

TOWN OF BERTHOUD

ORDINANCE NO. 1276

AN ORDINANCE AMENDING CHAPTER 30, SECTIONS 1-6 OF THE DEVELOPMENT CODE OF THE TOWN OF BERTHOUD, FOR THE PURPOSES OF AMENDING AND REVISING THE DEVELOPMENT CODE.

WHEREAS, it is deemed to be in the interest of the public health, safety and general welfare to revise the Development Code of the Town to provide for better building and development standards; and

WHEREAS, Town Staff, Planning Commissioners and members of the Development Community have reviewed the existing code, and have made recommendations to improve the current Development Code requirements; and,

WHEREAS, the Board of Trustees, after proper notice, has held a public hearing on this ordinance providing for the adoption of said code pursuant to C.R.S. § 31-16-203; and

WHEREAS, the Development Code and amendments thereto have been submitted to the Board of Trustees in writing and the Board of Trustees has determined that such code and amendments thereto should be adopted as herein set forth;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, COLORADO:

Section 1. That specific sections of Chapter 30, Section 30-1-117 (Table 1.1); Section 30-2-105; Section 30-2-109; Section 30-2-116; Section 30-2-117; Section 30-3-108; Section 30-6-106; Section 30-6-108 of the Berthoud Development Code are hereby repealed, and the Municipal Code Sections specifically set forth in the Exhibits attached, are hereby adopted in its stead;

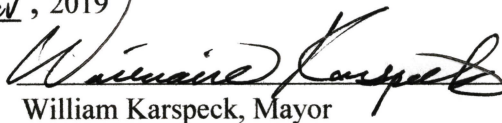
Section 2. If any section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Board of Trustees hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

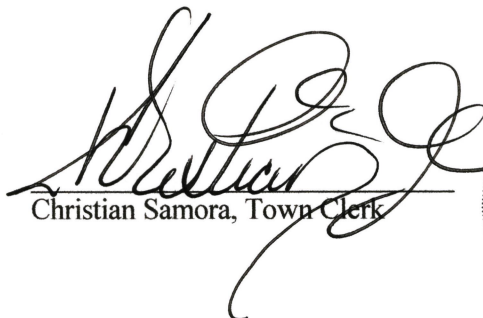
Section 3. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 4: The repeal or modification of any provision of the Municipal Code of the Town of Berthoud by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 5: The Provisions of this Ordinance shall take effect thirty days after publication as required by law, and shall apply to all lighting plans, development, and construction permitted after such date.

INTRODUCED, READ, ADOPTED, APPROVED, AND ORDERED PUBLISHED IN
FULL this 8th day of October, 2019


William Karspeck, Mayor


Christian Samora, Town Clerk



C. Hearing and notification requirements

Listed below are the notification requirements in the Town of Berthoud. Abbreviations used below include C.R.S. (Colorado Revised Statutes) and Hearing (Public Hearing). Hearings will be noticed per the Town of Berthoud in most instances, but notice requirements for annexation must follow provisions of the Colorado Revised Statutes. Mailed notices identified below would normally include notice of both the Planning Commission and Town Board meeting/hearings as appropriate.

Table 1.1 Hearing and notification requirements				
	Hearing	Publication	Mailed notice	Post sign
Annexation	Before Commission as regular agenda item. Before Town Board per C.R.S.	4 successive weeks starting at least 30 days prior to Statutory Hearing.	Yes, to property owners within 500 feet no less than 25 days and no more than 30 days prior to Statutory Hearing.	Yes, no less than 30 days prior to Statutory Hearing.
Zoning	Before Commission as regular agenda item and Town Board as quasi judicial hearing.	No less than 15 days prior to Commission meeting.	Yes, to property owners w/in 500 feet sent no less than 15 days prior to Commission meeting.	Yes, no less than 15 days prior to Commission meeting.
Rezoning	Before Commission as regular agenda item and Board as quasi judicial hearing.	No less than 15 days prior to hearing.	Yes, to properties within 500 foot area sent no less than 15 days prior to Commission meeting.	Yes, no less than 15 days prior to Commission meeting.
Text Amendment to Development	Before Board as hearing.	No less than 15 days prior to	No.	No.

Code (Chapters 10-11)		hearing.		
	Hearing	Publication	Mailed notice	Post sign
Preliminary Plat	Before Planning Commission as regular agenda item and Board as quasi-judicial hearing.	No less than 5 days prior to meeting.	Yes, to property owners within 500 feet no less than 5 days prior to meeting.	Yes, no less than 5 days prior to Commission meeting.
Final Plat	Before Planning Commission as quasi judicial hearing. <u>No</u> Board meeting or hearing.	No less than 5 days prior to Commission meeting.	Yes, to property owners within 500 feet no less than 5 days prior to Commission hearing.	Yes, no less than 5 days prior to Commission hearing.
Neighborhood Master Plan	Before both Commission and Board as regular agenda items.	No less than 15 days prior to Commission/Board meeting.	Yes, to properties within 1,000 feet no less than 15 days prior to meeting.	Yes, to properties no no less than 15 days prior to Commission meeting.
Conveyance Plat	Before Commission as regular agenda item and Board as hearing.	No less than 5 days prior to Commission meeting.	Yes, to property owners within 500 feet, and referral agencies no less than 5 days prior to Commission meeting.	Yes, no less than 5 days prior to Commission meeting.
PUD or amendment to PUD	Before Commission as regular agenda item and Board as hearing.	No less than 15 days prior to hearing.	Yes, to property owners within 300 feet, and referral agencies no less than 15 days prior to	Yes, no less than 15 days prior to Commission meeting.

			Commission meeting.	
Comprehensive Plan Amendment	Before Planning Commission as hearing and Board as regular agenda item.	No less than 15 days prior to Commission hearing.	No	No
Text Amendment to Development Code (Chapters 1-9)	Before Planning Commission as regular item and Town Board as hearing.	No less than 15 days prior to hearing.	No.	No.
	Hearing	Publication	Mailed notice	Post sign
Variances & Appeals	Board of Adjustment (BOA) as quasi-judicial hearing	No less than 15 days prior to hearing.	Yes, to property owners within 300 feet no less than 15 days prior to BOA hearing.	Yes, no less than 15 days prior to BOA hearing.
Conditional Use	Before Planning Commission as quasi judicial hearing.	No less than 15 days prior to hearing.	Yes, to property owners within 300 feet, and referral agencies no less than 15 days prior to Commission meeting.	Yes, no less than 15 days prior to Commission meeting.
Use By Special Review/Conditional Use: Medical Marijuana/Oil and Gas	Before Town Board as a quasi-judicial hearing	No less than 15 days prior to hearing.	Yes, to property owners within 300 feet, and referral agencies no less than 15 days prior to Board meeting.	Yes, no less than 15 days prior to Town Board meeting.

Minor Subdivision	Before Planning Commission as quasi-judicial hearing.	No less than-5 days prior to hearing.	Yes, to property owners within 300 feet no less than 5 days prior to Commission hearing.	Yes, no less than 5 days prior to Commission hearing.
Site Plan Review & Action	Administrative approval unless referred to Planning Commission by Administrator	No notice required,	No notice required,	No notice required,

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 Town for review and approval as an administrative act.

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.

6. Record

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

30-1-118 to 30-1-xxx

Reserved.

Intent. The intent of the street standards is to establish a safe, efficient, attractive transportation system that promotes all modes of transportation and is sensitive to the environment.

General provisions. The local street system of any proposed development shall be designed to be safe, efficient, convenient and attractive. The local street system shall consider vehicular, bicycle, pedestrian, and transit elements in the design of the system. Streets shall be developed as an inviting public space and are an integral part of the overall community design in Berthoud.

1) Complete Streets: To encourage all forms of transportation in Berthoud, and to lessen the reliance on automobile traffic, all new or redeveloped streets shall be developed as Complete Streets. Complete Streets include accommodations for each mode of travel recognizing that all streets are different and that the needs of various users will need to be balanced in a flexible manner. The standards as adopted within Larimer County Urban Area Street Standards (LCUASS), shall support the accommodation of all travel modes. Implementation may be flexible to respond to the context and character of corridors, with the ultimate intent of safely accommodating all modes.

2. Street connections. All streets shall be aligned to join with planned or existing streets consistent with the Town Comprehensive Plan and Master Street Plan as amended. All streets shall be designed to bear a logical relationship to the topography of the land. Intersections of streets shall be at substantially right angles unless otherwise approved by the Town. Street stubs shall be required in instances a proposed development is adjacent to an undeveloped property. Streets in new developments shall be designed to connect to the adjoining street network and/or adjoining street stubs. Internal access easements shall be required on all commercial and industrial developments, unless waived by the Town Engineer.

3. Tree-lined streets. All streets shall include street trees on both sides of the street with the exception of rural roads and alleys. Allowances may be made in commercial, mixed use and industrial districts to group trees or reduce the number of trees as appropriate in order to allow view corridors that are framed by street trees into those types of developments. 10' tree lawns are required on Arterial and Collector streets.

4. Street layout. The street layout shall form an interconnected system of streets where feasible, primarily in a grid or modified pattern adapted to the topography, unique natural features, environmental constraints and open space areas. The street layout shall emphasize the location of neighborhood focus points, other internal open space areas, gateways, and vistas. The use of cul-de-sacs and other roadways with a single point of access shall be minimized. The integration of traffic calming features within and adjacent to residential areas shall be utilized when appropriate.

5. Controlling street access. A strip of land between a dedicated street and adjacent property shall not be reserved for the purpose of controlling access to such street from such property.
- ~~6.~~ Visibility at intersections. No shrubs, ground cover, berms, fences, structures, or other materials or items between twenty-four inches and eight feet in height at maturity shall be planted, created or maintained at street intersections within the site distance triangle. Trees shall not be planted within the site distance triangle and the linear street distance included within a sight triangle shall not be part of the calculation for the total number of street trees needed in that project.
7. Pedestrian crossings at street intersections and mid-block. Pedestrian crossings shall be accessible to handicapped individuals and mid-block crossings may be required at the direction of the Town.
8. Access. Access to all subdivisions shall be from a public street system and driveways shall not access Colorado Highway 56 except as identified in the State Highway 56 Corridor Access Control Plan as amended.
9. Street right-of-way dedication. The full width of right-of-way for all streets being platted must be conveyed to the Town after final acceptance unless otherwise approved by the Town.
10. Perimeter and dead-end streets. When a street is dedicated which ends on the plat, the street right-of-way must be dedicated to the boundary of the plat. Dead end streets are prohibited except in unique situations and then only with approval of the Town.
11. Street names. Names of new streets shall not duplicate names of existing streets in Berthoud. However, new streets which are extensions of, or which are in alignment with, existing streets within the Town shall bear the names of such streets. Street naming and property address numbering will be coordinated between the applicant, Town of Berthoud and Larimer or Weld County as appropriate.

General design standards.

12. **Street & alley standards.** Streets shall conform to the Larimer County Urban Area Street Standards (LCUASS) (Loveland only) as amended, and specifications listed below and all other applicable laws, rules and regulations.
 - i. Design of streets, curbs and gutters shall be in accordance with the Americans with Disabilities Act (ADA) standards.

- ii. The layout of arterial and collector streets shall be per the Town's Master Street Plan unless otherwise approved by the Board.
- iii. Utility pedestal locations shall be minimized in tree lawns and yards that abut streets.

- A. Intent.** To ensure that a comprehensive, integrated network of parks and open space is developed and preserved consistent with any adopted Parks, Open Space and Recreation (PORT) Plan as the Berthoud community grows.

B. Park Standards and Requirements

1. The Town of Berthoud reaffirms its belief that high-quality useable parks and open spaces contribute to the overall quality of life for Berthoud residents. The Town prioritizes diversity of park amenities throughout the community as development occurs.

2. Park Development Requirements

a. Developed parks shall be required for a residential subdivision if the subdivision totals more than 6 acres or has more than 50 dwelling units. The amount of developed park required shall be calculated at a ratio of 1 acre of parkland per 100 dwelling units, and must satisfy the requirements of 30-2-109 B 3, and the elements of 30-2-109 B 4, found in this Section.

b. Park areas shall be surrounded by public right-of-way not by private lots, to the greatest extent feasible.

3. Park Types and Requirements:

a. Pocket Park: A pocket park is a small outdoor recreational space intended to serve the immediate neighborhood. Pocket parks shall be a minimum of 1/3 acre in size and less than 2 acres. It should be accessible by walking and biking and should be located within a ¼ mile radius of the intended users. Pocket parks do not typically require off-street parking. Pocket parks shall be owned and maintained by an HOA or Metro District and shall remain open to the public. No credit for Park Development impact fees shall be granted by the Town for the construction of pocket parks.

b. Neighborhood Park: Neighborhood parks are the basic unit of the park system and serve as the recreational and social focus for the neighborhood. A neighborhood park shall be a minimum of 2 acres in size and less than 5 acres. Neighborhood parks are generally intended to serve a resident population living within a 1-mile radius. Neighborhood Parks should have high visibility to surrounding streets for public safety. Depending upon available on-street parking, neighborhood parks may require off-street parking spaces of 7 off-street parking spaces, at least 1 of which shall be ADA accessible. Depending upon the types of amenities included, and at the discretion of the Town, neighborhood parks may be owned and maintained by an HOA or Metro District or may be dedicated to the Town upon completion of construction and acceptance by

the Town. In all instances, neighborhood parks shall remain open to the public. Credit for Park Development impact fees may be granted by the Town up to 25% of the impact fee if the Town accepts dedication of the Park, but in no case shall credit total more than the cost to construct the park.

c.Community Park: Community parks are large recreation facilities serving a population within a several miles radius. A community park shall be a minimum of 5-acres and less than 20-acres. Community parks are intended to provide recreational opportunities of community interest such as sport fields, courts, or other unique recreation amenities. Locations of community parks must be approved by the Town. Due to their size, community parks may not have high visibility to surrounding streets and should be designed with public safety in mind. This may be accomplished with access control, video surveillance, enhanced lighting, or other creative design ideas to increase public safety. Off-street parking is required for all community parks and requirements will be established by the Town based upon the amenities provided. All community parks shall be designed in accordance with all applicable Town standards and dedicated to the Town upon completion of construction and acceptance by the Town. Credit for Park Development impact fees shall be granted by the Town up to 100% of the impact fee, totaling no more than the cost to construct the park.

d.Regional Park: Regional Parks are intended to serve the entire Town and surrounding communities. They are not typically constructed by developers but in rare instances may be included as part of a large master planned community. Regional Parks are greater than 20-acres in size and must be planned, approved, and accepted by the Town.

4. Park Development Required Elements

All proposed parks must have the following elements:

- i. Required infrastructure (all of the items on List A)
- ii. Parks must include components making them unique from passive open space or landscaped areas as follows:
 - a. POCKET PARKS must include a minimum of
 - i. All required components (List A)
 - PLUS
 - ii. (2) Pre-selected components (List B)
 - iii. (1) Components of Choice (List C)
 - OR

iv. (1) Pre-selected Component (List B)

v. (1) Specialty Component (List D)

AND

vi. (2) Comfort and Convenient features of choice (List E)

b. NEIGHBORHOOD PARKS must include a minimum of

i. All required components (List A)

PLUS

ii. (5) Pre-selected components (List B)

iii. (3) Components of Choice (1 high, and 2 low) (List C)

OR

iv. (3) Pre-selected Component (List B)

v. (2) Specialty Component (List D)

AND

vi. Portable restroom enclosures and (3) other Comfort and Convenient features of choice (List E)

c. COMMUNITY PARKS must include

i. (5) Pre-selected components (List B)

ii. (5) Components of Choice (List C) (2 high, 3 low)

OR

iii. (3) Pre-selected Component (List B)

iv. (2) Specialty Component (List D)

AND

v. A restroom building and (4) other Comfort and Convenient features of choice (List E)

List A - Infrastructure – Required

1. Electricity
2. Irrigation
3. Security lighting
4. Trash receptacles (min. 1 per acre)

5. Water service
6. Bike racks
7. Landscaping (using plants from City's recommended plant list)
8. Park benches (minimum 1 for pocket park; or 1 per acre).

List B - Pre-selected components

1. Group picnic shelter (min size 500 sf and 3 tables)
2. (2) Individual shelters with one picnic table each (counted as 1)
3. 15,000 sf turf min play area (counted as 1 per 15,000 sf)
4. 10,000 sf min. natural area (counted as 1 per 10,000 sf)
5. Loop walk (min length 2000 linear feet)

List C - Components of Choice All may be counted only once.

High:

1. Basketball (one full court)
2. Sports field area (City to specify level of required development)
3. Spray pad or splash area
4. Handball or racquetball court
5. Off-leash dog area – fenced (min size - 1 acre)
6. Practice backstop (with turf size adequate for min. 200 ft. foul lines – may be on required turf area)
7. Tennis court
8. Water feature (A passive water-based amenity that provides a visual focal point such as fountains, ponds, or waterfalls)
9. Trail head with a minimum of 7 parking spaces

Low:

10. Public Art
11. Shuffleboard
12. Bocce ball
13. Disc golf course (min 9 baskets)

14. Horseshoe pits
15. Fitness course
16. Permanent picnic tables with Chess/Checkers Board
17. Volleyball court
18. Other components chosen by the applicant and approved by the Town

List D - Specialty components (To be used only with prior written consent of the City)

1. Commercial-Grade Playground
2. BMX or mountain bike skills course
3. Boating facilities
4. Fishing facilities
5. Outdoor pool
6. Spray or Splash Park
7. Skate Park
8. Amphitheater
9. Community Building

List E – Comfort and Convenience Features

All may be counted only once, except as noted

1. BBQ grills (min. 1 per every 2 tables)
2. Benches (min. 1 per ½ acre)
3. Drinking fountains (min. 1 per every 4 acres)
4. Portable restroom enclosures
5. Restrooms with plumbing (counts as 3 items)
6. Shade structures for components from List C, or D (counted 1 per item)
7. Trail head with parking (min. 4 cars)
8. 20 trees planted per acre (counted as 1)

iii. General provisions.

- a. Public access. Areas designated as public open space shall be both visibly and physically accessible to the community. Adequate public access shall be provided to all public open space, natural and developed, directly from the public street and trail system. Pocket parks and plazas shall be integrated into the neighborhood design and be accessible to pedestrians and bicyclists.
- b. Buffering. Appropriate buffering and setbacks shall be used between environmental resources and proposed development to ensure that the proposed development does not degrade the existing habitat. Developers shall provide an open space buffer zone of 150 feet around all natural areas unless otherwise authorized by the Town.
- c. Ownership and maintenance of open space. Ownership and maintenance of public open space shall be determined by the Town on a case by case basis through the review process.
 - i. Generally, the Town shall own and maintain community parks, regional parks and public trails. Town ownership and maintenance of neighborhood parks will be decided on a case-by-case basis.
 - ii. Pocket parks, plazas, outlots and private recreational facilities shall be owned and maintained by a homeowners' association, metro district or the landowner.
 - iii. Environmentally sensitive, archaeological and historic resources may be dedicated to and maintained by the Town at Town's discretion.
 - iv. Stormwater detention and retention areas that function as open space shall be owned and maintained by a homeowners' association, metro district or the landowner, unless otherwise approved by the Town.
 - v. Areas designated as open space shall be maintained according the designated function of the area. Applicants shall develop a management plan which addresses: irrigation, revegetation, erosion control, and weed management. If the area is to remain in private ownership, a mechanism which will assure maintenance will be funded must be in place at the time of final plat.
- d. Open space protection. Areas designated as open space shall be protected by conveyance to the Town as provided on the plat and by this Chapter, deed restriction or other appropriate method to ensure that they remain open and cannot be subdivided or developed in the future without approval of the Town.

iv. Open space requirements.

1. Open Space is defined as:

- a. Areas designated for preservation and protection of environmental resources including floodplains, natural drainage ways, and wetland areas;
- b. Storm drainage facilities
- c. Areas designated for agricultural activities or preservation;
- d. Areas of archeological and historic significance; and
- e. Areas of critical or important habitat as defined by the Colorado Division of Wildlife.
- f. Common landscaped areas incorporated into properties zoned R-2, R-3, R-4, C-1, C-2.

