

**AN ORDINANCE AMENDING PORTIONS OF THE TOWN OF BERTHOUD
DEVELOPMENT CODE.**

Be it ordained by the Board of Trustees of the Town of Berthoud, Larimer and Weld Counties, Colorado that the Town of Berthoud Development Code is hereby amended with the following additions and deletions:

Section 1.

The definition of "setback line" in **30-2-102 Definitions** shall read as follows:

Setback Line – means a line marking the minimum distance a building may be erected from a street, alley, or lot line, as measured from the nearest line or point of the building foundation.

Section 30-5-202 D shall read as follows:

D. Area and Bulk Requirements

- (1) Minimum lot area shall be the equivalent of three times the building footprint but not less than six thousand six hundred (6,600) square feet. The building footprint shall mean the sum of the principal dwelling, attached or detached garages, accessory structures, but does not include detached accessory structures less than 120 square feet of floor area.
- (2) Minimum lot width shall be fifty (50) feet for a single family dwelling and one hundred (100) feet for the uses set forth in B. (2) – (6) above.
- (3) Maximum building height shall be forty (40) feet for the principal dwelling and attached garages and thirty (30) feet for accessory structures.
- (4) Minimum depth of the front yard shall be twenty (20) feet. No accessory structure is allowed within the front yard area.
- (5) Minimum side yard for principal dwellings and accessory structures shall be defined by a vertical building envelope equivalent to one (1) foot of side yard for every $2 \frac{1}{2}$ feet or fraction thereof of building height, except that no side yard shall be less than five (5) feet for any principal dwelling and three (3) feet for accessory structures. Building height in this case is measured from the average ground level along the wall abutting the lot line from which the setback is being measured. The minimum side yard width shall be fifteen (15) feet on the street

side of any corner lot for principal dwellings, garages with entrances not facing the street, and accessory structures.

(6) Minimum depth of the rear yard for the principal dwelling shall be not less than twenty (20) feet. The minimum rear yard depth for accessory structures and detached garages for lots not abutting alleys shall be the same as the side yard for accessory structures.

(7) Minimum setback to the entrance of a garage facing the street shall be thirty (30) feet and recessed ten (10) feet behind the majority of the front house façade. The house façade may include covered front porches that are greater than one-half the overall length of the house facing the street, including the garage. These requirements shall not apply to all residences which were constructed prior to the date of adoption of this code, in which case the twenty (20) foot front yard setback applies (fifteen (15) feet for street side yards on any corner lots).

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

Section 30-5-203 D shall read as follows:

D. Area and Bulk Requirements

1. Minimum lot area shall be the equivalent of three times the footprint of the building, but not less than three thousand five hundred (3,500) square feet per dwelling unit for two-family and multi-family dwellings.
2. Minimum percentage of common area for open space shall be thirty (30) percent for multifamily dwellings.
3. All area and bulk requirements required in the R-1 zone district as stated in Section 30-5-202 D 1-8.

Section 30-5-204 C shall read as follows:

C. Area and Bulk Requirements

1. All area and bulk requirements required in the R-2 zone district as stated in Section 30-5-203 D.

Section 30-5-400 E shall read as follows:

E. Area and Bulk Requirements. The density and/or intensity of development shall be based upon the capacity of the land proposed for development as well as the impact of the proposed development on Town Services and facilities and on neighboring property that could be impacted by the proposed development. Area and bulk requirements shall be set by the Final Development Plan approved for the PUD in accordance with Chapter 30-16 of this code. To the extent that area and bulk requirements are not defined by a Final Development Plan, the closest relating zoning district standards shall apply. Notwithstanding the foregoing, residential development shall not exceed twelve (12) dwelling units per acre (gross density); Commercial and office development shall not exceed a floor area ratio of 2.0; and industrial development shall not exceed a floor area ratio of 1.0.

Section 30-9-102 B shall be re-titled and read as follows:

B. Projections into the Required Yard

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

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 rear yard not more than six (6) feet and may not project any distance into required front or side yards.

Uncovered porches, patios, exterior balconies, decks, staircases and similar architectural appendages located three (3) 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 fourteen (14) feet to a front property line.

Covered porches, patios, exterior balconies, decks, staircases and similar architectural appendages must conform to side and rear yard requirements for the zoning district in which they are located. However, they may extend to within fifteen (15) of the front property line.

Section 30-9-102 C shall be renumbered as 30-9-102 D and the following is now 30-9-102 C

C. Projections into the Public Right-of-way. Building appendages projecting into the public right-of-way must conform to provisions of the Town's adopted building code.

Section 30-5-301 B shall read as follows:

B. (10) Residential subject to the area and bulk requirements of the R-3 zone district.

Section 2.

This Ordinance was introduced and read at the regular meeting of the Board of Trustees on February 27, 2001 and a public hearing set for March 13, 2001. At the regular meeting of the Board of Trustees on March 13, 2001 this Ordinance was adopted by the Board of Trustees. This ordinance shall be published and take effect thirty days after publication.

Milan Karspeck

MAYOR: Milan Karspeck

Mary K Cowdin

Town Clerk: Mary Cowdin

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