:
  - a. On corner lots, each yard adjacent to a public right-of-way, excluding alleys, shall be designated as a side or front yard based upon the orientation of the house and the street address of the building. For purposes of this section, the side yard is that portion of a lot which is located between the primary structure and the side property line adjacent to the street. The designated side yard on a residential property will have a maximum fence height of four feet within the front and side yards. A rear yard will have a maximum fence height of six feet adjacent to a street. The fence must be located a minimum of two feet from the edge of the sidewalk, or if there is no sidewalk, the fence must be a minimum of six feet behind the edge of the curb. For properties whose rear property line abuts an alley, an eight foot site distance triangle must be maintained or the fence shall be a maximum of four feet in height for a distance of eight feet along the rear and side property lines.

**Table 2.7: Fence Requirements** *is deleted and replaced with the following:*

ZONE DISTRICT	FRONT YARD	SIDE YARD	REAR YARD	BEHIND STRUCTURE	FRONT SIDE YARD - CORNER LOT	REAR SIDE YARD - CORNER LOT
TN	4'	6'	6'	6'	4	6
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 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

<b>30-2-116 Residential design standards</b>
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**Section 30-2-116.D.3.b.** *is deleted and replaced with the following:*

Garages may make up no more than 65% of the length of the façade except when located on a lot within a cul-de-sac. The Town Administrator may make an exception to this standard for garages that make up no more than 68% of the length of a façade if the architectural quality and image of the structure supports that higher percentage.

<b>30-3-104 Principal and conditional uses by zoning district</b>
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The setback provision for detached garage facing the alley as identified in Figures 3.1, 3.2, 3.3, 3.4, 3.5, and 3.6 are modified as follows:

I      Setback, Detached Garage Facing Alley:      a 4 to 8 ft. setback or a 20 ft. setback

<b>30-6-106 Final Plat</b>
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The Final Plat dedication language as listed in 30-6-106.B.1.d.vii.o *is deleted and replaced with the following:*

**LEGAL DESCRIPTION AND DEDICATION:**

KNOW ALL MEN BY THESE PRESENTS: That the undersigned, being the owners of \_\_\_\_\_, Township \_\_\_\_\_ N, Range \_\_\_\_\_ W of the 6<sup>th</sup> Principal Meridian, Town of Berthoud, County of \_\_\_\_\_, State of Colorado, more particularly described as follows:

**(LEGAL DESCRIPTION)**

Have laid out, platted, and subdivided the above described land, under the name and style of \_\_\_\_\_, and by these presents do dedicate to the Town of Berthoud in fee simple the street and public "rights-of-way" as shown on the plats, and grant to the Town of Berthoud such easements and rights-of-way, and all right, title and interest in real property to the above described lands, including all surface interests and all minerals within or underlying said lands, as are created hereby and depicted or, by note, referenced hereon, along with the right to install, maintain, replace and operate mains, transmission lines, service lines, and appurtenances, either directly or through the various public utilities, as may be necessary to provide such utility, cable television, water, electric, natural gas and sanitary services within this subdivision or property contiguous thereto, through, over, under, and across streets, utility and other easements, and other public places as shown on the plat.