2. Areas not counted as Open space:

- a. Required Park improvements shall not be counted towards the 10% open space requirement.
- b. Required setback areas around oil and gas production facilities;
- c. Disconnected remnants of land created by division of sites into lots or parcels that do not qualify as open space, unless approved by the Town;
- d. Private yards of any homes or tree lawns if present in a subdivision;
- e. Required parking lot landscaping associated with all uses, except parking specifically designated for access to open space areas and within commercial/industrial projects.

3. Open Space Requirement

Open space shall be required for 10% of the total area of any project as approved in a Neighborhood Master Plan, and each filing or plat must also possess at least 10% open space. Commercial use and industrial use only properties shall not be required to satisfy the open space requirements.

4 Required Open Space Elements

Developments will be required to satisfy the following functional open space elements as per the following acreage requirements:

- a. Developments consisting of 5 acres to 50 acres in total size, shall be required to satisfy two (2) elements;
- b. Developments of 50 acres to 200 acres shall be required to satisfy three (3) functional open space elements, and;
- c. Developments of 200 acres or more, shall be required to satisfy four (4) functional open space elements.

5.Functional Open Space Elements:

- a. Useable Detention Areas (1 and 2 Elements possible): A useable or improved detention pond(s) a minimum of one (1) continuous acre in size, with turf, trees, shrubs and other amenities such as benches or picnic tables, crusher refines trail, that do not impede detention capacity, including a permanent irrigation system and higher quality construction materials (i.e., decorative rock for riprap), and/or ability for use as athletic fields, to be perpetually maintained by the development, shall count as one (1) element. Useable detention areas to be utilized as athletic fields shall count as two (2) elements. No water dedication will be required for useable detention areas.

- b. Additional Pocket Park (1 Element): An additional pocket park(s) from that which is required under the park standards found in this development code, ranging from a third of an acre (1/3) to two acres in gross size which meet the park standards herein (add new code standard), shall count as one (1)element.

- c. Agricultural Preservation (2 Elements): A farm placed in a permanent conservation easement of at least 10 continuous acres in size, with proof of a permanent water source shall count as one element.

- d. Habitat Area (2 Elements): preservation of a natural habitat area, of at least 5 acres in size, shall count as two (2) elements. Existing Habitat areas to be considered, must provide an ecological study performed by a professional qualified in the areas of ecology, wildlife biology, or other relevant discipline. The ecological characterization report should be included with the open space plan, verifying that it is a natural habitat. All habitat areas shall provide a 150' setback from any development. Habitat areas shall not require water dedication.

- e. Greenway (1 Element): A permanent greenway 40' continuous feet in width, and at least a third of an acre in size, with an 8' crusher refine trail or 8' concrete trail, shall count as one element. Greenways should utilize natural grasses, pollinator gardens, and trees and shrubs to the greatest extent possible. All greenway areas shall not be required to provide water dedication.

- f. Green Area (1 and 2 Elements): Informal gathering area with irrigated turf, at least 50 continuous feet wide, and half an acre in size for unstructured recreational activities shall count as one open space element. Green areas at least 50 wide, and over one acre in size shall count as two open space elements. Green areas may include an amphitheater, trees along the

perimeter, pollinator gardens or community gardens. Green areas should be flat, unless otherwise approved by the Town. All improved green areas shall have water dedication calculated at 0.25 acre feet.

g. Trailhead (1 Element): A trailhead built with five permanent parking spaces (one handicap), a bench, and garbage receptacles shall count as one element. The trailhead must connect to an existing or proposed trail network. No water dedication shall be required for trailhead areas.

h. Plaza for Mixed Use Developments for C-1, C-2, R-3, and R-4 (1 element): Open spaces available for civic purposes and commercial activities intended to add vibrance to the downtown or central areas of neighborhoods within mixed use developments. Plaza's must be at least 2,000 square feet in size, and 50 feet wide shall count as one open space element. Trees and other landscaping will complement a mostly hardscape development pattern.

i. Community Lawn (2 elements): Green Irrigated areas of over 1 continuous acre in size, and 75 feet in width, in the center of the development, in which building frontages orient to the lawn, and trees are planted within the perimeter, shall count as two elements. Community Lawns may utilize natural grasses, pollinator gardens, and trees and shrubs and other water saving features. Building frontages must be rear or side loaded to receive credit. Water dedication for all community lawn areas (including trees and shrub areas) will be set at 0.25 acre feet.

j. Buffer areas (1 element): Expanded continuous 60' wide continuous buffer areas along the entire perimeter of the development, with fencing that satisfies the Subdivision Identity Standards, pollinator gardens, or irrigated berms shall count as one functional element. Water dedication for expanded buffer areas satisfying this section of the code, will be set at 0.25 acre feet.

k. Preservation of Landmark Properties and/or Sites (1 element) or Existing Trees: The preservation of any landmark building and or site under the Historic Resources requirements of Section 9 of this code, shall count as one element. Preservation of existing mature trees may qualify for one (1) element, based on an existing tree survey conducted by a licensed arborist.

A. Purpose. The Board of Trustees of Berthoud have determined that residential development is a primary component of land use in this community and that the appearance of single or multi-family dwellings from the street is intrinsically related to the preservation of neighborhood character and quality of life.

B. Applicability. The Design standards stated in this "section" are intended to implement strategies for residential development, and promote quality design of an urban environment. In an effort to avoid monotonous streetscapes, all residential development (including PUDs and development on individual lots or parcels) shall include a mixture of different lot sizes, dimensions, and housing models, as provided and described in this section, unless expressly exempt by this section. Repetitive front elevation dwellings shall not be located adjacent to or directly across the street. The requirements of this Section shall not apply to the rebuilding of a structure not in conformance with this Section that has been damaged or destroyed by fire or natural disaster.

C. Compliance required for building permit. Compliance with this Section, as determined by the Planning Director, shall be required as a condition of the issuance of a building permit for any single or multi-family residential dwelling. A decision by the Planning Director may be appealed by the Applicant to the Planning Commission on appeal, acting as the Board of Adjustment. Architectural elevations shall be submitted with all site plans. Block Diversity plans shall also be submitted as required herein, during the building permit process.

D. Single-family dwelling standards. The intent of this section is to foster new residential development with architectural designs that create diversity and variety along residential streets.

1. Lot diversity:

- i. *Mix of Housing.* A mix of permitted housing types and residential use types shall be included in any individual development plan, to the extent reasonably feasible, depending on the size of the parcel. In order to promote such variety, the following minimum standards shall be met:
 - (a) A minimum of two (2) lot diversity types as provided below in Section 30-2-116 (C)(1) (iii), shall be required on any project development plan containing twenty (20) acres or more, including such plans that are part of a phased overall development; a minimum of three for thirty (30) acres or more; and a minimum of four (4) housing types shall be required on any such project development plan containing (50) acres or more.
 - (b) To the maximum extent feasible, housing types, block dimensions, garage placement, lot sizes and lot dimensions shall be significantly and substantially varied to avoid repetitive rows of housing and monotonous streetscapes. For example, providing distinct single-family detached dwellings or two-family dwellings on larger lots and on corners and providing small lot single-family dwellings on smaller lots abutting common open spaces fronting on streets are methods that accomplish the lot diversity requirements set forth in this subsection 1. It is recommended that lot diversity be spread throughout the development.

- (c) The following list of housing types shall be used to satisfy this requirement:
1. Single-family detached dwellings with rear loaded garages.
 2. Single-family detached dwellings with front or side loaded garages.
 3. Small lot single-family detached dwellings (i.e. lots containing less than four thousand [4,000] square feet or with lot frontages of forty [40] feet or less) may be used to satisfy the lot diversity requirements if: 1) there is a difference of at least two thousand square feet between the average lot size for small lot single-family detached dwellings (insert that average size) and 2) the average lot size for single-family detached dwellings with front or side loaded garages
 4. Two-family dwellings.
 5. Single-family attached dwellings.
 6. Two-family attached dwellings, the placement of which shall be limited to no more than two (2) such dwellings per two (2) consecutive individual lots.
 7. Mixed-use dwelling units.
 8. Multi-family dwellings containing more than three (3) to four (4) units per building;
 9. Multi-family dwellings containing five (5) to seven (7) units per building.
 10. Multi-family dwellings containing more than seven (7) units per building (limited to twelve [12] dwelling units per building).
 11. Modular homes.
 12. Commercial uses.
 13. A mixture of lot sizes is provided within one block (i.e. 40' wide lots with 80' wide lots), on at least 30% of the lots.
- (d) A single lot diversity use or type as provided above in Section 30-2-116 D (1) (i) (a) shall not constitute more than eighty (80) percent or less than five (5) percent of the total number of lots or dwelling units in each development plan.

2. **Housing Model Diversity Detached:**

- i. Any development of one hundred (100) or more single-family detached dwelling units shall have at least four (4) different types of housing models. Any development containing fewer than one hundred (100) single-family or two-family dwelling units shall have at least three (3) different types of housing models. One-family or two-family dwellings on adjacent lots fronting on the same street shall contain different housing models of varying style, elevations, architectural features, and exterior color. Adjacent lots shall include abutting lots, or those lots separated by a street, alley, auto court, loop lane, or other common private drive.
- ii. Model and block diversity will be reviewed by the Town as part of a Block Diversity Plan

and each Housing model shall be distinguishable from one another and shall have at least four (4) of the listed building elements which clearly and obviously distinguish it from other housing models:

- a. Massing and placement of the building footprint on the lot;
- b. Porches and front entries;
- c. Color palette;
- d. Exterior materials (walls, trim, roof);
- e. Garage size, orientation and point of access;
- f. Differences in floor plans;
- g. Elevations;
- h. Sustainable Development Credits: The applicant may elect to choose one (applicant may be allowed credit for two, if elements a. and d. above, are satisfied) of the following creative design elements found below:

Architecture/Material Type (select only one; will qualify for one (1) model diversity element):

- Masonry (brick or stone) exteriors are provided on all 4 sides of 50% or more of buildings
- 100% of models/lots have garage planes that take up less than 50% of the length of the wall face on the front facade front façade.
- All homes on corner lots shall have wraparound porches with a minimum 6' depth.
- All homes on corner lots shall have two stories with different elevations.
- 50% of models on rear and side yards have partially improved exterior details or materials, such as brick, stone, or other architectural features

Sustainability Standards (Select only one, will qualify for 1 model diversity element):

Energy Sustainability:

- 50% of homes obtain an ERI index of 40 or better.
- 75% of homes have solar roof panels installed before Certificate of Occupancy. Solar panels must be installed in a manner that any conduit is concealed within the attic of the home, so that it is not visible from the ground. Conduit may be concealed behind the panels if an attic does not exist. Any conduit that is visible must be painted to blend in with the materials that the conduit is attached to.
- 25% of homes obtain an ERI index of 25 or better.

Accessibility:

- 50% or more of homes are built with a ground-floor master bedroom and full bath.
- 10% of homes in the block diversity Plan have built in accessory living quarters/Mother-in-Law suite, with separate entry and garage.

Water Conservation:

- 50% of lots must have professionally landscaped front yards that are 30% or less turf but cannot use more than 20% rock; all plantings must be low water usage plants; landscape plans must be prepared by a licensed landscape architect and approved before CO; landscaping must be installed within 6 months of CO for this category to be satisfied. If element is satisfied, each lot will be eligible for a 25% reduction in water costs (from 0.4 acre feet for a standard lot, to 0.3 acre feet).

iii. The requirements for block diversity provided above shall not apply to developments containing five (5) or fewer dwelling units.

3. Housing Model Diversity Single Family Attached:

i. For any development containing at least three (3) and not more than five (5) buildings (excluding clubhouses/leasing offices), there shall be at least two (2) distinctly different building designs. For any such development containing more than five (5) buildings (excluding clubhouses/leasing offices), there shall be at least three (3) distinctly different building designs. For all developments, there shall be no similar buildings placed next to each other along a street or street-like private drive. Building designs shall be considered similar unless they vary significantly in footprint size and shape.

ii. Building designs shall be further distinguished by including unique architectural elevations and unique entrance features, within a coordinated overall theme of roof forms, massing proportions and other characteristics. Such variation among buildings shall not consist solely of different combinations of the same building features.

4. Block Diversity Plan. The Block Diversity Plan is an opportunity for applicants to provide the Town with visual and graphic images showing the type of residential architecture that is to be constructed on each block of the proposed development. Applicants shall provide the Town with exterior elevations of proposed residential structures with the location of each structure depicted on the Final Plat (examples of the Block Diversity Plan format follow).

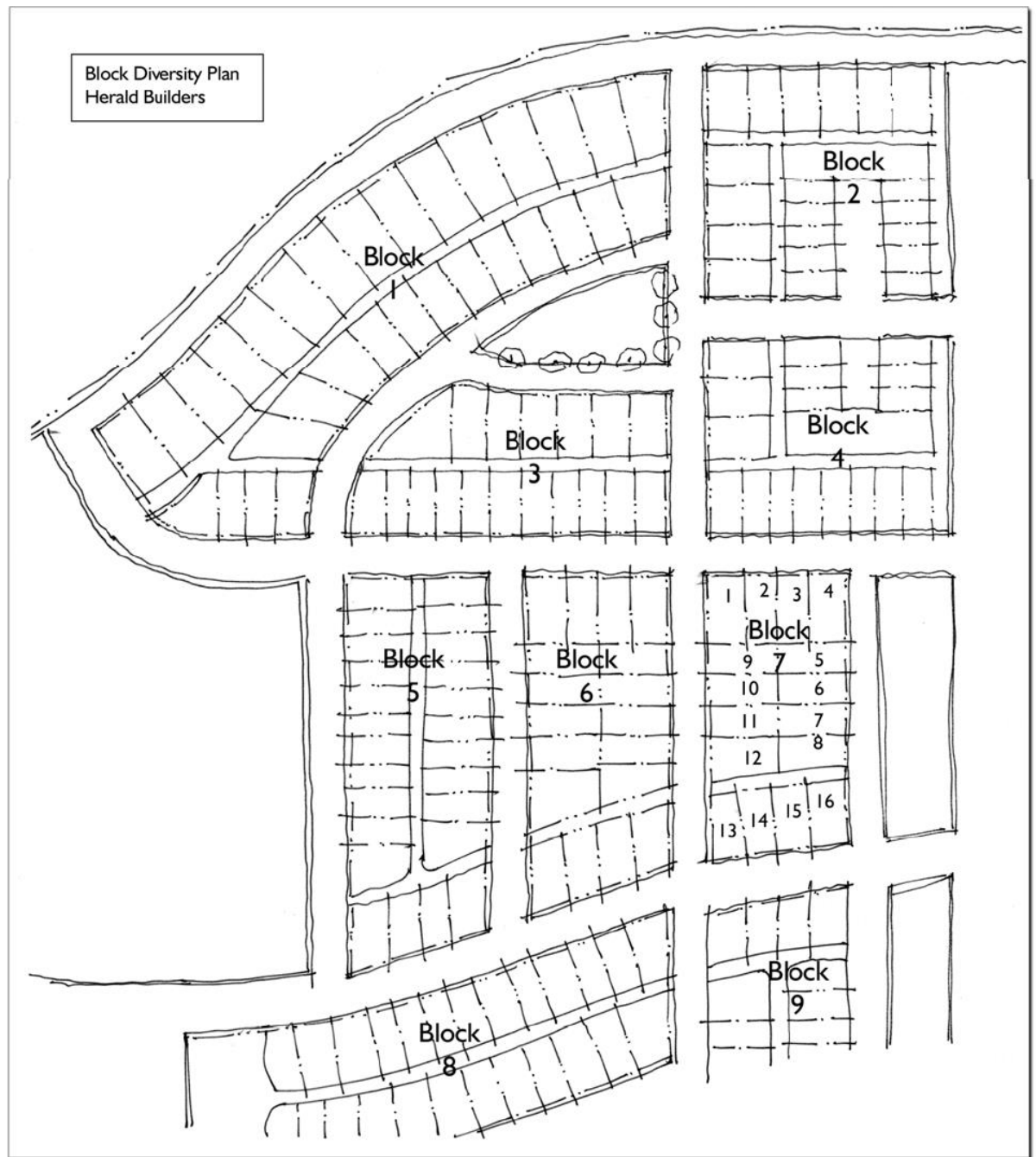
i. Applicability. Every phase that would include 5 or more residential building permits must complete a Block Diversity Plan. The Block Diversity Plan will be submitted as part of the building permit process.

ii. Review and Approval. Review of any Block Diversity Plan will be based upon

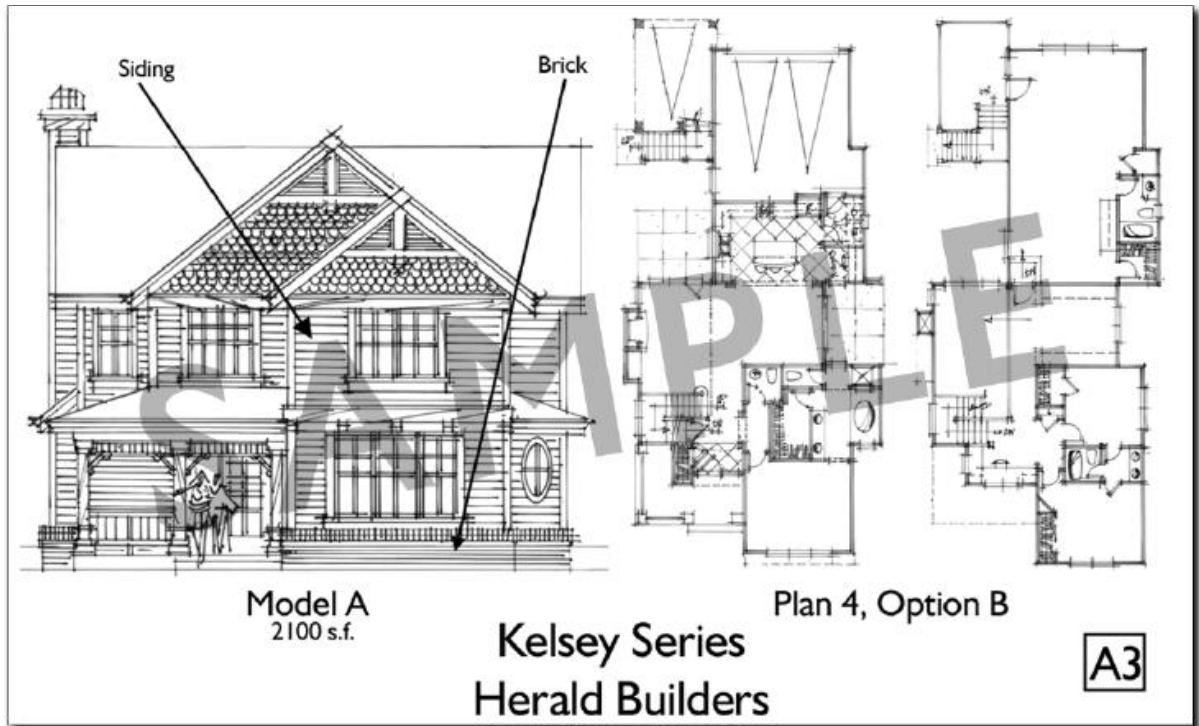
conformance to the intent of the architectural and design policies found in this Section. Review and approval will be conducted and determined by Town Staff.

[illegible]

Sample Block Diversity Key



Sample Block Diversity Map
to be submitted by the Builder/
Developer, to illustrate housing
mix.



Sample Elevation
and Floor Plan
Submittal

5. **Exterior colors of residential dwellings.** Residential subdivisions and developments shall include a variety of exterior color palettes to provide diversity within the subdivision or development. Color palettes shall be included in the design guidelines submitted with a subdivision or development. Fluorescent or intense colors shall not be used on any wall or roof of any dwelling or accessory structure.
6. **Architectural design of dwellings.** All dwellings and accessory structures shall provide quality architectural design that takes into consideration building massing and style, roof lines, window and door placement, exterior materials and colors and other architectural features.
 - i. Dwellings on corner, end, or double frontage lots shall include architectural features, such as windows and doors, porches and entry features, building materials, and other features that complement the front of the dwelling, along the sides or back of dwellings that face streets, drives, or open space areas.
 - ii. New or replacement dwellings, dwelling additions and accessory structures shall be designed to be architecturally compatible with the surrounding neighborhood, as applicable, in terms of building materials and colors, roof forms, building massing and style and other architectural features.

7. **Front setbacks:** Front setbacks on adjacent lots shall vary by at least 2½ feet to provide for a varied streetscape, and verification of this standard shall be provided by the Applicant in the Block Diversity Plan.

8. **Utility Services:**

i. Utility Location. Utility services shall be located underground when practical. Exceptions to the requirements of underground utilities are:

ii) Major electric transmission lines responsible for transporting power through the area rather than to the area;

iii) Where the Community Development Director and/or Public Works Director determines that the underground utility location is not practical, above grade utilities shall be located behind structures in a utility "alley" easement approved by the applicable utility authority where practical.

9. **Garages.** To prevent residential streetscapes from being dominated by protruding garage doors, the following standards shall apply to all new residential development (including PUDs containing residential uses and development on individual lots or parcels).

i. All garages shall be located a minimum of 20 feet from the back of sidewalk or property line, whichever is more restrictive.

ii. Garage doors may make up no more than 65% of the length of the wall face of the building except when located on a lot within a cul-de-sac, or when such garage doors are located on the side of a dwelling facing a side yard street, wherein they may comprise up to two-thirds of the street-facing linear building frontage.

iii. On lots of forty (40) feet in width or less, garage doors may make up no more than 50% of the length of the wall length of the wall face of the building except when located on a lot within a cul-de-sac, or when such garage doors are located on the side of a dwelling facing a side yard street.

C. **Multi-family stacked units, including condominiums and apartments.** Applicants seeking to build multi-family units shall achieve a balance between repetition and variety in the architecture of these buildings. Each multi-family dwelling containing more than 3 dwelling units shall feature a variety of massing proportions, wall plane proportions, roof proportions and other characteristics. The following specific standards shall apply to multifamily stacked units, including condominiums and apartments:

1. **Individual building identity.** For all developments consisting of 100 or more multi-family stacked dwelling units, a floor plan may be repeated; however, identical building facades must not be replicated more than twice within the development. During the site plan approval

process, the applicant shall illustrate how the development will comply with the requirements set forth in this section.

2. Articulation. Each multi-family dwelling or condominium shall be articulated with projections, recesses, covered doorways, balconies, box or bay windows and/or other similar features, dividing large facades and walls into human-scaled proportions. Each multi-family building shall feature walls that are articulated by at least 3 of any of the following elements within every 36 foot length of the facade:

- i. Recesses, projections or significant offsets in the wall plane;
- ii. Distinct individualized entrances;
- iii. Chimneys that project from the wall plane;
- iv. Balconies and/or other outdoor living space; or e. Bay or box windows.
- v. Height differentiation between buildings.

3. Roofs. Each multi-family building shall feature a combination of primary and secondary roofs. Primary pitched roofs shall be articulated by at least 1 of the following elements:

- i. Changes in plane and elevations;
- ii. Dormers, gables or clerestories;
- iii. Transitions to secondary roofs over entrances, garages, porches, or bay windows.

4. Color. For all developments, there shall be no more than two (2) similarly colored structures placed next to each other along a street or major walkway.

5. Garages. No street-facing facade shall contain more than 4 garage fronts. Resident garages or parking that is internal to the block is encouraged. Resident garages or parking that is internal to the development is encouraged. On-street parking should be made available for visitors.

i. Articulation. At a minimum, a vertical trim detail that subdivides the overall siding pattern shall be provided at intervals not to exceed two (2) internal parking stalls (approximately twenty [20] to twenty-four [24] feet).

ii. Rear Walls of Multi-Family Garages. To add visual interest and avoid the effect of a long blank wall with no relation to human size, accessibility needs or internal divisions within the building, the following standards for minimum wall articulation shall apply:

- (i) Length. Any garage located with its rear wall along the perimeter of a development and within sixty-five (65) feet of a public right-of-way or the property line of the development site shall not exceed fifty-five (55) feet in length. A minimum of seven (7) feet of landscaping must be provided between any two (2) such perimeter garages.

(ii). Articulation. No rear garage wall that faces a street or adjacent development shall exceed thirty (30) feet in length without including at least one (1) of the following in at least two (2) locations:

- a. change in wall plane of at least six (6) inches,
- b. change in material or masonry pattern,
- c. change in roof plane,
- d. windows,
- e. doorways,
- f. false door or window openings defined by frames, sills and lintels, and/or
- g. an equivalent vertical element that subdivides the wall into proportions related to human scale and/or the internal divisions within the building.



Figure 2: Example of Urban Development Pattern, Required by this District:



8. Windows. Street-level storefront windows are strongly encouraged.

9. Screening

Commercial activities including loading areas and docks shall not abut a residential area unless the activities and related storage are contained within a building or otherwise adequately screened from view from the residential area.

D. C2: General Commercial District architectural standards.

The C2 zone commercial district has been created to provide for the larger commercial uses that may not be appropriate in the original downtown (Mountain Ave.) area of Berthoud.

1. Design of developments with internal orientation. In multiple-building developments, where setbacks are increased to accommodate independent development with internal orientation, primary building entrances shall face walkways, plazas, or courtyards that have direct, continuous linkage to the street. However, it may be necessary for such direct pedestrian access ways to cross drive aisles. Driveway crossings must place priority on the pedestrian access.
2. Connections. Where it is not possible or appropriate to extend a town street or sidewalk directly into development or bring the building up to a town sidewalk, buildings shall create direct connections to adjacent land uses.
3. Requirement for four-sided design. A building's special architectural features and treatments shall not be restricted to a single facade. All sides of a building open to view by the public, whether viewed from public or private property shall have level of quality and architectural interest that makes them compatible with adjacent land uses. Landscaping may be used along side or rear facades to meet this requirement.
4. Building form. The design of all buildings shall avoid monolithic shapes.
5. Design: The design of all buildings shall employ textured surfaces, projections, recesses, shadow lines, color, window patterns, overhangs, reveals, changes in parapet heights, and similar architectural features to avoid monolithic shapes and surfaces and to emphasize building entries. Buildings shall not contain unbroken flat walls of 50 feet or greater in length. Buildings having single walls exceeding 50 feet in length shall incorporate one or more of the following for every 50 feet:
 - i. Changes in color, graphic patterning, changes in texture, or changes in material;
 - ii. Pilasters;
 - iii. Projections, recesses and reveals;
 - iv. Windows and fenestration;
 - v. Arcades and pergolas;
 - vi. Towers;
 - vii. Gable projections;
 - viii. Horizontal/vertical breaks;
6. Building Material Standards
 - i. No portion of a building shall be treated with smooth-faced concrete block, tilt-up concrete panels or prefabricated steel panels, unless the visible finish is comprised of

a suitable finish material. Suitable finish material for treating visible facades may include, but are not limited to, brick, glass, masonry, stone, or stucco;

ii. The rear and side facades shall be of materials and design characteristics consistent with that of the front; use of inferior or lesser quality materials for rear or side facades shall be prohibited.

7. Exterior building materials and colors. Intense, bright or fluorescent colors shall not be used as the predominant color on any wall or roof of any primary or accessory structure. These colors may be used as building accent colors.
8. Orientation of pedestrian entries. Building entry features shall be oriented so that pedestrian entries face the nearest adjacent street, or connected to the nearest major street with a sidewalk.
9. Setback Requirements: In the case of large buildings for employment, storage or auto-related uses, where greater setbacks are needed, a minimum of thirty percent of the building shall be brought forward to the front/street facing setback line. If a minimized setback is not maintained, the larger setback area shall have landscaping, low walls or fencing, a tree canopy and/or other site improvements along the sidewalk designed for pedestrian interest, scale and comfort.
10. Location of parking lots. Parking shall be provided to the greatest extent possible by spaces at the rear or sides of the building. If parking must be placed in the front, the front parking area shall have additional landscaping, low walls, an expanded tree lawn and canopy, and/or other site improvements along the sidewalk designed for pedestrian interest, scale and comfort.
11. Roof materials. All sloping roof areas visible from any public or private right-of-way, shall be surfaced with attractive and durable materials.
12. Screening
 - i. Screening will be required for commercial activities including loading areas and docks that abut a residential area unless the activities and related storage are contained within a building or otherwise adequately screened from view from the residential area.
 - ii. A minimum fifteen foot deep landscaped yard shall be provided along all arterial streets, and along any district boundary line that does not adjoin a residential land use. If a district boundary line abuts upon or is within a street right-of-way, then the required landscaped yard shall commence at the street right-of-way line on the district side of the street, rather than at the district boundary line.
- 13 Storage and Operational Areas.

i. Storage, loading and work operations shall be screened from view along all district boundary lines and along all public streets.

ii. Within internal district areas, buildings may be surrounded by paving for vehicle use. To the extent reasonably feasible, side and rear yards in interior block locations shall be used for vehicle operations and storage areas, and front yards shall be used for less intensive automobile parking. At district edges, side yards shall be used for vehicle operations and storage areas, in order to allow for a finished, attractive rear building wall and a landscaped rear yard.

14. Gas Pumps.

No gas pumps or canopies shall be located forward of the principal structure, or fronting/abutting any arterial, or collector roadway.

A. **Purpose.** Pursuant to §31-23-307(1), C.R.S., the Board of Trustees hereby appoints the Planning Commission of the Town of Berthoud to serve as the Board of Adjustment. The Board of Adjustment shall hear and decide variances, waiver requests, and appeals from and review any order, requirement, decision, or determination made by any administrative official charged with the enforcement of any ordinance with respect to the Development Code of the Town of Berthoud.

The Board of Adjustment shall have the following powers and duties, all of which shall be subject to and in compliance with the laws of the state, in harmony with the purpose and intent of this code and the most appropriate development of the neighborhood:

1. To hear and decide appeals from, and review any order, requirement, decision or determination made by an administrative official charged with enforcement of the provisions of this code;

2. To authorize variances from the terms of Chapter 30-2, Design Standards, Chapter 30-3, Zoning; and Chapter 30-7 Signs, where the strict enforcement of this title would create a situation which would result in unreasonable application of these standards, considering whether:

a. Such relief may be granted without substantial detriment to the neighborhood or the public good and without substantially impairing the intent and purposes of this code, and;

b. Provided that there are exceptional circumstances applying to the specific piece of property which do not generally apply to the remaining property in the same zoning area or neighborhood, and;

c. That the requested variance shall not authorize any permanent use not permitted in the zoning district, and;

d. If the hardship on which the request for variance is based, in whole or in part, is self-inflicted, that will be a highly significant fact which is a material element bearing on the issue, and will weigh heavily against the owner or applicant seeking the variance, or;

e. In circumstances where the property owners affected most directly, e.g. neighbors, concur in writing with the variance that fact shall be given significant (but not conclusive) weight in favor of the request

3. To authorize, as variances, alterations in nonconforming uses and buildings, provided the board of adjustment determines:

a. That the total area devoted to the altered nonconforming use will not be greater than the total area devoted to the current nonconforming use, and

- b. The altered nonconforming building or use will not have any greater adverse impact on the neighborhood than the current nonconforming building or use.
 4. To perform each and all of the duties specified in section 31-23-307 C.R.S., together with all other duties or authority which may hereafter be conferred on it by the laws of the state.
 5. The Board of Trustees reserves the authority to act as the Board of Adjustment with respect to all matters in the Development Code and as allowed per Section 31-23-307 C.R.S, specifically:
 - a. All variances not related to Chapter 30-2 Design Standards; Chapter 30-3 Zoning, and Chapter 30-7 Signs.
 - b. All appeals not related to Chapter 30-2 Design Standards; Chapter 30-3 Zoning, Chapter 30-3 Subdivision Regulations, and Chapter 30-7 Signs.
 - c. **Appeals of Final Plats:** Appeals of actions of the Planning Commission regarding Final Plats shall be taken to the Town Board after the filing of an Appeal to the Town within ten days of the date of the Planning Commission's decision on the Final Plat. Appeals may be filed by the Applicant or any abutting property owner and shall specifically state the grounds for appeal. The Town Board shall consider the Appeal as a new matter and act to approve, approve with conditions, or deny the Final Plat based on the review and approval criteria that apply to all Final Plats. Any timely appeal received must be scheduled immediately for review at the next available Town Board meeting, but in no event later than thirty days.
- B. Procedures generally.** The board of adjustment shall hold a public hearing on all applications and appeals, subject to the following:
1. Notice shall be given in accordance with the provisions of section 30-1-117 of this code.
 2. Unless otherwise stated in the board of adjustment's minutes, all variances granted shall be commenced within six months of the time such variance is granted; otherwise the variance shall be null and void.
 3. The concurring vote of a majority of the board of adjustment shall be necessary to reverse any order, requirement, decision, or determination of any administrative official, or to decide in favor of the applicant in order to implement a variance.
- C. Appeal procedures.**

Every appeal to the board of adjustment shall be filed in writing not later than one month from the date of the order, requirement, decision, or determination being appealed. The board shall have no jurisdiction on any appeal not brought within thirty days from the date of the order, requirement, decision, or determination.

D. Administrative Variances

The Community Development Director is authorized to approve administrative variances from setback requirements up to ten percent (10%) of the required setback after finding the proposed setback is consistent with the intent and purpose of this code, and the requirements of this Section.

A. Neighborhood Master Plan purpose. The Neighborhood Master Plan is a conceptual design of the development submitted with a Rezoning or Major Subdivision application, that depicts what the applicant envisions for the overall development, including zoning, transportation and pedestrian network, utilities, open space, parks, Subdivision Identity elements and amenities.

B. Previously Approved Concept Plans. Concept Plans approved before the amendment of this section of the ordinance shall not be entitled to any vested development right.

C. Required: A Neighborhood Master Plan is required for all residential and/or mixed-use re-zonings or subdivisions over 10 acres in size. Any new zoning amendments shall require a new Neighborhood Master Plan approval. Major proposed changes to any approved preliminary plat, will require a new Neighborhood Master Plan approval. The Neighborhood Master will consist of the following required elements

1. Traffic Plan: The Applicant shall provide a preliminary traffic plan that addresses the following elements:
 - i. The proposed street network and connectivity to the existing road network, including all proposed access points.
 - ii. The location and layout of all arterial and collector roads within the development. Local streets and alleys do not need to be depicted.
 - iii. A preliminary traffic impact study prepared by a licensed Traffic Engineer which evaluates proposed access points, the existing street system, and any need for any road improvements (including off-site improvements) created by the proposed development.
2. Open Space Plan: The applicant shall provide a preliminary open space plan that addresses the following elements:
 - i. Proposed open space distribution and location, including percentage of open space.
 - ii. Compliance with 30-2-109 D,4 Open space elements.
 - iii. Required buffer areas as per 30-2-109 C, 2.
3. Park(s) Plan:
 - i. Proposed park locations and types of Parks as per Section 30-2-109 B 2, 3:
 - ii. Proposed park acreage as per Section 30-2-109 B 2.
4. Pedestrian Network:
 - i. Location of all trails within development, and connection to existing trail

- network.
- ii. Connectivity of sidewalks to the existing pedestrian system, including any off-site sidewalk improvements. This includes planning for a ¼ mile pedestrian shed.
- iii. Depiction of any bike lanes or any other multi-modal features.

5. Zoning:

- i.** The location of zoning boundaries shall be provided with the application and depicted on the Neighborhood Master Plan.
- ii.** The plan should show how lot diversity standards of Section 30-2-116 D 1 c, are met and create a mix of zoning which is harmonious with the surrounding area, and within the property itself.
- iii.** Density and lot diversity shall be distributed throughout the project and shall not be located in only one area.

6. Overall Utility Plan:

- i. A preliminary utility plan depicting the existing capacity of the surrounding utility system, and the future capacity of the utility system for the both the proposal and any potential adjoining future development.
- ii. Proposed connections to the existing utility system.
- iii. The location of any proposed or required lift stations.
- iv. Utility Plans for the interior of the development (such as water and sewer service lines) are not required as part of this process.

7. Subdivision Identity Standards:

- i. The Applicant shall provide compliance with Subdivision Identity Standards found in Section 30-2-131 of this Code.

D. Neighborhood Master Plan application submittal.

The applicant shall submit a complete Neighborhood Master Plan application package to the Town. The Neighborhood Master Plan application package shall include the following items:

1. Development application form, fee, and Memorandum of Understanding (MOU) for payment of review and development expenses incurred by the Town.
2. Zoning Map Amendment and or Preliminary Development Plan
3. Title commitment. The title commitment must be dated no more than thirty days from the date of Neighborhood Master plan application submittal.
4. Neighboring property owner list. Mailing labels with current names and addresses of all property owners within five hundred feet of the proposed subdivision.
5. Title of project.

6. North arrow, scale (not greater than 1" = 200') and date of preparation.
7. Vicinity map.
8. Legal description.
9. Acreage of property; acreage in each zoning district; acreage in parks; acreage in open space.
10. USGS topographic contours.
11. Location and approximate acreage of proposed land uses.
12. Existing easements and rights-of-way on or adjacent to the property
13. Existing streets on or adjacent to the property (show and label street name).
14. Note or table indicating how public dedication requirements will be met.
15. Table providing the following information for each proposed land use area: total acreage; proposed density proposed number of dwelling units.
16. Compliance with lot area size, lot diversity, as identified in Section 30-2-116 D 1 c of this Code.
17. Location and acreage of proposed parks as per Section 30-2-109 B 2, 3; trails, regional trail connections, playgrounds, schools or other public uses.
18. Proposed street system depicting the location and layout of all arterial and collector roads within the development. Local streets and alleys do not need to be depicted.
19. A preliminary traffic impact study prepared by a licensed Traffic Engineer which evaluates proposed access points, the existing street system, and any need for any road improvements (including off-site improvements) created by the proposed development.
20. Floodplain boundary with a note regarding the source of information (if a floodplain does not exist on the property, this must be stated).
21. Geologic hazard areas.
22. Zoning on adjoining properties.
23. A preliminary utility plan depicting the existing capacity of the surrounding utility system, and the future capacity of the utility system for the both the proposal and any potential adjoining future development. Utility Plans for the interior of the development (such as water and sewer service lines) are not required as part of this process.
24. Proposed connections to the existing utility system.
25. The location of any proposed or required lift stations.
26. Design rationale – description of how the development is connected to/integrated with surrounding area, how it responds to site features/constraints and how it is consistent with this Code.
27. General description of plan for drainage and storm water management, including any regional drainage solutions.
28. Water supply information including: estimate of the number of water taps needed;

the amount of raw water that will be provided to the Town and the source of the water should fee in lieu not be considered.

29. Statement indicating whether or not any commercial mineral deposits are located on the site.
30. Depiction of Compliance with Subdivision Identity Standards found in Section 30-2-131.
31. Description of how the proposed development complies with the Town Comprehensive Plan.
32. Rationale of how the Neighborhood Master Plan correlates to the Zoning District proposed.

E. Application certification of completion. Within thirty days, Staff shall either certify the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. Applicant shall then correct any deficiencies in the application package and re-submit the application to the Town.

F. Neighborhood Master Plan Process

1. Planning Commission and Town Board Public Hearing. The Planning Commission shall hold a Public Hearing and make recommendations to the Town Board. The Town Board shall hold a Public Hearing and may choose to approve, approve with conditions or deny the Neighborhood Master Plan.

2. Notice to neighboring property owners. The Town shall send notice of the Planning Commission and Neighborhood meeting, and the Town Board meeting by regular mail to neighboring property owners within one thousand feet of the property per this Code.

G. Neighborhood Master Plan review criteria. The Town shall use the following criteria in addition to other applicable provisions of this Code to evaluate the applicant's application:

1. The land use mix within the project conforms to Berthoud's Zoning District Map and Comprehensive Plan Preferred Land Use Map and furthers the goals and policies of the Comprehensive Plan.
2. The Neighborhood Master plan represents a functional system of land use and is consistent with the rationale and criteria set forth in this Chapter, the Town Comprehensive Plan, and the Parks, Open Space and Recreation (PORT) Plan as amended.
3. The Preliminary Traffic, Open Space, Park, Utility, and Pedestrian design is adequate and functional given the existing and planned capacities of each system, and meets the standards found in this Code.
4. Negative impacts on adjacent land uses have been identified and satisfactorily mitigated.

5. There is a need or desirability within the community for the development and the development will help achieve a balance of land use and/or housing types within Berthoud according to Town goals.

H. Timeframe related to approval of Neighborhood Master Plan. A Neighborhood plan is in full force and effect for a period of five years from date of Town Board action. Any new zoning amendments shall require a new Neighborhood Master Plan approval. Major proposed changes to any approved preliminary plat, will require a new Neighborhood Master Plan approval.

I. Minor Amendments: Minor Amendments to the Neighborhood Master Plan may be approved administratively under the follow conditions:

- i. Does not change any land use, or location of any land use.
- ii. Does not change the number of lots or density by more than 10%.
- iii. Does not contain significant changes in arterial or collector street alignment and/or access points, or other major public elements such as drainage improvements, utility lines or facilities.
- iv. Does not change any measurable standard (other than above), such as open space, or park area, by more than 10%.

30-6-108 Final plat

- A. Final Plat purpose.** The purpose of the final plat is to complete the subdivision of land consistent with the technical standards of the Town.
- B. Final Plat application process.**
- 1. Final Plat application submittal.** The final plat application shall substantially conform to the preliminary plat as approved at the public hearing and shall meet all conditions of approval. The applicant shall submit the completed final plat application package to the Town. The final plat application shall include final engineering and landscape plans. The final plat application shall be formatted and packaged per the application submittal checklist provided by the Town and include:
- a.** Development application form.
 - b.** Application fee.
 - c.** Title commitment. An updated title commitment, dated no more than thirty days from the date of final plat application submittal.
 - d.** Final Plat. The final plat drawing shall comply with the following standards:
 - i.** The plat shall be prepared by or under the direct supervision of a registered land surveyor, shall be signed and stamped by said surveyor, and shall meet applicable State of Colorado requirements.

- ii.** Except for parcels separated by public rights-of-way, public tracts or railroads, parcels not contiguous with each other shall not be included in one plat, nor shall more than one plat be made on the same sheet. Contiguous parcels owned by different parties may be included on one plat, provided that all owners join in the dedication and acknowledgment.
- iii.** Lengths shall be shown to the nearest hundredth of a foot and bearings shall be shown in degrees, minutes and seconds.
- iv.** The perimeter survey description of proposed subdivision shall include at least one tie to an existing section monument of record and a description of monuments. The survey shown shall not have an error greater than one part in ten thousand.
- v.** Bearings, distances and curve data of all perimeter boundary lines shall be indicated outside the boundary line, not inside, with the lot dimensions.
- vi.** Names and signatures of all owners of equitable interest in the property shall be on the plat and shall be made in black drawing ink.
- vii.** The final plat shall provide the following information:
 - a)** Title of project.
 - b)** North arrow, scale (not greater than 1"=100') and date of preparation.
 - c)** Vicinity map.
 - d)** Legal description.
 - e)** Basis for establishing bearing.
 - f)** Names and addresses of owners, applicant, designers, engineers and surveyors.
 - g)** Total acreage of subdivision.
 - h)** Bearings, distances, chords, radii, central angles and tangent links for the perimeter and all lots, blocks, rights-of-way and easements.
 - i)** Lot and block numbers, numbered in consecutive order, and square footage or acreage to two decimal places of each lot or tract.
 - j)** Parcels excepted from inclusion should be noted as "not included in this subdivision" and the boundary completely indicated by bearings and distances.
 - k)** Existing and proposed easements (including rights-of-way) in and adjacent to property (labeled and dimensioned).
 - l)** Existing and proposed street names for all streets on and adjacent to the property.
 - m)** Location and description of monuments.

- n) Floodplain boundary with a note regarding source of information (if a floodplain does not exist on the property, please state this on the plat).
- o) The following certification language, completed with signature lines and including any amendments required by the Town:

LEGAL DESCRIPTION AND DEDICATION:

KNOW ALL MEN BY THESE PRESENTS: That the undersigned, being the owners of _____, Township _____ N, Range _____ W of the 6th 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 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.

If owner is an individual(s):

Owner: John Doe

If owner is a corporation, limited liability company, partnership, association or other business entity:

Owner: The ABC Corporation, a Colorado corporation

By: John Doe, President

If owner is a trust:

Owner: The Jane Smith Trust

By: (John Doe, as trustee of the Jane Smith Trust)

If owner is a trust:

Owner: The Jane Smith Trust

By: John Doe, as trustee of the Jane Smith Trust

LIENHOLDER'S DEDICATION: The undersigned mortgagee, for good and valuable consideration does by these presents, hereby subordinate all of its rights to such fee simple dedications and grants of easements to the Town of Berthoud as are depicted and referenced hereon and to the terms and conditions of the development agreement and this final plat and agrees that the development agreement and this final plat shall constitute a first and prior lien upon the (project name) to the same extent as though it were actually executed and recorded prior to said lien or deed of trust.

DATE: _____

LENDER'S NAME

BY: _____

TITLE: _____

SURVEYOR’S CERTIFICATE:

I, _____ a Registered Land Surveyor in the State of Colorado, do hereby certify that the survey of _____ was made under my supervision and the accompanying plat accurately and properly shows said subdivision and is in compliance with the Subdivision Regulations of the Town of Berthoud.

(Name, Registered Land Surveyors)

(Number)

RIGHT TO FARM STATEMENT: The Town of Berthoud has adopted a “Right to Farm” policy. All new and existing residents are expected to read and understand the policy. For a copy of the policy, please contact the Town of Berthoud.

SITE SPECIFIC DEVELOPMENT PLAN:

This plan constitutes a site specific development plan as defined in Article 68 of Title 24, C.R.S., as amended, and Chapter 30 of the Berthoud Development Code available at the Berthoud Town Hall, 328 Massachusetts Avenue, Berthoud, Colorado 80513.

APPROVAL CERTIFICATES:

Approved by the Town of Berthoud, Colorado, this _____ day of _____, 20____.

Mayor

The foregoing plat is approved for filing and accepted by the Town of Berthoud, Colorado, this _____ day of _____, 20____.

ATTEST: _____

Town Clerk

- e.** General development information. Provide a written description confirming that the final plat conforms to the preliminary plat. In addition, the description shall address how the proposed development conforms to this Code, the Town Comprehensive Plan and the PORT Plan.
- f.** For developments with single-family or two-family residential lots, show that the Final Plat is in conformance with Section 30-2-116 of this Code.
- g.** Update of any plans or reports provided with the Preliminary Plat for which there is a change of conditions.
- h.** Special documents (as needed)
- i.** Special agreements.
- ii.** Oil & gas surface use agreement.
- iii.** Floodplain use permit from the Town.
- iv.** Prior to commencement of construction; a State Highway utility permit from CDOT.
- v.** Prior to commencement of construction, a State Highway access permit from CDOT.
- vi.** Prior to commencement of construction, a construction dewatering permit from the Colorado Department of Public Health and Environment.
- vii.** Prior to commencement of construction, a 404 Permit from the Army Corps of Engineers.
- viii.** Prior to commencement of construction, an Air Pollution Emission Notice (APEN) from the Colo. Department of Public Health and Environment.
- ix.** Prior to commencement of construction, a permit for work in any ditch right-of-ways from individual ditch companies.
- x.** Development Agreement (DA).
- xi.** Prior to commencement of construction, acceptable collateral in the amount and form stipulated in the DA.
- xii.** Prior to commencement of construction, an approved adjudication of water rights and a plan of augmentation.
- xiii.** Prior to commencement of construction, a FEMA approved application (i.e., Conditional Letter of Map Revisions [CLOMR] or Letter of Map Revisions [LOMR]).
- xiv.** Documentation identifying who will own and maintain open spaces.
- xv.** Deed for public lands for dedication of public sites for open space or other civic purposes.
- i.** Notification mailing list. Provide one set of mailing labels for appropriate referral agencies and property owners of record within three hundred feet of the property.

2. Application certification of completion. Within a reasonable timeframe, typically five working days, Staff shall either certify the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. Applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application to the Town. The original application and all documents requiring a signature shall be signed in blue ink.
3. Notice. In order to provide an opportunity for referral agencies and the public to review any final plat for changes, the Town shall send a notice of the Planning Commission public hearing, with appropriate final plat materials for review.
4. Staff review and report to Planning Commission. Staff will complete a final review of the application and then prepare a report to the Planning Commission explaining how the application is or is not consistent with the final plat review criteria.
5. Planning Commission public hearing and action. The Planning Commission shall hold a public hearing to review the final plat based on the Town's final plat review criteria. It shall then approve, conditionally approve, or deny the final plat application by resolution. The applicant may appeal a decision to deny the application by the Planning Commission to the Town Board as per the requirements found in Section 30-3-108 5 c.
6. Applicant addresses Planning Commission conditions. The applicant shall revise the final plat based on any Planning Commission conditions of approval and submit it to the Town.
7. Original plats. The applicant shall submit to the Town Clerk three original, signed mylars of the final plat ready for the Mayor and clerk to sign and record, and final executed copies of all agreements. Original mylars and documents shall become the property of the Town.
8. Complete engineering plans and specifications. ~~After~~ Before Final Plat approval, or public hearing, the applicant shall prepare and submit the following for administrative approval by the Town prior to commencement of construction:
 - a. Construction plans and profiles. The plans and profiles shall be prepared by a registered professional engineer licensed in the State of Colorado. Plans shall be twenty-four inches high by thirty-six inches wide and provide the following information:
 - i. The horizontal to vertical scales shall be chosen to best depict the aspects of the design.
 - ii. Minimum horizontal scale: 1"=100'.
 - iii. Minimum vertical scale: 1"=10'.
 - iv. The typical road geometric and structural cross-section is to be shown on each plan sheet.

- v.** The plan must show right-of-way lines and widths, road names, lot lines, tangent lengths and bearings, curve radii, delta angles, curve lengths, chord lengths and bearings, stationing at all beginning of curves and end of curves, intersections, structures, angles, curb lines, cross pans, traffic control devices (islands, striping, signs, etc.), drive cuts, curb returns and radii, and all other features to enable construction in accordance with approved standards and standard engineering practice. Stationing may be centerline if approved by the Town Engineer. Construction plans shall include water lines and appurtenances, sewer lines and appurtenances, and storm water lines and appurtenances and any other wet utilities such as non-potable water systems and irrigation ditches.
- vi.** The profiles shall include existing and proposed grade at curb and gutter or centerline of street elevation at point of intersection of vertical curves, intersections, grade breaks, point of curb return (PCR), point of reverse curve (PRC), and other critical points, structures, and all other features required to enable construction in accordance with the Larimer County Urban Area Street Standards (LCUASS), as amended, or as the Town Engineer may approve.
- vii.** Signature blocks for all utility providers unless otherwise provided in agreement form.
- viii.** Structure details. Sufficient data shall be given to construction of major structures and road appurtenances such as bridges, culverts, gutters, drives, walks, cross pans, etc; detail shall include orientation line and grade, cross-sections, dimensions, reinforcement schedules, materials, quality specification, etc., or as the Town Engineer may approve.
- ix.** Final Water Report. A final water report including hydraulic analysis and pipe sizing calculations.
- x.** Final Sanitary Sewer Report. A sanitary sewer report including hydraulic analysis and pipe sizing calculations.
- xi.** Sewage collection and water supply distribution plans, profiles and specifications. The plans, profiles and specifications shall be prepared by a registered professional engineer and shall be accompanied by written approvals from the applicable water and sanitation district.
- xii.** Final drainage plans and reports. Based upon the approved preliminary drainage plan, a final report is to be submitted in accordance with Larimer County Drainage & Design Criteria, as amended or as the Town Engineer may approve. The plan and report must provide:

 - a)** Cross-sections of each water carrier showing high water elevations for one hundred year run-off and adjacent features that may be affected thereby.
 - b)** Written approvals, as may be required, from other agencies or parties that may be affected by the drainage proposals (i.e., FEMA, Larimer and Weld County, ditch companies).

- c) Supporting calculations for run-offs, times of concentration, flow capacity with all assumptions clearly stated with proper jurisdiction when needed or requested.
- d) Erosion control plans, when required.
- e) Sizing of all pipes, inlets, conveyance ways, and other appurtenances.
- xiii. Final grading plan. The final grading plan shall be twenty-four inches high by thirty-six inches wide and illustrate existing and proposed contours and lot and block grading details.
- xiv. Soils report. The soils report shall detail pavement design and construction requirements and shall be submitted after overlot grading is complete.
- b. Final landscape and open space plan. Before Final Plat approval, the Applicant must provide a final landscape plan which must address the treatment of all exterior spaces. Landscape plans are to be designed to meet the requirements of this Code and PORT Plan and show trees, shrubs, groundcovers, turf, buffering, fences, walls and other site amenities that will be included in the plan. All plant materials must be adapted to the physical limitations of the local climate and specific conditions of the landscape plan. All plant materials must meet specifications of the American Association of Nurseryman for number one grade. All street trees must be selected from the Town of Berthoud recommended tree list.
 - 1. Landscape Plan drawn to scale (not greater than 1" = 50') on twenty four by thirty six inch sheets which includes:
 - a. Project name.
 - b. Scale, north arrow and date of preparation.
 - c. Existing and proposed streets and street names.
 - d. Lot lines, easements and public rights-of-way as shown on the subdivision plat, including gross and net area of all parcels.
 - e. Location of proposed building footprints and parking areas.
 - f. Location of storage, loading and service areas.
 - g. Existing and proposed 2' contours (based on USGS datum).
 - h. Natural features, wetlands, wildlife corridors, floodplains, streams, ditches and other waterways.
 - i. The location of existing and proposed utilities. Utility lines can be 'ghosted' in on the landscape plan to vary the line types for cleaner drawings.

2. All existing trees within the proposed site and adjacent to the site must be accurately identified on the plan. Existing trees must be labeled as to their size, species and if they are intended to remain, be removed or transplanted. All replacement mitigation trees will need to be shown separately on the plan. Tree protection standards for existing trees to remain shall be included on the plan.
3. The extent and location of proposed trees, shrubs and perennials and quantities of each species. Plant materials are to be drawn at two-thirds of its mature size.
4. Landscape schedule including the represented plant symbol, Latin name, common name, planting size and number of individual plants. All plant materials are to meet the minimum size requirements as provided in this Code.
5. Proposed treatment of all ground surfaces must be clearly indicated, including turf, paving, mulch, native grass, seeded grass, etc. Grass areas are to be specified as seed or sod, and a seed mix/rate specified.
6. Sight distance triangles must be shown at street intersections pursuant to this Code.
7. Project specific landscape notes and details to ensure the proper planting, establishment and survival of plant materials. Additional notes detailing the warranty for plant materials and continued maintenance shall be included.
8. Open space trail network and pedestrian circulation system.
9. Areas to be irrigated and method of irrigation.
10. Proposed grading of the project site, including drainage swales, detention basins, retaining walls and any off-site infrastructure improvements.
11. Notes for conservation and retention of top soil and landscape soil preparation.
12. Restoration, revegetation or enhancement of disturbed natural areas or open space feature.
13. Park structures, signage, play equipment, and other landscape or park amenities and appurtenances.

- c. A “pdf” file and an AutoCad drawing file of the final plat in an electronic format specified by the Town Engineer.

9. Development Agreement. Prior to commencement of construction, the applicant shall provide to the Town collateral in a form approved by the Town, guaranteeing adequate safe closure or completion of all public improvements for each phase of construction necessary for the subdivision. The amount of the security shall be either a Payment and Performance Bond in the amount of 100% of the estimated cost of public improvements or a Letter of Credit or other acceptable collateral in the amount of twenty-five percent of the estimated cost as approved by the Town Engineer for constructing all public improvements, unless otherwise provided for in an approved Development Agreement as described in Section 30-6-112 of this Code.
10. Deed for public lands. The applicant shall submit to the Town a warranty deed and title insurance for all lands dedicated on the final plat and accepted by the Town.
11. Raw water dedication. Prior to the issuance of a building permit, the applicant shall provide to the Town funds to purchase sufficient raw water or rights thereto for that permit. At the time of final plat, all water necessary for irrigation of parks, open space, golf courses, playing fields, and similar public areas shall be dedicated to the Town per this Code.
12. Post approval actions. Prior to issuance of a building or grading permit, the applicant shall submit the following documentation to the Town:
 - a. List of contractors. List of all contractors that will be performing the improvements.
 - b. Proof of insurance. Proof of workman's comprehensive insurance and liability insurance for each contractor.
 - c. Open space deed restriction. Areas designated as open space shall be protected by a deed restriction or other appropriate method to ensure that they cannot be subdivided or developed in the future and will remain as open space until the use is modified by the Town.
 - d. Construction traffic control plan. Applicant will develop a plan for Town Engineer review that addresses construction traffic, construction water, temporary road closures, street repairs, dust, noise and other construction-related concerns.
 - e. Funding mechanism for maintenance of open space including type of management of such open space.
 - f. Other certificates, affidavits, enforcements or deductions as required by the Town.
- C. **Final Plat review criteria.** In addition to all provisions of this Code, the Town shall use the following criteria to evaluate the applicant's final plat application:
 1. The Final Plat is in substantial conformance with the approved Preliminary Plat. For the purposes of this Code, "substantial conformance", includes design adjustments made to meet any conditions of preliminary plat approval, and is determined as follows:
 - a. Does not change any land use of the proposed plat.

- b.** Does not change the number of lots or residential density by more than 5%.
- c.** Does not contain changes which would render the final plat in nonconformance with requirements of this Code.
- d.** Does not contain significant changes in street alignment and/or access points, or other public elements such as drainage improvements, utility lines or facilities.
- e.** Does not change any measurable standard (other than above) by more than 15%.

Final Plats determined by the Planning Director to have changes that exceed the definition of “substantial conformance” as above shall be processed as a Preliminary Plat and shall be reviewed and acted upon as identified in Section 30-6-105 unless withdrawn by the applicant.

- 2.** The development complies with this Code, the Comprehensive Plan and the PORT Plan.
- 3.** All applicable technical standards including the provision of water in sufficient amount and quality have been met.

D. Timeframe related to approval of Final Plat. A final plat is in full force and effect for a period of three years from date of recordation unless a longer timeframe is specifically allowed by the Town in an approved Development Agreement or unless public improvements are completed and accepted on all or a portion of the final plat. Applicants may formally request a single, one year extension from the Town prior to termination of final plat approval. Prior to the expiration of the original three year timeframe or the extension (four year total) timeframe, an applicant may formally request an additional extension if substantial progress has been made on installation of public improvements.



Figure 2: Example of Urban Development Pattern, Required by this District:



8. Windows. Street-level storefront windows are strongly encouraged.

9. Screening

Commercial activities including loading areas and docks shall not abut a residential area unless the activities and related storage are contained within a building or otherwise adequately screened from view from the residential area.

D. C2: General Commercial District architectural standards.

The C2 zone commercial district has been created to provide for the larger commercial uses that may not be appropriate in the original downtown (Mountain Ave.) area of Berthoud.

1. Design of developments with internal orientation. In multiple-building developments, where setbacks are increased to accommodate independent development with internal orientation, primary building entrances shall face walkways, plazas, or courtyards that have direct, continuous linkage to the street. However, it may be necessary for such direct pedestrian access ways to cross drive aisles. Driveway crossings must place priority on the pedestrian access.
2. Connections. Where it is not possible or appropriate to extend a town street or sidewalk directly into development or bring the building up to a town sidewalk, buildings shall create direct connections to adjacent land uses.
3. Requirement for four-sided design. A building's special architectural features and treatments shall not be restricted to a single facade. All sides of a building open to view by the public, whether viewed from public or private property shall have level of quality and architectural interest that makes them compatible with adjacent land uses. Landscaping may be used along side or rear facades to meet this requirement.
4. Building form. The design of all buildings shall avoid monolithic shapes.
5. Design: The design of all buildings shall employ textured surfaces, projections, recesses, shadow lines, color, window patterns, overhangs, reveals, changes in parapet heights, and similar architectural features to avoid monolithic shapes and surfaces and to emphasize building entries. Buildings shall not contain unbroken flat walls of 50 feet or greater in length. Buildings having single walls exceeding 50 feet in length shall incorporate one or more of the following for every 50 feet:
 - i. Changes in color, graphic patterning, changes in texture, or changes in material;
 - ii. Pilasters;
 - iii. Projections, recesses and reveals;
 - iv. Windows and fenestration;
 - v. Arcades and pergolas;
 - vi. Towers;
 - vii. Gable projections;
 - viii. Horizontal/vertical breaks;
6. Building Material Standards
 - i. No portion of a building shall be treated with smooth-faced concrete block, tilt-up concrete panels or prefabricated steel panels, unless the visible finish is comprised of

a suitable finish material. Suitable finish material for treating visible facades may include, but are not limited to, brick, glass, masonry, stone, or stucco;

ii. The rear and side facades shall be of materials and design characteristics consistent with that of the front; use of inferior or lesser quality materials for rear or side facades shall be prohibited.

7. Exterior building materials and colors. Intense, bright or fluorescent colors shall not be used as the predominant color on any wall or roof of any primary or accessory structure. These colors may be used as building accent colors.
8. Orientation of pedestrian entries. Building entry features shall be oriented so that pedestrian entries face the nearest adjacent street, or connected to the nearest major street with a sidewalk.
9. Setback Requirements: In the case of large buildings for employment, storage or auto-related uses, where greater setbacks are needed, a minimum of thirty percent of the building shall be brought forward to the front/street facing setback line. If a minimized setback is not maintained, the larger setback area shall have landscaping, low walls or fencing, a tree canopy and/or other site improvements along the sidewalk designed for pedestrian interest, scale and comfort.
10. Location of parking lots. Parking shall be provided to the greatest extent possible by spaces at the rear or sides of the building. If parking must be placed in the front, the front parking area shall have additional landscaping, low walls, an expanded tree lawn and canopy, and/or other site improvements along the sidewalk designed for pedestrian interest, scale and comfort.
11. Roof materials. All sloping roof areas visible from any public or private right-of-way, shall be surfaced with attractive and durable materials.
12. Screening
 - i. Screening will be required for commercial activities including loading areas and docks that abut a residential area unless the activities and related storage are contained within a building or otherwise adequately screened from view from the residential area.
 - ii. A minimum fifteen foot deep landscaped yard shall be provided along all arterial streets, and along any district boundary line that does not adjoin a residential land use. If a district boundary line abuts upon or is within a street right-of-way, then the required landscaped yard shall commence at the street right-of-way line on the district side of the street, rather than at the district boundary line.
- 13 Storage and Operational Areas.

i. Storage, loading and work operations shall be screened from view along all district boundary lines and along all public streets.

ii. Within internal district areas, buildings may be surrounded by paving for vehicle use. To the extent reasonably feasible, side and rear yards in interior block locations shall be used for vehicle operations and storage areas, and front yards shall be used for less intensive automobile parking. At district edges, side yards shall be used for vehicle operations and storage areas, in order to allow for a finished, attractive rear building wall and a landscaped rear yard.

14. Gas Pumps.

No gas pumps or canopies shall be located forward of the principal structure, or fronting/abutting any arterial, or collector roadway.

**ORDINANCE
WITH ALL
REVISIONS
IN RED**

C. Hearing and notification requirements

Listed below are the notification requirements in the Town of Berthoud. Abbreviations used below include C.R.S. (Colorado Revised Statutes) and Hearing (Public Hearing). Hearings will be noticed per the Town of Berthoud in most instances, but notice requirements for annexation must follow provisions of the Colorado Revised Statutes. Mailed notices identified below would normally include notice of both the Planning Commission and Town Board meeting/hearings as appropriate.

Table 1.1 Hearing and notification requirements				
	Hearing	Publication	Mailed notice	Post sign
Annexation	Before Commission as regular agenda item. Before Town Board per C.R.S.	4 successive weeks starting at least 30 days prior to Statutory Hearing.	Yes, to property owners within 500 feet no less than 25 days and no more than 30 days prior to Statutory Hearing.	Yes, no less than 30 days prior to Statutory Hearing.
Zoning	Before Commission as regular agenda item and Town Board as quasi judicial hearing.	No less than 15 days prior to Commission meeting.	Yes, to property owners w/in 500 feet sent no less than 15 days prior to Commission meeting.	Yes, no less than 15 days prior to Commission meeting.
Rezoning	Before Commission as regular agenda item and Board as quasi- judicial hearing.	No less than 15 days prior to hearing.	Yes, to properties within 500 foot area sent no less than 15 days prior to Commission meeting.	Yes, no less than 15 days prior to Commission meeting.

Text Amendment to Development Code (Chapters 10-11)	Before Board as hearing.	No less than 15 days prior to hearing.	No.	No.
	Hearing	Publication	Mailed notice	Post sign
Preliminary Plat	Before Planning Commission as regular agenda item and Board as quasi-judicial hearing.	No less than 5 days prior to meeting.	Yes, to property owners within 500 feet no less than 5 days prior to meeting.	Yes, no less than 5 days prior to Commission meeting.
Final Plat	Before Planning Commission as quasi judicial hearing. <u>No</u> Board meeting or hearing.	No less than 5 days prior to Commission meeting.	Yes, to property owners within 500 feet no less than 5 days prior to Commission hearing.	Yes, no less than 5 days prior to Commission hearing.
Neighborhood Master Plan	Before both Commission and Board as regular agenda items.	No less than 15 days prior to Commission/Board meeting.	Yes, to properties within 1,000 feet no less than 15 days prior to meeting.	Yes, to properties no less than 15 days prior to Commission meeting.
Conveyance Plat	Before Commission as regular agenda item and Board as hearing.	No less than 5 days prior to Commission meeting.	Yes, to property owners within 500 feet, and referral agencies no less than 5 days prior to Commission meeting.	Yes, no less than 5 days prior to Commission meeting.
PUD or amendment to PUD	Before Commission as regular agenda item and Board	No less than 15 days prior to hearing.	Yes, to property owners within 300 feet, and referral agencies	Yes, no less than 15 days prior to Commission

	as hearing.		no less than 15 days prior to Commission meeting.	meeting.
Comprehensive Plan Amendment	Before Planning Commission as hearing and Board as regular agenda item.	No less than 15 days prior to Commission hearing.	No	No
Text Amendment to Development Code (Chapters 1-9)	Before Planning Commission as regular item and Town Board as hearing.	No less than 15 days prior to hearing.	No.	No.
	Hearing	Publication	Mailed notice	Post sign
Variances & Appeals	Board of Adjustment (BOA) as quasi-judicial hearing	No less than 15 days prior to hearing.	Yes, to property owners within 300 feet no less than 15 days prior to BOA hearing.	Yes, no less than 15 days prior to BOA hearing.
Conditional Use	Before Planning Commission as quasi judicial hearing.	No less than 15 days prior to hearing.	Yes, to property owners within 300 feet, and referral agencies no less than 15 days prior to Commission meeting.	Yes, no less than 15 days prior to Commission meeting.
Use By Special Review/Conditional Use: Medical Marijuana/Oil and Gas	Before Town Board as a quasi-judicial hearing	No less than 15 days prior to hearing.	Yes, to property owners within 300 feet, and referral agencies no less than 15 days prior to	Yes, no less than 15 days prior to Town Board meeting.

			Board meeting.	
Minor Subdivision	Before Planning Commission as quasi- judicial hearing.	No less than-5 days prior to hearing.	Yes, to property owners within 300 feet no less than 5 days prior to Commission hearing.	Yes, no less than 5 days prior to Commission hearing.
Site Plan Review & Action	Administrative approval unless referred to Planning Commission by Administrator	No notice required,	No notice required,	No notice required,

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 Town for review and approval as an administrative act.

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.

6. Record

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

30-2-105	Streets and alleys
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Intent. The intent of the street standards is to establish a safe, efficient, attractive transportation system that promotes all modes of transportation and is sensitive to the environment.

General provisions. The local street system of any proposed development shall be designed to be safe, efficient, convenient and attractive. The local street system shall consider vehicular, bicycle, pedestrian, and transit elements in the design of the system. Streets shall be developed as an inviting public space and are an integral part of the overall community design in Berthoud.

1) Complete Streets: To encourage all forms of transportation in Berthoud, and to lessen the reliance on automobile traffic, all new or redeveloped streets shall be developed as Complete Streets. Complete Streets include accommodations for each mode of travel recognizing that all streets are different and that the needs of various users will need to be balanced in a flexible manner. The standards as adopted within Larimer County Urban Area Street Standards (LCUASS), shall support the accommodation of all travel modes. Implementation may be flexible to respond to the context and character of corridors, with the ultimate intent of safely accommodating all modes.

2. Street connections. All streets shall be aligned to join with planned or existing streets consistent with the Town Comprehensive Plan and Master Street Plan as amended. All streets shall be designed to bear a logical relationship to the topography of the land. Intersections of streets shall be at substantially right angles unless otherwise approved by the Town. Street stubs shall be required in instances a proposed development is adjacent to an undeveloped property. Streets in new developments shall be designed to connect to the adjoining street network and/or adjoining street stubs. Internal access easements shall be required on all commercial and industrial developments, unless waived by the Town Engineer.

3. Tree-lined streets. All streets shall include street trees on both sides of the street with the exception of rural roads and alleys. Allowances may be made in commercial, mixed use and industrial districts to group trees or reduce the number of trees as appropriate in order to allow view corridors that are framed by street trees into those types of developments. 10' tree lawns are required on Arterial and Collector streets.

4. Street layout. The street layout shall form an interconnected system of streets where feasible, primarily in a grid or modified pattern adapted to the topography, unique natural features, environmental constraints and open space areas. The street layout shall emphasize the location of neighborhood focus points, other internal open space areas, gateways, and vistas. The use of cul-de-sacs and other roadways with a single

point of access shall be minimized. The integration of traffic calming features within and adjacent to residential areas shall be utilized when appropriate.

5. Controlling street access. A strip of land between a dedicated street and adjacent property shall not be reserved for the purpose of controlling access to such street from such property.

6. Visibility at intersections. No shrubs, ground cover, berms, fences, structures, or other materials or items between twenty-four inches and eight feet in height at maturity shall be planted, created or maintained at street intersections within the site distance triangle. Trees shall not be planted within the site distance triangle and the linear street distance included within a sight triangle shall not be part of the calculation for the total number of street trees needed in that project. Sight distance triangles shall be created as set forth in the table below:

Table 2.1: Sight distance triangle

<u>Type of street</u>	<u>X distance</u>	<u>Y distance</u>	<u>Safe sight distance</u>
Arterial	Right 135 feet	15 feet	500 feet
	Left 270 feet	15 feet	
Collector	Right 120 feet	15 feet	400 feet
	Left 220 feet	15 feet	
Local	Right 100 feet	15 feet	300 feet
	Left 150 feet		

7. Pedestrian crossings at street intersections and mid-block. Pedestrian crossings shall be accessible to handicapped individuals and mid-block crossings may be required at the direction of the Town.

8. **Access.** Access to all subdivisions shall be from a public street system and driveways shall not access Colorado Highway 56 except as identified in the State Highway 56 Corridor Access Control Plan as amended.
9. **Street right-of-way dedication.** The full width of right-of-way for all streets being platted must be conveyed to the Town after final acceptance unless otherwise approved by the Town.
10. **Perimeter and dead-end streets.** When a street is dedicated which ends on the plat, the street right-of-way must be dedicated to the boundary of the plat. Dead end streets are prohibited except in unique situations and then only with approval of the Town.
11. **Street names.** Names of new streets shall not duplicate names of existing streets in Berthoud. However, new streets which are extensions of, or which are in alignment with, existing streets within the Town shall bear the names of such streets. Street naming and property address numbering will be coordinated between the applicant, Town of Berthoud and Larimer or Weld County as appropriate.

General design standards.

12. **Street & alley standards.** Streets shall conform to the Larimer County Urban Area Street Standards (LCUASS) (Loveland only) as amended, and specifications listed below and all other applicable laws, rules and regulations.
 - i. Design of streets, curbs and gutters shall be in accordance with the Americans with Disabilities Act (ADA) standards.
 - ii. The layout of arterial and collector streets shall be per the Town's Master Street Plan unless otherwise approved by the Board.
 - iii. Utility pedestal locations shall be minimized in tree lawns and yards that abut streets.

- A. **Intent.** To ensure that a comprehensive, integrated network of parks and open space is developed and preserved consistent with any adopted Parks, Open Space and Recreation (PORT) Plan as the Berthoud community grows.

B. **Park Standards and Requirements**

1.Intent:

The Town of Berthoud reaffirms its belief that high-quality useable parks and open spaces contribute to the overall quality of life for Berthoud residents. The Town prioritizes diversity of park amenities throughout the community as development occurs.

2.Park Development Requirements

- a. Developed parks shall be required for a residential subdivision if the subdivision totals more than 6 acres or has more than 50 dwelling units. The amount of developed park required shall be calculated at a ratio of 1 acre of parkland per 100 dwelling units, and must satisfy the requirements of 30-2-109 B 3, and the elements of 30-2-109 B 4, found in this Section.
- b. Park areas shall be surrounded by public right-of-way not by private lots, to the greatest extent feasible.

3. Park Types and Requirements:

a.Pocket Park: A pocket park is a small outdoor recreational space intended to serve the immediate neighborhood. Pocket parks shall be a minimum of 1/3 acre in size and less than 2 acres. It should be accessible by walking and biking and should be located within a ¼ mile radius of the intended users. Pocket parks do not typically require off-street parking. Pocket parks shall be owned and maintained by an HOA or Metro District and shall remain open to the public. No credit for Park Development impact fees shall be granted by the Town for the construction of pocket parks.

b.Neighborhood Park: Neighborhood parks are the basic unit of the park system and serve as the recreational and social focus for the neighborhood. A neighborhood park shall be a minimum of 2 acres in size and less than 5 acres. Neighborhood parks are generally intended to serve a resident population living within a 1-mile radius. Neighborhood Parks should have high visibility to surrounding streets for public safety. Depending upon available on-street parking, neighborhood parks may require off-street parking spaces of 7 off-street parking spaces, at least

1 of which shall be ADA accessible. Depending upon the types of amenities included, and at the discretion of the Town, neighborhood parks may be owned and maintained by an HOA or Metro District or may be dedicated to the Town upon completion of construction and acceptance by the Town. In all instances, neighborhood parks shall remain open to the public. Credit for Park Development impact fees may be granted by the Town up to 25% of the impact fee if the Town accepts dedication of the Park, but in no case shall credit total more than the cost to construct the park.

c. Community Park: Community parks are large recreation facilities serving a population within a several miles radius. A community park shall be a minimum of 5-acres and less than 20-acres. Community parks are intended to provide recreational opportunities of community interest such as sport fields, courts, or other unique recreation amenities. Locations of community parks must be approved by the Town. Due to their size, community parks may not have high visibility to surrounding streets and should be designed with public safety in mind. This may be accomplished with access control, video surveillance, enhanced lighting, or other creative design ideas to increase public safety. Off-street parking is required for all community parks and requirements will be established by the Town based upon the amenities provided. All community parks shall be designed in accordance with all applicable Town standards and dedicated to the Town upon completion of construction and acceptance by the Town. Credit for Park Development impact fees shall be granted by the Town up to 100% of the impact fee, totaling no more than the cost to construct the park.

d. Regional Park: Regional Parks are intended to serve the entire Town and surrounding communities. They are not typically constructed by developers but in rare instances may be included as part of a large master planned community. Regional Parks are greater than 20-acres in size and must be planned, approved, and accepted by the Town.

4. Park Development Required Elements

All proposed parks must have the following elements:

- i. Required infrastructure (all of the items on List A)
- ii. Parks must include components making them unique from passive open space or landscaped areas as follows:
 - a. POCKET PARKS must include a minimum of
 - i. All required components (List A)
 - PLUS
 - ii. (2) Pre-selected components (List B)

iii. (1) Components of Choice (List C)

OR

iv. (1) Pre-selected Component (List B)

v. (1) Specialty Component (List D)

AND

vi. (2) Comfort and Convenient features of choice (List E)

b. NEIGHBORHOOD PARKS must include a minimum of

i. All required components (List A)

PLUS

ii. (5) Pre-selected components (List B)

iii. (3) Components of Choice (1 high, and 2 low) (List C)

OR

iv. (3) Pre-selected Component (List B)

v. (2) Specialty Component (List D)

AND

vi. Portable restroom enclosures and (3) other Comfort and Convenient features of choice (List E)

c. COMMUNITY PARKS must include

i. (5) Pre-selected components (List B)

ii. (5) Components of Choice (List C) (2 high, 3 low)

OR

iii. (3) Pre-selected Component (List B)

iv. (2) Specialty Component (List D)

AND

v. A restroom building and (4) other Comfort and Convenient features of choice (List E)

List A - Infrastructure – Required

1. Electricity

2. Irrigation

3. Security lighting
4. Trash receptacles (min. 1 per acre)
5. Water service
6. Bike racks
7. Landscaping (using plants from City's recommended plant list)
8. Park benches (minimum 1 for pocket park; or 1 per acre).

List B - Pre-selected components

1. Group picnic shelter (min size 500 sf and 3 tables)
2. (2) Individual shelters with one picnic table each (counted as 1)
3. 15,000 sf turf min play area (counted as 1 per 15,000 sf)
4. 10,000 sf min. natural area (counted as 1 per 10,000 sf)
5. Loop walk (min length 2000 linear feet)

List C - Components of Choice All may be counted only once.

High:

1. Basketball (one full court)
2. Sports field area (City to specify level of required development)
3. Spray pad or splash area
4. Handball or racquetball court
5. Off-leash dog area – fenced (min size - 1 acre)
6. Practice backstop (with turf size adequate for min. 200 ft. foul lines – may be on
_____ required turf area)
7. Tennis court
8. Water feature (A passive water-based amenity that provides a visual focal point such as
fountains, ponds, or waterfalls)
9. Trail head with a minimum of 7 parking spaces

Low:

10. Public Art
11. Shuffleboard

12. Bocce ball
13. Disc golf course (min 9 baskets)
14. Horseshoe pits
15. Fitness course
16. Permanent picnic tables with Chess/Checkers Board
17. Volleyball court
18. Other components chosen by the applicant and approved by the Town

List D - Specialty components (To be used only with prior written consent of the Town)

1. Commercial-Grade Playground
2. BMX or mountain bike skills course
3. Boating facilities
4. Fishing facilities
5. Outdoor pool
6. Spray or Splash Park
7. Skate Park
8. Amphitheater
9. Community Building

List E – Comfort and Convenience Features All

may be counted only once, except as noted

1. BBQ grills (min. 1 per every 2 tables)
2. Benches (min. 1 per ½ acre)
3. Drinking fountains (min. 1 per every 4 acres)
4. Portable restroom enclosures
5. Restrooms with plumbing (counts as 3 items)
6. Shade structures for components from List C, or D (counted 1 per item)
7. Trail head with parking (min. 4 cars)
8. 20 trees planted per acre (counted as 1)

iii. **General provisions.**

- a. Public access. Areas designated as public open space shall be both visibly and physically accessible to the community. Adequate public access shall be provided to all public open space, natural and developed, directly from the public street and trail system. Pocket parks and plazas shall be integrated into the neighborhood design and be accessible to pedestrians and bicyclists.

- b. Buffering. Appropriate buffering and setbacks shall be required between environmental resources and proposed development to ensure that the proposed development does not degrade the existing habitat. **Developers shall provide an open space buffer zone of no less than 150 feet around** all natural areas unless otherwise authorized by the Town.

- c. Ownership and maintenance of open space. Ownership and maintenance of public open space shall be determined by the Town on a case by case basis through the review process.
 - i. Generally, the Town shall own and maintain community parks, regional parks and public trails. Town ownership and maintenance of neighborhood parks will be decided on a case-by-case basis.
 - ii. Pocket parks, plazas, outlots and private recreational facilities shall be owned and maintained by a homeowners' association, metro district or the landowner.
 - iii. Environmentally sensitive, archaeological and historic resources may be dedicated to and maintained by the Town at Town's discretion.
 - iv. Stormwater detention and retention areas that function as open space shall be owned and maintained by a homeowners' association, metro district or the landowner, unless otherwise approved by the Town.
 - v. Areas designated as open space shall be maintained according the designated function of the area. Applicants shall develop a management plan which addresses: irrigation, revegetation, erosion control, and weed management. If the area is to remain in private ownership, a mechanism

which will assure maintenance will be funded must be in place at the time of final plat.

- d. Open space protection. Areas designated as open space shall be protected by conveyance to the Town as provided on the plat and by this Chapter, deed restriction or other appropriate method to ensure that they remain open and cannot be subdivided or developed in the future without approval of the Town.

iv. Open space requirements.

1. Open Space is defined as:

- a. Areas designated for preservation and protection of environmental resources including floodplains, natural drainage ways, and wetland areas;
- b. Storm drainage facilities
- c. Areas designated for agricultural activities or preservation;
- d. Areas of archeological and historic significance; and
- e. Areas of critical or important habitat as defined by the Colorado Division of Wildlife.
- f. Common landscaped areas incorporated into properties zoned R-2, R-3, R-4, C-1, C-2.

2. Areas not counted as Open space:

- a. Required Park improvements shall not be counted towards the 10% open space requirement.
- b. Required setback areas around oil and gas production facilities;
- c. Disconnected remnants of land created by division of sites into lots or parcels that do not qualify as open space, unless approved by the Town;
- d. Private yards of any homes or tree lawns if present in a subdivision;
- e. Required parking lot landscaping associated with all uses, except parking specifically designated for access to open space areas and within commercial/industrial projects.

3. Open Space Requirement

Open space shall be required for 10% of the total area of any project as approved in a Neighborhood Master Plan, and each filing or plat must also possess at least 10% open space. Commercial use and industrial use only properties shall not be required to satisfy the open space requirements.

4 Required Open Space Elements

Developments will be required to satisfy the following functional open space elements as per the following acreage requirements:

- a. Developments consisting of 5 acres to 50 acres in total size, shall be required to satisfy two (2) elements;
- b. Developments of 50 acres to 200 acres shall be required to satisfy three (3) functional open space elements, and;
- c. Developments of 200 acres or more, shall be required to satisfy four (4) functional open space elements.

5.Functional Open Space Elements:

- a. **Useable Detention Areas (1 and 2 Elements possible):** A useable or improved detention pond(s) a minimum of one (1) continuous acre in size, with turf, trees, shrubs and other amenities such as benches or picnic tables, crusher refines trail, that do not impede detention capacity, including a permanent irrigation system and higher quality construction materials (i.e., decorative rock for riprap), and/or ability for use as athletic fields, to be perpetually maintained by the development, shall count as one (1) element. Useable detention areas to be utilized as athletic fields shall count as two (2) elements. No water dedication will be required for useable detention areas.
- b. **Additional Pocket Park (1 Element):** An additional pocket park(s) from that which is required under the park standards found in this development code, ranging from a third of an acre (1/3) to two acres in gross size which meet the park standards herein (add new code standard), shall count as one (1)element.
- c. **Agricultural Preservation (2 Elements):** A farm placed in a permanent conservation easement of at least 10 continuous acres in size, with proof of a permanent water source shall count as one element.
- d. **Habitat Area (2 Elements):** preservation of a natural habitat area, of at least 5 acres in size, shall count as two (2) elements. Existing Habitat areas to be considered, must provide an ecological study performed by a professional qualified in the areas of ecology, wildlife biology, or other relevant discipline. The ecological characterization report should be included with the open space plan, verifying that it is a natural habitat. All habitat areas shall provide a 150' setback from any development. Habitat areas shall not require water dedication.
- e. **Greenway (1 Element):** A permanent greenway 40' continuous feet in width, and at least a third of an acre in size, with an 8' crusher refine trail or 8' concrete trail, shall count as one element. Greenways should utilize natural grasses, pollinator gardens, and trees and shrubs to the greatest extent possible. All greenway areas shall not be required to provide water dedication.

- f. Green Area (1 and 2 Elements): Informal gathering area with irrigated turf, at least 50 continuous feet wide, and half an acre in size for unstructured recreational activities shall count as one open space element. Green areas at least 50 wide, and over one acre in size shall count as two open space elements. Green areas may include an amphitheater, trees along the perimeter, pollinator gardens or community gardens. Green areas should be flat, unless otherwise approved by the Town. All improved green areas shall have water dedication calculated at 0.25 acre feet.
- g. Trailhead (1 Element): A trailhead built with five permanent parking spaces (one handicap), a bench, and garbage receptacles shall count as one element. The trailhead must connect to an existing or proposed trail network. No water dedication shall be required for trailhead areas.
- h. Plaza for Mixed Use Developments for C-1, C-2, R-3, and R-4 (1 element): Open spaces available for civic purposes and commercial activities intended to add vibrance to the downtown or central areas of neighborhoods within mixed use developments. Plaza's must be at least 2,000 square feet in size, and 50 feet wide shall count as one open space element. Trees and other landscaping will complement a mostly hardscape development pattern.
- i. Community Lawn (2 elements): Green Irrigated areas of over 1 continuous acre in size, and 75 feet in width, in the center of the development, in which building frontages orient to the lawn, and trees are planted within the perimeter, shall count as two elements. Community Lawns may utilize natural grasses, pollinator gardens, and trees and shrubs and other water saving features. Building frontages must be rear or side loaded to receive credit. Water dedication for all community lawn areas (including trees and shrub areas) will be set at 0.25 acre feet.
- j. Buffer areas (1 element): Expanded continuous 60' wide continuous buffer areas along the entire perimeter of the development, with fencing that satisfies the Subdivision Identity Standards, pollinator gardens, or irrigated berms shall count as one functional element. Water dedication for expanded buffer areas satisfying this section of the code, will be set at 0.25 acre feet.
- k. Preservation of Landmark Properties and/or Sites (1 element) or Existing Trees: The preservation of any landmark building and or site under the Historic Resources requirements of Section 9 of this code, shall count as one element. Preservation of existing mature trees may qualify for one (1) element, based on an existing tree survey conducted by a licensed arborist.

A. Purpose. The Board of Trustees of Berthoud have determined that residential development is a primary component of land use in this community and that the appearance of single or multi-family dwellings from the street is intrinsically related to the preservation of neighborhood character and quality of life.

B. Applicability. The Design standards stated in this "section" are intended to implement strategies for residential development, and promote quality design of an urban environment. In an effort to avoid monotonous streetscapes, all residential development (including PUDs and development on individual lots or parcels) shall include a mixture of different lot sizes, dimensions, and housing models, as provided and described in this section, unless expressly exempt by this section. Repetitive front elevation dwellings shall not be located adjacent to or directly across the street. The requirements of this Section shall not apply to the rebuilding of a structure not in conformance with this Section that has been damaged or destroyed by fire or natural disaster.

C. Compliance required for building permit. Compliance with this Section, as determined by the Planning Director, shall be required as a condition of the issuance of a building permit for any single or multi-family residential dwelling. A decision by the Planning Director may be appealed by the Applicant to the Planning Commission on appeal, acting as the Board of Adjustment. Architectural elevations shall be submitted with all site plans. Block Diversity plans shall also be submitted as required herein, during the building permit process.

D. Single-family dwelling standards. The intent of this section is to foster new residential development with architectural designs that create diversity and variety along residential streets.

1. Lot diversity:

- i. *Mix of Housing.* A mix of permitted housing types and residential use types shall be included in any individual development plan, to the extent reasonably feasible, depending on the size of the parcel. In order to promote such variety, the following minimum standards shall be met:
 - (a) A minimum of two (2) lot diversity types as provided below in Section 30-2-116 (C)(1) (iii), shall be required on any project development plan containing twenty (20) acres or more, including such plans that are part of a phased overall development; a minimum of three for thirty (30) acres or more; and a minimum of four (4) housing types shall be required on any such project development plan containing (50) acres or more.
 - (b) To the maximum extent feasible, housing types, block dimensions, garage placement, lot sizes and lot dimensions shall be significantly and substantially varied to avoid repetitive rows of housing and monotonous streetscapes. For example, providing distinct single-family detached dwellings or two-family dwellings on larger lots and on corners and providing small lot single-family dwellings on smaller lots abutting common open spaces fronting on streets are methods that accomplish the lot diversity requirements set forth

in this subsection 1. **It is recommended that lot diversity be spread throughout the development.**

(c) The following list of housing types shall be used to satisfy this requirement:

1. Single-family detached dwellings with rear loaded garages.
2. Single-family detached dwellings with front or side loaded garages.
3. Small lot single-family detached dwellings (i.e. lots containing less than four thousand [4,000] square feet or with lot frontages of forty [40] feet or less) may be used to satisfy the lot diversity requirements if: 1) there is a difference of at least two thousand square feet between the average lot size for small lot single-family detached dwellings (insert that average size) and 2) the average lot size for single-family detached dwellings with front or side loaded garages
4. Two-family dwellings.
5. Single-family attached dwellings.
6. Two-family attached dwellings, the placement of which shall be limited to no more than two (2) such dwellings per two (2) consecutive individual lots.
7. Mixed-use dwelling units.
8. Multi-family dwellings containing more than three (3) to four (4) units per building;
9. Multi-family dwellings containing five (5) to seven (7) units per building.
10. Multi-family dwellings containing more than seven (7) units per building (limited to twelve [12] dwelling units per building).
11. Modular homes.
12. Commercial uses.
13. **A mixture of lot sizes is provided within one block (i.e. 40' wide lots with 80' wide lots), on at least 30% of the lots.**

(d) A single lot diversity use or type as provided above in Section 30-2-116 D (1) (i) (a) shall not constitute more than eighty (80) percent or less than five (5) percent of the total number of lots or dwelling units in each development plan.

2. **Housing Model Diversity Detached:**

- i. Any development of one hundred (100) or more single-family detached dwelling units shall have at least four (4) different types of housing models. Any development containing fewer than one hundred (100) single-family or two-family dwelling units shall have at least three (3) different types of housing models. One-family or two-family dwellings on adjacent lots fronting on the same street shall contain different housing models of varying style, elevations, architectural features, and exterior color. Adjacent lots shall include abutting lots, or those lots separated by a street, alley, auto court, loop

lane, or other common private drive.

ii. Model and block diversity will be reviewed by the Town as part of a Block Diversity Plan and each Housing model shall be distinguishable from one another and shall have at least four (4) of the listed building elements which clearly and obviously distinguish it from other housing models:

- a. Massing and placement of the building footprint on the lot;
- b. Porches and front entries;
- c. Color palette;
- d. Exterior materials (walls, trim, roof);
- e. Garage size, orientation and point of access;
- f. Differences in floor plans;
- g. Elevations;

h. Sustainable Development Credits: The applicant may elect to choose one (applicant may be allowed credit for two, if elements a. and d. above, are satisfied) of the following creative design elements found below: ~~Creative design alternatives not stated above.~~

Architecture/Material Type (select only one; will qualify for 1 model diversity element):

- Masonry (brick or stone) exteriors are provided on all 4 sides of 50% or more of buildings
- 100% of models/lots have garage planes that take up less than 50% of the length of the wall face on the front facade front façade.
- All homes on corner lots shall have wraparound porches with a minimum 6' depth.
- All homes on corner lots shall have two stories with different elevations.
- 50% of models on rear and side yards have partially improved exterior details or materials, such as brick, stone, or other architectural features

Sustainability Standards (Select only one, will qualify for 1 model diversity element):

Energy Sustainability:

- 50% of homes obtain an ERI index of 40 or better.
- 75% of homes have solar roof panels installed before Certificate of Occupancy. Solar panels must be installed in a manner that any conduit is concealed within the attic of the home, so that it is not visible from the ground. Conduit may be concealed behind the panels if an attic does not exist. Any conduit that is visible must be painted to blend in with the materials that the conduit is attached to.
- 25% pf homes obtain an ERI index of 25 or better.

Accessibility

- 50% or more of homes are built with a ground-floor master bedroom and full bath.
- 10% of homes in the block diversity Plan have built in accessory living quarters/Mother-in-Law suite, with separate entry and garage.

Water Conservation:

- 50% of lots must have professionally landscaped front yards that are 30% or less turf but cannot use more than 20% rock; all plantings must be low water usage plants; landscape plans must be prepared by a licensed landscape architect and approved before CO; landscaping must be installed within 6 months of CO for this category to be satisfied. If element is satisfied, each lot will be eligible for a 25% reduction in water costs (from 0.4 acre feet for a standard lot, to 0.3 acre feet).

iii. The requirements for block diversity provided above shall not apply to developments containing five (5) or fewer dwelling units.

3. Housing Model Diversity Single Family Attached:

i. For any development containing at least three (3) and not more than five (5) buildings (excluding clubhouses/leasing offices), there shall be at least two (2) distinctly different building designs. For any such development containing more than five (5) buildings (excluding clubhouses/leasing offices), there shall be at least three (3) distinctly different building designs. For all developments, there shall be no similar buildings placed next to each other along a street or street-like private drive. Building designs shall be considered similar unless they vary significantly in footprint size and shape.

ii. Building designs shall be further distinguished by including unique architectural elevations and unique entrance features, within a coordinated overall theme of roof forms, massing proportions and other characteristics. Such variation among buildings shall not consist solely of different combinations of the same building features.

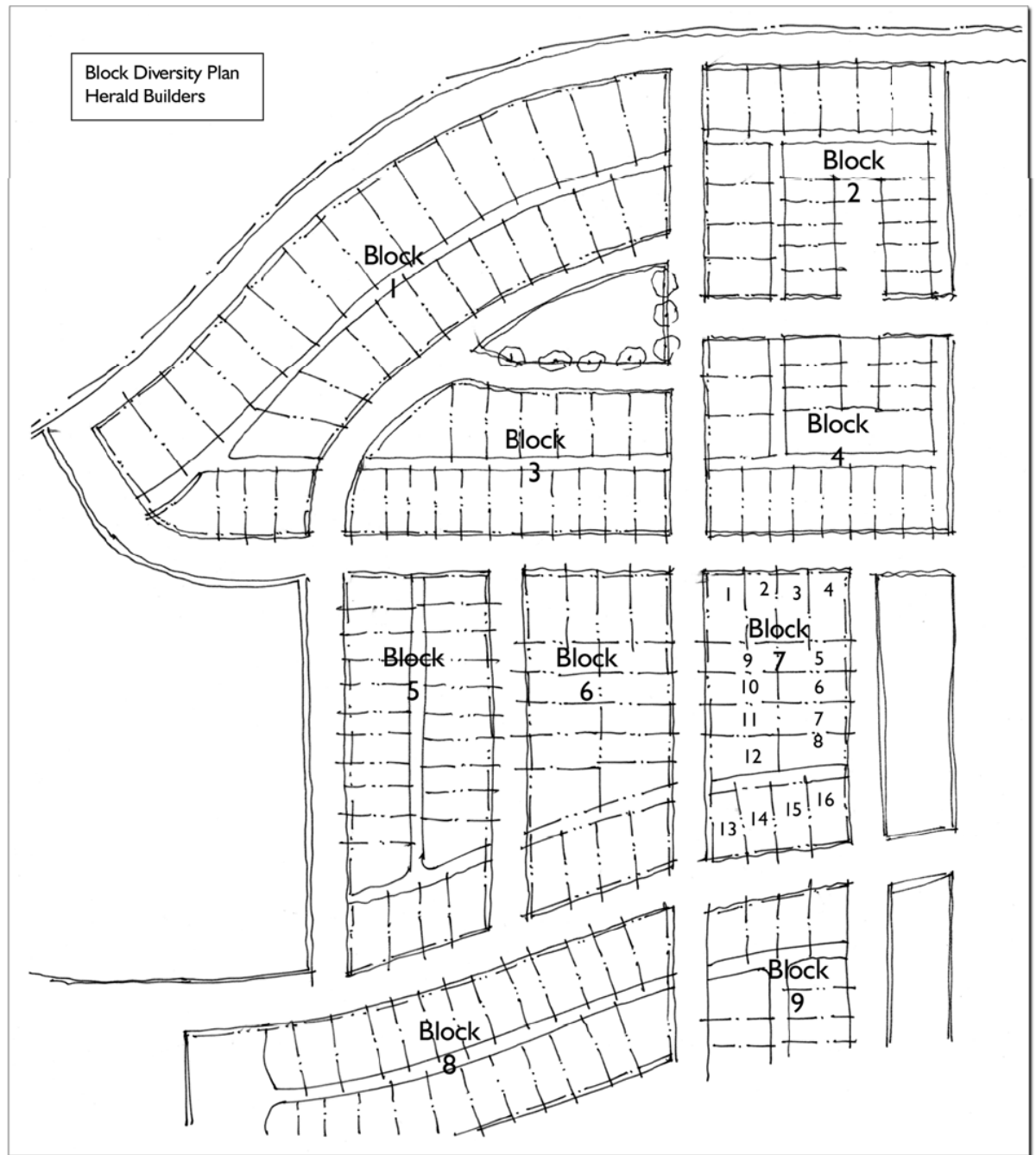
4. Block Diversity Plan. The Block Diversity Plan is an opportunity for applicants to provide the Town with visual and graphic images showing the type of residential architecture that is to be constructed on each block of the proposed development. Applicants shall provide the Town with exterior elevations of proposed residential structures with the location of each structure depicted on the Final Plat (examples of the Block Diversity Plan format follow).

i. Applicability. Every phase that would include 5 or more residential building permits must complete a Block Diversity Plan. The Block Diversity Plan will be submitted as part of the building permit process.

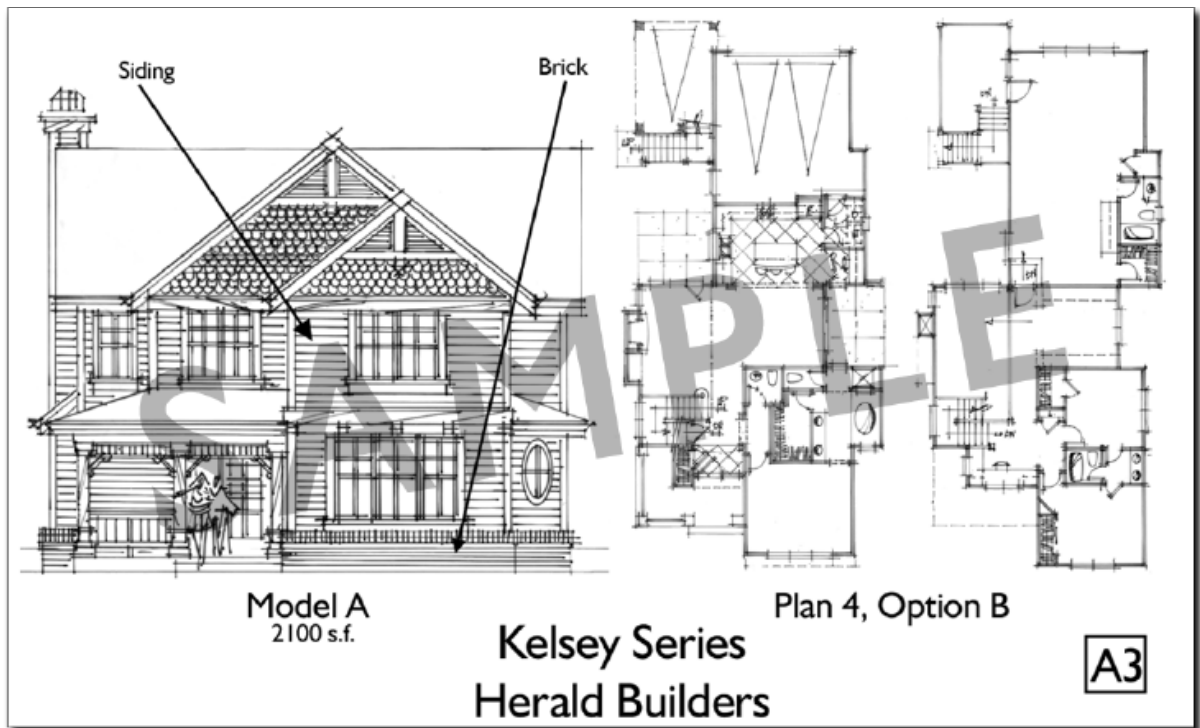
ii. Review and Approval. Review of any Block Diversity Plan will be based upon conformance to the intent of the architectural and design policies found in this Section. Review and approval will be conducted and determined by Town Staff.

[illegible]

Sample Block Diversity Key



Sample Block Diversity Map
to be submitted by the Builder/
Developer, to illustrate housing
mix.



Sample Elevation
and Floor Plan
Submittal

5. **Exterior colors of residential dwellings.** Residential subdivisions and developments shall include a variety of exterior color palettes to provide diversity within the subdivision or development. Color palettes shall be included in the design guidelines submitted with a subdivision or development. Fluorescent or intense colors shall not be used on any wall or roof of any dwelling or accessory structure.
6. **Architectural design of dwellings.** All dwellings and accessory structures shall provide quality architectural design that takes into consideration building massing and style, roof lines, window and door placement, exterior materials and colors and other architectural features.
 - i. Dwellings on corner, end, or double frontage lots shall include architectural features, such as windows and doors, porches and entry features, building materials, and other features that complement the front of the dwelling, along the sides or back of dwellings that face streets, drives, or open space areas.
 - ii. New or replacement dwellings, dwelling additions and accessory structures shall be designed to be architecturally compatible with the surrounding neighborhood, as applicable, in terms of building materials and colors, roof forms, building massing and style and other architectural features.

7. **Front setbacks:** Front setbacks on adjacent lots shall vary by at least 2½ feet to provide for a varied streetscape, and verification of this standard shall be provided by the Applicant in the Block Diversity Plan.

8. **Utility Services:**

i. Utility Location. Utility services shall be located underground when practical. Exceptions to the requirements of underground utilities are:

ii) Major electric transmission lines responsible for transporting power through the area rather than to the area;

iii) Where the Community Development Director and/or Public Works Director determines that the underground utility location is not practical, above grade utilities shall be located behind structures in a utility "alley" easement approved by the applicable utility authority where practical.

9. **Garages.** To prevent residential streetscapes from being dominated by protruding garage doors, the following standards shall apply to all new residential development (including PUDs containing residential uses and development on individual lots or parcels).

i. All garages shall be located a minimum of 20 feet from the back of sidewalk or property line, whichever is more restrictive.

ii. Garages may make up no more than 65% of the length of the wall face of the building except when located on a lot within a cul-de-sac, or when such garage doors are located on the side of a dwelling facing a side yard street, wherein they may comprise up to two-thirds of the street-facing linear building frontage.

iii. Garages may make up no more than 50% of the length of the wall length of the wall face of the building except when located on a lot within a cul-de-sac, or when such garage doors are located on the side of a dwelling facing a side yard street, for lots forty (40) feet in width or less.

~~iv.. If there are 3 or more bays included in the façade, only 2 garage doors may be in the building plane. Additional bays must be offset at least 2 feet further back.~~

~~v. For any side-load garage orientation, a minimum of 2 windows of at least 4 sq. ft., each must be installed on the street-facing façade.~~

~~vi. Relationship of home & garage. The front façade of any home and the associated garage may be in the same building plane if a roofed porch integral to the architecture of the residence of at least 4 feet in width and 8 feet in length is constructed along the front façade. If no porch is present, the garage plane must shift at least 2 feet in any dimension from the residential portion of the structure.—~~

- C. **Multi-family stacked units, including condominiums and apartments.** Applicants seeking to build multi-family units shall achieve a balance between repetition and variety in the architecture of these buildings. Each multi-family dwelling containing more than 3 dwelling units

shall feature a variety of massing proportions, wall plane proportions, roof proportions and other characteristics. The following specific standards shall apply to multifamily stacked units, including condominiums and apartments:

1. Individual building identity. For all developments consisting of 100 or more multi-family stacked dwelling units, a floor plan may be repeated; however, identical building facades must not be replicated more than twice within the development. During the site plan approval process, the applicant shall illustrate how the development will comply with the requirements set forth in this section.

2. Articulation. Each multi-family dwelling or condominium shall be articulated with projections, recesses, covered doorways, balconies, box or bay windows and/or other similar features, dividing large facades and walls into human-scaled proportions. Each multi-family building shall feature walls that are articulated by a least 3 of any of the following elements within every 36 foot length of the facade:

- i. Recesses, projections or significant offsets in the wall plane;
- ii. Distinct individualized entrances;
- iii. Chimneys that project from the wall plane;
- iv. Balconies and/or other outdoor living space; or e. Bay or box windows.
- v. Height differentiation between buildings.

3. Roofs. Each multi-family building shall feature a combination of primary and secondary roofs. Primary pitched roofs shall be articulated by at least 1 of the following elements:

- i. Changes in plane and elevations;
- ii. Dormers, gables or clerestories;
- iii. Transitions to secondary roofs over entrances, garages, porches, or bay windows.

4. Color. For all developments, there shall be no more than two (2) similarly colored structures placed next to each other along a street or major walkway.

5. Garages. No street-facing facade shall contain more than 4 garage fronts. Resident garages or parking that is internal to the block is encouraged. Resident garages or parking that is internal to the development is encouraged. On-street parking should be made available for visitors.

- i. Articulation. At a minimum, a vertical trim detail that subdivides the overall siding pattern shall be provided at intervals not to exceed two (2) internal parking stalls (approximately twenty [20] to twenty-four [24] feet).

ii. Rear Walls of Multi-Family Garages. To add visual interest and avoid the effect of a long blank wall with no relation to human size, accessibility needs or internal divisions within the building, the following standards for minimum wall articulation shall apply:

(i) Length. Any garage located with its rear wall along the perimeter of a development and within sixty-five (65) feet of a public right-of-way or the property line of the development site shall not exceed fifty-five (55) feet in length. A minimum of seven (7) feet of landscaping must be provided between any two (2) such perimeter garages.

(ii). Articulation. No rear garage wall that faces a street or adjacent development shall exceed thirty (30) feet in length without including at least one (1) of the following in at least two (2) locations:

- a. change in wall plane of at least six (6) inches,
- b. change in material or masonry pattern,
- c. change in roof plane,
- d. windows,
- e. doorways,
- f. false door or window openings defined by frames, sills and lintels, and/or
- g. an equivalent vertical element that subdivides the wall into proportions related to human scale and/or the internal divisions within the building.



Figure 2: Example of Urban Development Pattern, Required by this District:



8. Windows. Street-level storefront windows are strongly encouraged.

9. Screening

Commercial activities including loading areas and docks shall not abut a residential area unless the activities and related storage are contained within a building or otherwise adequately screened from view from the residential area.

D. C2: General Commercial District architectural standards.

The C2 zone commercial district has been created to provide for the larger commercial uses that may not be appropriate in the original downtown (Mountain Ave.) area of Berthoud.

1. Design of developments with internal orientation. In multiple-building developments, where setbacks are increased to accommodate independent development with internal orientation, primary building entrances shall face walkways, plazas, or courtyards that have direct, continuous linkage to the street. However, it may be necessary for such direct pedestrian access ways to cross drive aisles. Driveway crossings must place priority on the pedestrian access.
2. Connections. Where it is not possible or appropriate to extend a town street or sidewalk directly into development or bring the building up to a town sidewalk, buildings shall create direct connections to adjacent land uses.
3. Requirement for four-sided design. A building's special architectural features and treatments shall not be restricted to a single facade. All sides of a building open to view by the public, whether viewed from public or private property shall have level of quality and architectural interest that makes them compatible with adjacent land uses. Landscaping may be used along side or rear facades to meet this requirement.
4. Building form. The design of all buildings shall avoid monolithic shapes.
5. Design: The design of all buildings shall employ textured surfaces, projections, recesses, shadow lines, color, window patterns, overhangs, reveals, changes in parapet heights, and similar architectural features to avoid monolithic shapes and surfaces and to emphasize building entries. Buildings shall not contain unbroken flat walls of 50 feet or greater in length. Buildings having single walls exceeding 50 feet in length shall incorporate one or more of the following for every 50 feet:
 - i. Changes in color, graphic patterning, changes in texture, or changes in material;
 - ii. Pilasters;
 - iii. Projections, recesses and reveals;
 - iv. Windows and fenestration;
 - v. Arcades and pergolas;
 - vi. Towers;
 - vii. Gable projections;
 - viii. Horizontal/vertical breaks;
6. Building Material Standards
 - i. No portion of a building shall be treated with smooth-faced concrete block, tilt-up concrete panels or prefabricated steel panels, unless the visible finish is comprised of

a suitable finish material. Suitable finish material for treating visible facades may include, but are not limited to, brick, glass, masonry, stone, or stucco;

ii. The rear and side facades shall be of materials and design characteristics consistent with that of the front; use of inferior or lesser quality materials for rear or side facades shall be prohibited.

7. Exterior building materials and colors. Intense, bright or fluorescent colors shall not be used as the predominant color on any wall or roof of any primary or accessory structure. These colors may be used as building accent colors.
8. Orientation of pedestrian entries. Building entry features shall be oriented so that pedestrian entries face the nearest adjacent street, or connected to the nearest major street with a sidewalk.
9. Setback Requirements: In the case of large buildings for employment, storage or auto-related uses, where greater setbacks are needed, a minimum of thirty percent of the building shall be brought forward to the front/street facing setback line. If a minimized setback is not maintained, the larger setback area shall have landscaping, low walls or fencing, a tree canopy and/or other site improvements along the sidewalk designed for pedestrian interest, scale and comfort.
10. Location of parking lots. Parking shall be provided to the greatest extent possible by spaces at the rear or sides of the building. If parking must be placed in the front, the front parking area shall have additional landscaping, low walls, an expanded tree lawn and canopy, and/or other site improvements along the sidewalk designed for pedestrian interest, scale and comfort.
11. Roof materials. All sloping roof areas visible from any public or private right-of-way, shall be surfaced with attractive and durable materials.
12. Screening
 - i. Screening will be required for commercial activities including loading areas and docks that abut a residential area unless the activities and related storage are contained within a building or otherwise adequately screened from view from the residential area.
 - ii. A minimum fifteen foot deep landscaped yard shall be provided along all arterial streets, and along any district boundary line that does not adjoin a residential land use. If a district boundary line abuts upon or is within a street right-of-way, then the required landscaped yard shall commence at the street right-of-way line on the district side of the street, rather than at the district boundary line.
- 13 Storage and Operational Areas.

- i. Storage, loading and work operations shall be screened from view along all district boundary lines and along all public streets.
- ii. Within internal district areas, buildings may be surrounded by paving for vehicle use. To the extent reasonably feasible, side and rear yards in interior block locations shall be used for vehicle operations and storage areas, and front yards shall be used for less intensive automobile parking. At district edges, side yards shall be used for vehicle operations and storage areas, in order to allow for a finished, attractive rear building wall and a landscaped rear yard.

14. Gas Pumps.

No gas pumps or canopies shall be located forward of the principal structure, or fronting/abutting any arterial, or collector roadway.

A. **Purpose.** Pursuant to §31-23-307(1), C.R.S., the Board of Trustees hereby appoints the Planning Commission of the Town of Berthoud to serve as the Board of Adjustment. The Board of Adjustment shall hear and decide variances, waiver requests, and appeals from and review any order, requirement, decision, or determination made by any administrative official charged with the enforcement of any ordinance with respect to the Development Code of the Town of Berthoud.

The Board of Adjustment shall have the following powers and duties, all of which shall be subject to and in compliance with the laws of the state, in harmony with the purpose and intent of this code and the most appropriate development of the neighborhood:

1. To hear and decide appeals from, and review any order, requirement, decision or determination made by an administrative official charged with enforcement of the provisions of this code;

2. To authorize variances from the terms of Chapter 30-2, Design Standards, Chapter 30-3, Zoning; and Chapter 30-7 Signs, where the strict enforcement of this title would create a situation which would result in unreasonable application of these standards, considering whether:

a. Such relief may be granted without substantial detriment to the neighborhood or the public good and without substantially impairing the intent and purposes of this code, and;

b. Provided that there are exceptional circumstances applying to the specific piece of property which do not generally apply to the remaining property in the same zoning area or neighborhood, and;

c. That the requested variance shall not authorize any permanent use not permitted in the zoning district, and;

d. If the hardship on which the request for variance is based, in whole or in part, is self-inflicted, that will be a highly significant fact which is a material element bearing on the issue, and will weigh heavily against the owner or applicant seeking the variance, or;

e. In circumstances where the property owners affected most directly, e.g. neighbors, concur in writing with the variance that fact shall be given significant (but not conclusive) weight in favor of the request

3. To authorize, as variances, alterations in nonconforming uses and buildings, provided the board of adjustment determines:

a. That the total area devoted to the altered nonconforming use will not be greater than the total area devoted to the current nonconforming use, and

- b. The altered nonconforming building or use will not have any greater adverse impact on the neighborhood than the current nonconforming building or use.
- 4. To perform each and all of the duties specified in section 31-23-307 C.R.S., together with all other duties or authority which may hereafter be conferred on it by the laws of the state.
- 5. The Board of Trustees reserves the authority to act as the Board of Adjustment with respect to all matters in the Development Code and as allowed per Section 31-23-307 C.R.S, specifically:
 - a. All variances not related to Chapter 30-2 Design Standards; Chapter 30-3 Zoning, and Chapter 30-7 Signs.
 - b. All appeals not related to Chapter 30-2 Design Standards; Chapter 30-3 Zoning, Chapter 30-3 Subdivision Regulations, and Chapter 30-7 Signs.
 - c. **Appeals of Final Plats:** Appeals of actions of the Planning Commission regarding Final Plats shall be taken to the Town Board after the filing of an Appeal to the Town within ten days of the date of the Planning Commission's decision on the Final Plat. Appeals may be filed by the Applicant or any abutting property owner and shall specifically state the grounds for appeal. The Town Board shall consider the Appeal as a new matter and act to approve, approve with conditions, or deny the Final Plat based on the review and approval criteria that apply to all Final Plats. Any timely appeal received must be scheduled immediately for review at the next available Town Board meeting, but in no event later than thirty days.
- 6. **Procedures generally.** The board of adjustment shall hold a public hearing on all applications and appeals, subject to the following:
 - 1. Notice shall be given in accordance with the provisions of section 30-1-117 of this code.
 - 2. Unless otherwise stated in the board of adjustment's minutes, all variances granted shall be commenced within six months of the time such variance is granted; otherwise the variance shall be null and void.
 - 3. The concurring vote of a majority of the board of adjustment shall be necessary to reverse any order, requirement, decision, or determination of any administrative official, or to decide in favor of the applicant in order to implement a variance.
- 7. **Appeal procedures.**

Every appeal to the board of adjustment shall be filed in writing not later than one month from the date of the order, requirement, decision, or determination being appealed. The board shall have no jurisdiction on any appeal not brought within thirty days from the date of the order, requirement, decision, or determination.

D. Administrative Variances

The Community Development Director is authorized to approve administrative variances from setback requirements up to ten percent (10%) of the required setback after finding the proposed setback is consistent with the intent and purpose of this code, and the requirements of this Section.

30-6-106

Concept plan and Neighborhood Master Plan

A. ~~Concept Plan~~ Neighborhood Master Plan purpose. The ~~Concept Plan~~ Neighborhood Master Plan is a ~~broad~~ conceptual design of the development submitted with a Rezoning ~~or~~ Major Subdivision application, that depicts what the applicant envisions **for the overall development**, including zoning,

transportation and pedestrian network, utilities, open space, parks, Subdivision Identity elements and amenities. ~~A Concept Plan is informational in nature, and not required as part of the development process.~~

B. Previously Approved Concept Plans. Concept Plans approved before the amendment of this section of the ordinance ~~are shall not be~~ entitled to any vested development right.

C. Required: A Neighborhood Master Plan is required for all residential and/or mixed-use re-zonings or subdivisions over 10 acres in size. Any new zoning amendments shall require a new Neighborhood Master Plan approval. Major proposed changes to any approved preliminary plat, will require a new Neighborhood Master Plan approval. The Neighborhood Master will consist of the following required elements

1. Traffic Plan: The Applicant shall provide a preliminary traffic plan that addresses the following elements:
 - i. The proposed street network and connectivity to the existing road network, including all proposed access points.
 - ii. The location and layout of all arterial and collector roads within the development. Local streets and alleys do not need to be depicted.
 - iii. A preliminary traffic impact study prepared by a licensed Traffic Engineer which evaluates proposed access points, the existing street system, and any need for any road improvements (including off-site improvements) created by the proposed development.
2. Open Space Plan: The applicant shall provide a preliminary open space plan that addresses the following elements:
 - i. Proposed open space distribution and location, including percentage of open space.
 - ii. Compliance with 30-2-109 D,4 Open space elements.
 - iii. Required buffer areas as per 30-2-109 C, 2.
3. Park(s) Plan:
 - i. Proposed park locations and types of Parks as per Section 30-2-109 B 2, 3:
 - ii. Proposed park acreage as per Section 30-2-109 B 2.
4. Pedestrian Network:
 - i. Location of all trails within development, and connection to existing trail network.

- ii. Connectivity of sidewalks to the existing pedestrian system, including any off-site sidewalk improvements. This includes planning for a ¼ mile pedestrian shed.
- iii. Depiction of any bike lanes or any other multi-modal features.

5. Zoning:

- i.** The location of zoning boundaries shall be provided with the application and depicted on the Neighborhood Master Plan.
- ii.** The plan should show how lot diversity standards of Section 30-2-116 D 1 c, are met and create a mix of zoning which is harmonious with the surrounding area, and within the property itself.
- iii.** Density and lot diversity shall be distributed throughout the project and shall not be located in only one area.

6. Overall Utility Plan:

- i. A preliminary utility plan depicting the existing capacity of the surrounding utility system, and the future capacity of the utility system for the both the proposal and any potential adjoining future development.
- ii. Proposed connections to the existing utility system.
- iii. The location of any proposed or required lift stations.
- iv. Utility Plans for the interior of the development (such as water and sewer service lines) are not required as part of this process.

7. Subdivision Identity Standards:

- i.** The Applicant shall provide compliance with Subdivision Identity Standards found in Section 30-2-131 of this Code.

D. Neighborhood Master Plan application submittal.

The applicant shall submit a complete Neighborhood Master Plan application package to the Town. The Neighborhood Master Plan application package shall include the following items:

- 1.** Development application form, fee, and Memorandum of Understanding (MOU) for payment of review and development expenses incurred by the Town.
- 2.** Zoning Map Amendment and or Preliminary Development Plan
- 3.** Title commitment. The title commitment must be dated no more than thirty days from the date of Neighborhood Master plan application submittal.
- 4.** Neighboring property owner list. Mailing labels with current names and addresses of all property owners within five hundred feet of the proposed subdivision.
- 5.** Title of project.

6. North arrow, scale (not greater than 1" = 200') and date of preparation.
7. Vicinity map.
8. Legal description.
9. Acreage of property; acreage in each zoning district; acreage in parks; acreage in open space.
10. USGS topographic contours.
11. Location and approximate acreage of proposed land uses.
12. Existing easements and rights-of-way on or adjacent to the property
13. Existing streets on or adjacent to the property (show and label street name).
14. Note or table indicating how public dedication requirements will be met.
15. Table providing the following information for each proposed land use area: total acreage; proposed density proposed number of dwelling units.
16. Compliance with lot area size, lot diversity, as identified in Section 30-2-116 D 1 c of this Code.
17. Location and acreage of proposed parks as per Section 30-2-109 B 2, 3; trails, regional trail connections, playgrounds, schools or other public uses.
18. Proposed street system depicting the location and layout of all arterial and collector roads within the development. Local streets and alleys do not need to be depicted.
19. A preliminary traffic impact study prepared by a licensed Traffic Engineer which evaluates proposed access points, the existing street system, and any need for any road improvements (including off-site improvements) created by the proposed development.
20. Floodplain boundary with a note regarding the source of information (if a floodplain does not exist on the property, this must be stated).
21. Geologic hazard areas.
22. Zoning on adjoining properties.
23. A preliminary utility plan depicting the existing capacity of the surrounding utility system, and the future capacity of the utility system for the both the proposal and any potential adjoining future development. Utility Plans for the interior of the development (such as water and sewer service lines) are not required as part of this process.
24. Proposed connections to the existing utility system.
25. The location of any proposed or required lift stations.
26. Design rationale – description of how the development is connected to/integrated with surrounding area, how it responds to site features/constraints and how it is consistent with this Code.
27. General description of plan for drainage and storm water management, including any regional drainage solutions.
28. Water supply information including: estimate of the number of water taps needed;

the amount of raw water that will be provided to the Town and the source of the water should fee in lieu not be considered.

29. Statement indicating whether or not any commercial mineral deposits are located on the site.
30. Depiction of Compliance with Subdivision Identity Standards found in Section 30-2-131.
31. Description of how the proposed development complies with the Town Comprehensive Plan.
32. Rationale of how the Neighborhood Master Plan correlates to the Zoning District proposed.

E. Application certification of completion. Within thirty days, Staff shall either certify the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. Applicant shall then correct any deficiencies in the application package and re-submit the application to the Town.

F. Neighborhood Master Plan Process

1. Planning Commission and Town Board Public Hearing. The Planning Commission shall hold a Public Hearing and make recommendations to the Town Board. The Town Board shall hold a Public Hearing and may choose to approve, approve with conditions or deny the Neighborhood Master Plan.

2. Notice to neighboring property owners. The Town shall send notice of the Planning Commission and Neighborhood meeting, and the Town Board meeting by regular mail to neighboring property owners within one thousand feet of the property per this Code.

G. Neighborhood Master Plan review criteria. The Town shall use the following criteria in addition to other applicable provisions of this Code to evaluate the applicant's application:

1. The land use mix within the project conforms to Berthoud's Zoning District Map and Comprehensive Plan Preferred Land Use Map and furthers the goals and policies of the Comprehensive Plan.
2. The Neighborhood Master plan represents a functional system of land use and is consistent with the rationale and criteria set forth in this Chapter, the Town Comprehensive Plan, and the Parks, Open Space and Recreation (PORT) Plan as amended.
3. The Preliminary Traffic, Open Space, Park, Utility, and Pedestrian design is adequate and functional given the existing and planned capacities of each system, and meets the standards found in this Code.
4. Negative impacts on adjacent land uses have been identified and satisfactorily mitigated.

5. There is a need or desirability within the community for the development and the development will help achieve a balance of land use and/or housing types within Berthoud according to Town goals.

H. Timeframe related to approval of Neighborhood Master Plan. A Neighborhood plan is in full force and effect for a period of five years from date of Town Board action. Any new zoning amendments shall require a new Neighborhood Master Plan approval. Major proposed changes to any approved preliminary plat, will require a new Neighborhood Master Plan approval.

I. Minor Amendments: Minor Amendments to the Neighborhood Master Plan may be approved administratively under the follow conditions:

- i. Does not change any land use, or location of any land use.
- ii. Does not change the number of lots or density by more than 10%.
- iii. Does not contain significant changes in arterial or collector street alignment and/or access points, or other major public elements such as drainage improvements, utility lines or facilities.
- iv. Does not change any measurable standard (other than above), such as open space, or park area, by more than 10%.

30-6-108 Final plat

- A. Final Plat purpose.** The purpose of the final plat is to complete the subdivision of land consistent with the technical standards of the Town.
- B. Final Plat application process.**
- 1. Final Plat application submittal.** The final plat application shall substantially conform to the preliminary plat as approved at the public hearing and shall meet all conditions of approval. The applicant shall submit the completed final plat application package to the Town. The final plat application shall include final engineering and landscape plans. The final plat application shall be formatted and packaged per the application submittal checklist provided by the Town and include:
- a.** Development application form.
 - b.** Application fee.
 - c.** Title commitment. An updated title commitment, dated no more than thirty days from the date of final plat application submittal.
 - d.** Final Plat. The final plat drawing shall comply with the following standards:

- i.** The plat shall be prepared by or under the direct supervision of a registered land surveyor, shall be signed and stamped by said surveyor, and shall meet applicable State of Colorado requirements.
- ii.** Except for parcels separated by public rights-of-way, public tracts or railroads, parcels not contiguous with each other shall not be included in one plat, nor shall more than one plat be made on the same sheet. Contiguous parcels owned by different parties may be included on one plat, provided that all owners join in the dedication and acknowledgment.
- iii.** Lengths shall be shown to the nearest hundredth of a foot and bearings shall be shown in degrees, minutes and seconds.
- iv.** The perimeter survey description of proposed subdivision shall include at least one tie to an existing section monument of record and a description of monuments. The survey shown shall not have an error greater than one part in ten thousand.
- v.** Bearings, distances and curve data of all perimeter boundary lines shall be indicated outside the boundary line, not inside, with the lot dimensions.
- vi.** Names and signatures of all owners of equitable interest in the property shall be on the plat and shall be made in black drawing ink.
- vii.** The final plat shall provide the following information:
 - a)** Title of project.
 - b)** North arrow, scale (not greater than 1"=100') and date of preparation.
 - c)** Vicinity map.
 - d)** Legal description.
 - e)** Basis for establishing bearing.
 - f)** Names and addresses of owners, applicant, designers, engineers and surveyors.
 - g)** Total acreage of subdivision.
 - h)** Bearings, distances, chords, radii, central angles and tangent links for the perimeter and all lots, blocks, rights-of-way and easements.
 - i)** Lot and block numbers, numbered in consecutive order, and square footage or acreage to two decimal places of each lot or tract.
 - j)** Parcels excepted from inclusion should be noted as "not included in this subdivision" and the boundary completely indicated by bearings and distances.
 - k)** Existing and proposed easements (including rights-of-way) in and adjacent to property (labeled and dimensioned).

- l)** Existing and proposed street names for all streets on and adjacent to the property.
- m)** Location and description of monuments.
- n)** Floodplain boundary with a note regarding source of information (if a floodplain does not exist on the property, please state this on the plat).
- o)** The following certification language, completed with signature lines and including any amendments required by the Town:

LEGAL DESCRIPTION AND DEDICATION:

KNOW ALL MEN BY THESE PRESENTS: That the undersigned, being the owners of _____, Township _____ N, Range _____ W of the 6th 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 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.

If owner is an individual(s):

Owner: John Doe

If owner is a corporation, limited liability company, partnership, association or other business entity:

Owner: The ABC Corporation, a Colorado corporation

By: John Doe, President

If owner is a trust:

Owner: The Jane Smith Trust

By: (John Doe, as trustee of the Jane Smith Trust)

If owner is a trust:

Owner: The Jane Smith Trust

By: John Doe, as trustee of the Jane Smith Trust

LIENHOLDER'S DEDICATION: The undersigned mortgagee, for good and valuable consideration does by these presents, hereby subordinate all of its rights to such fee simple dedications and grants of easements to the Town of Berthoud as are depicted and referenced hereon and to the terms and conditions of the development agreement and this final plat and agrees that the development agreement and this final plat shall constitute a first and prior lien upon the (project name) to the same extent as though it were actually executed and recorded prior to said lien or deed of trust.

DATE: _____

LENDER'S NAME

BY: _____

TITLE: _____

SURVEYOR’S CERTIFICATE:

I, _____ a Registered Land Surveyor in the State of Colorado, do hereby certify that the survey of _____ was made under my supervision and the accompanying plat accurately and properly shows said subdivision and is in compliance with the Subdivision Regulations of the Town of Berthoud.

(Name, Registered Land Surveyors)

(Number)

RIGHT TO FARM STATEMENT: The Town of Berthoud has adopted a “Right to Farm” policy. All new and existing residents are expected to read and understand the policy. For a copy of the policy, please contact the Town of Berthoud.

SITE SPECIFIC DEVELOPMENT PLAN:

This plan constitutes a site specific development plan as defined in Article 68 of Title 24, C.R.S., as amended, and Chapter 30 of the Berthoud Development Code available at the Berthoud Town Hall, 328 Massachusetts Avenue, Berthoud, Colorado 80513.

APPROVAL CERTIFICATES:

Approved by the Town of Berthoud, Colorado, this _____ day of _____, 20____.

Mayor

The foregoing plat is approved for filing and accepted by the Town of Berthoud, Colorado, this _____ day of _____, 20____.

ATTEST: _____

Town Clerk

- e.** General development information. Provide a written description confirming that the final plat conforms to the preliminary plat. In addition, the description shall address how the proposed development conforms to this Code, the Town Comprehensive Plan and the PORT Plan.
- f.** For developments with single-family or two-family residential lots, show that the Final Plat is in conformance with Section 30-2-116 of this Code.
- g.** Update of any plans or reports provided with the Preliminary Plat for which there is a change of conditions.
- h.** Special documents (as needed)
- i.** Special agreements.
- ii.** Oil & gas surface use agreement.
- iii.** Floodplain use permit from the Town.
- iv.** Prior to commencement of construction; a State Highway utility permit from CDOT.
- v.** Prior to commencement of construction, a State Highway access permit from CDOT.
- vi.** Prior to commencement of construction, a construction dewatering permit from the Colorado Department of Public Health and Environment.
- vii.** Prior to commencement of construction, a 404 Permit from the Army Corps of Engineers.
- viii.** Prior to commencement of construction, an Air Pollution Emission Notice (APEN) from the Colo. Department of Public Health and Environment.
- ix.** Prior to commencement of construction, a permit for work in any ditch right-of-ways from individual ditch companies.
- x.** Development Agreement (DA).
- xi.** Prior to commencement of construction, acceptable collateral in the amount and form stipulated in the DA.
- xii.** Prior to commencement of construction, an approved adjudication of water rights and a plan of augmentation.

- xiii. Prior to commencement of construction, a FEMA approved application (i.e., Conditional Letter of Map Revisions [CLOMR] or Letter of Map Revisions [LOMR]).
- xiv. Documentation identifying who will own and maintain open spaces.
- xv. Deed for public lands for dedication of public sites for open space or other civic purposes.
- i. Notification mailing list. Provide one set of mailing labels for appropriate referral agencies and property owners of record within three hundred feet of the property.
- 2. Application certification of completion. Within a reasonable timeframe, typically five working days, Staff shall either certify the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. Applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application to the Town. The original application and all documents requiring a signature shall be signed in blue ink.
- 3. Notice. In order to provide an opportunity for referral agencies and the public to review any final plat for changes, the Town shall send a notice of the Planning Commission public hearing, with appropriate final plat materials for review.
- 4. Staff review and report to Planning Commission. Staff will complete a final review of the application and then prepare a report to the Planning Commission explaining how the application is or is not consistent with the final plat review criteria.
- 5. Planning Commission public hearing and action. The Planning Commission shall hold a public hearing to review the final plat based on the Town's final plat review criteria. It shall then approve, conditionally approve, or deny the final plat application by resolution. **The applicant may appeal a decision to deny the application by the Planning Commission to the Town Board as per the requirements found in Section 30-3-108 5 c.**
- 6. Applicant addresses Planning Commission conditions. The applicant shall revise the final plat based on any Planning Commission conditions of approval and submit it to the Town.
- 7. Original plats. The applicant shall submit to the Town Clerk three original, signed mylars of the final plat ready for the Mayor and clerk to sign and record, and final executed copies of all agreements. Original mylars and documents shall become the property of the Town.
- 8. Complete engineering plans and specifications. ~~After~~ Before Final Plat approval, or public hearing, the applicant shall prepare and submit the following for administrative approval by the Town prior to commencement of construction:
 - a. Construction plans and profiles. The plans and profiles shall be prepared by a registered professional engineer licensed in the State of Colorado. Plans shall be twenty-four inches high by thirty-six inches wide and provide the following information:
 - i. The horizontal to vertical scales shall be chosen to best depict the aspects of the design.

- ii. Minimum horizontal scale: 1"=100'.
- iii. Minimum vertical scale: 1"=10'.
- iv. The typical road geometric and structural cross-section is to be shown on each plan sheet.
- v. The plan must show right-of-way lines and widths, road names, lot lines, tangent lengths and bearings, curve radii, delta angles, curve lengths, chord lengths and bearings, stationing at all beginning of curves and end of curves, intersections, structures, angles, curb lines, cross pans, traffic control devices (islands, striping, signs, etc.), drive cuts, curb returns and radii, and all other features to enable construction in accordance with approved standards and standard engineering practice. Stationing may be centerline if approved by the Town Engineer. Construction plans shall include water lines and appurtenances, sewer lines and appurtenances, and storm water lines and appurtenances and any other wet utilities such as non-potable water systems and irrigation ditches.
- vi. The profiles shall include existing and proposed grade at curb and gutter or centerline of street elevation at point of intersection of vertical curves, intersections, grade breaks, point of curb return (PCR), point of reverse curve (PRC), and other critical points, structures, and all other features required to enable construction in accordance with the Larimer County Urban Area Street Standards (LCUASS), as amended, or as the Town Engineer may approve.
- vii. Signature blocks for all utility providers unless otherwise provided in agreement form.
- viii. Structure details. Sufficient data shall be given to construction of major structures and road appurtenances such as bridges, culverts, gutters, drives, walks, cross pans, etc; detail shall include orientation line and grade, cross-sections, dimensions, reinforcement schedules, materials, quality specification, etc., or as the Town Engineer may approve.
- ix. Final Water Report. A final water report including hydraulic analysis and pipe sizing calculations.
- x. Final Sanitary Sewer Report. A sanitary sewer report including hydraulic analysis and pipe sizing calculations.
- xi. Sewage collection and water supply distribution plans, profiles and specifications. The plans, profiles and specifications shall be prepared by a registered professional engineer and shall be accompanied by written approvals from the applicable water and sanitation district.
- xii. Final drainage plans and reports. Based upon the approved preliminary drainage plan, a final report is to be submitted in accordance with Larimer County Drainage & Design Criteria, as amended or as the Town Engineer may approve. The plan and report must provide:
 - a) Cross-sections of each water carrier showing high water elevations for one hundred year run-off and adjacent features that may be affected thereby.

- b)** Written approvals, as may be required, from other agencies or parties that may be affected by the drainage proposals (i.e., FEMA, Larimer and Weld County, ditch companies).
- c)** Supporting calculations for run-offs, times of concentration, flow capacity with all assumptions clearly stated with proper jurisdiction when needed or requested.
- d)** Erosion control plans, when required.
- e)** Sizing of all pipes, inlets, conveyance ways, and other appurtenances.
- xiii.** Final grading plan. The final grading plan shall be twenty-four inches high by thirty-six inches wide and illustrate existing and proposed contours and lot and block grading details.
- xiv.** Soils report. The soils report shall detail pavement design and construction requirements and shall be submitted after overlot grading is complete.
- b.** Final landscape and open space plan. Before Final Plat approval, the Applicant must provide a final landscape plan which must address the treatment of all exterior spaces. Landscape plans are to be designed to meet the requirements of this Code and PORT Plan and show trees, shrubs, groundcovers, turf, buffering, fences, walls and other site amenities that will be included in the plan. All plant materials must be adapted to the physical limitations of the local climate and specific conditions of the landscape plan. All plant materials must meet specifications of the American Association of Nurseryman for number one grade. All street trees must be selected from the Town of Berthoud recommended tree list.
 - 1.** Landscape Plan drawn to scale (not greater than 1" = 50') on twenty four by thirty six inch sheets which includes:
 - a.** Project name.
 - b.** Scale, north arrow and date of preparation.
 - c.** Existing and proposed streets and street names.
 - d.** Lot lines, easements and public rights-of-way as shown on the subdivision plat, including gross and net area of all parcels.
 - e.** Location of proposed building footprints and parking areas.
 - f.** Location of storage, loading and service areas.
 - g.** Existing and proposed 2' contours (based on USGS datum).
 - h.** Natural features, wetlands, wildlife corridors, floodplains, streams, ditches and other waterways.

- i. The location of existing and proposed utilities. Utility lines can be ‘ghosted’ in on the landscape plan to vary the line types for cleaner drawings.
2. All existing trees within the proposed site and adjacent to the site must be accurately identified on the plan. Existing trees must be labeled as to their size, species and if they are intended to remain, be removed or transplanted. All replacement mitigation trees will need to be shown separately on the plan. Tree protection standards for existing trees to remain shall be included on the plan.
3. The extent and location of proposed trees, shrubs and perennials and quantities of each species. Plant materials are to be drawn at two-thirds of its mature size.
4. Landscape schedule including the represented plant symbol, Latin name, common name, planting size and number of individual plants. All plant materials are to meet the minimum size requirements as provided in this Code.
5. Proposed treatment of all ground surfaces must be clearly indicated, including turf, paving, mulch, native grass, seeded grass, etc. Grass areas are to be specified as seed or sod, and a seed mix/rate specified.
6. Sight distance triangles must be shown at street intersections pursuant to this Code.
7. Project specific landscape notes and details to ensure the proper planting, establishment and survival of plant materials. Additional notes detailing the warranty for plant materials and continued maintenance shall be included.
8. Open space trail network and pedestrian circulation system.
9. Areas to be irrigated and method of irrigation.
10. Proposed grading of the project site, including drainage swales, detention basins, retaining walls and any off-site infrastructure improvements.
11. Notes for conservation and retention of top soil and landscape soil preparation.
12. Restoration, revegetation or enhancement of disturbed natural areas or open space feature.

13. Park structures, signage, play equipment, and other landscape or park amenities and appurtenances.

- c. A “pdf” file and an AutoCad drawing file of the final plat in an electronic format specified by the Town Engineer.
- 9. Development Agreement. Prior to commencement of construction, the applicant shall provide to the Town collateral in a form approved by the Town, guaranteeing adequate safe closure or completion of all public improvements for each phase of construction necessary for the subdivision. The amount of the security shall be either a Payment and Performance Bond in the amount of 100% of the estimated cost of public improvements or a Letter of Credit or other acceptable collateral in the amount of twenty-five percent of the estimated cost as approved by the Town Engineer for constructing all public improvements, unless otherwise provided for in an approved Development Agreement as described in Section 30-6-112 of this Code.
- 10. Deed for public lands. The applicant shall submit to the Town a warranty deed and title insurance for all lands dedicated on the final plat and accepted by the Town.
- 11. Raw water dedication. Prior to the issuance of a building permit, the applicant shall provide to the Town funds to purchase sufficient raw water or rights thereto for that permit. At the time of final plat, all water necessary for irrigation of parks, open space, golf courses, playing fields, and similar public areas shall be dedicated to the Town per this Code.
- 12. Post approval actions. Prior to issuance of a building or grading permit, the applicant shall submit the following documentation to the Town:
 - a. List of contractors. List of all contractors that will be performing the improvements.
 - b. Proof of insurance. Proof of workman’s comprehensive insurance and liability insurance for each contractor.
 - c. Open space deed restriction. Areas designated as open space shall be protected by a deed restriction or other appropriate method to ensure that they cannot be subdivided or developed in the future and will remain as open space until the use is modified by the Town.
 - d. Construction traffic control plan. Applicant will develop a plan for Town Engineer review that addresses construction traffic, construction water, temporary road closures, street repairs, dust, noise and other construction-related concerns.
 - e. Funding mechanism for maintenance of open space including type of management of such open space.
 - f. Other certificates, affidavits, enforcements or deductions as required by the Town.
- C. **Final Plat review criteria.** In addition to all provisions of this Code, the Town shall use the following criteria to evaluate the applicant’s final plat application:

1. The Final Plat is in substantial conformance with the approved Preliminary Plat. For the purposes of this Code, “substantial conformance”, includes design adjustments made to meet any conditions of preliminary plat approval, and is determined as follows:
 - a. Does not change any land use of the proposed plat.
 - b. Does not change the number of lots or residential density by more than 5%.
 - c. Does not contain changes which would render the final plat in nonconformance with requirements of this Code.
 - d. Does not contain significant changes in street alignment and/or access points, or other public elements such as drainage improvements, utility lines or facilities.
 - e. Does not change any measurable standard (other than above) by more than 15%.

Final Plats determined by the Planning Director to have changes that exceed the definition of “substantial conformance” as above shall be processed as a Preliminary Plat and shall be reviewed and acted upon as identified in Section 30-6-105 unless withdrawn by the applicant.

2. The development complies with this Code, the Comprehensive Plan and the PORT Plan.
3. All applicable technical standards including the provision of water in sufficient amount and quality have been met.

D. Timeframe related to approval of Final Plat. A final plat is in full force and effect for a period of three years from date of recordation unless a longer timeframe is specifically allowed by the Town in an approved Development Agreement or unless public improvements are completed and accepted on all or a portion of the final plat. Applicants may formally request a single, one year extension from the Town prior to termination of final plat approval. Prior to the expiration of the original three year timeframe or the extension (four year total) timeframe, an applicant may formally request an additional extension if substantial progress has been made on installation of public improvements.