

ORDINANCE NO. 1212

AN ORDINANCE OF THE TOWN OF BERTHOUD, COLORADO, REVISING CERTAIN SECTIONS OF CHAPTER 30 OF THE BERTHOUD MUNICIPAL CODE

WHEREAS, the Town Board of Trustees for the Town of Berthoud and Planning staff for the Town have recommended certain changes to the Development Code (Chapter 30 of the Berthoud Municipal Code) of the Town to clarify and strengthen design standards relating to self-storage facilities and industrial and commercial design standards; and

WHEREAS, the Planning Commission for the Town has held a public hearing on the suggested amendments and standards, and unanimously approved the same; and

WHEREAS, the Town Board, desires to amend Chapter 30 of the Berthoud Municipal Code to implement the changes recommended by staff and approved by the Planning Commission;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF BERTHOUD, COLORADO THAT CERTAIN PORTIONS OF CHAPTER 30 OF THE BERTHOUD MUNICIPAL CODE ARE HERBY REPEALED, AND THE REVISED SECTIONS OF CHAPTER 30 ARE ENACTED AND ADOPTED AS SET FORTH BELOW:

30-1-116 Definitions

- 83. Container** (also known as cargo or shipping container) means a truck trailer body or a shipping container that can be detached from the chassis for loading into a vessel, a rail car or stacked in a container depot. Containers may be ventilated, insulated, refrigerated, flat rack, vehicle rack, open top, bulk liquid or equipped with interior devices. Containers are intended for the temporary and mobile transport of goods, and may not be permitted for permanent use as storage, or as a permanent building.

- 263. Mini-storage warehouse** means a building or a group of buildings, not consisting of containers as defined herein, comprised of separate, individual self-storage units divided from the floor to ceiling by walls, each with an independent entrance from the exterior of the building and that are designed to be rented or leased on a short-term basis to the general public for private storage of personal goods, materials and equipment.

30-2-114 Commercial & Industrial buffering and screening techniques

- C. Location and screening of required loading, storage and service areas.**

1. Loading docks, solid waste facilities, recycling facilities, storage areas and other service areas shall be placed to the rear or side of buildings in visually unobtrusive locations.
2. Screening, buffering and landscaping shall be incorporated to prevent direct views of the loading, storage, and service areas and their driveways from adjacent residential or commercial zoned districts or from the public right-of-way. Screening and landscaping shall also prevent spill-over glare, noise, or exhaust fumes. Screening and buffering shall be achieved through walls, architectural features, and landscaping, and shall be visually impervious. Recesses in the building or depressed access ramps may be used.

30-2-117 Commercial and industrial standards

B. General provisions for commercial & industrial proposals

9. Facade treatment. The architectural treatment of the front facade shall be continued, in its major features, around all visibly exposed sides of a building visible from adjacent residential and commercial zoned districts. Blank walls at side and/or rear elevations visible to the general public are prohibited adjacent to any residential or commercial zoned district. .

12. Containers. Storage Containers as defined herein shall not be located on any industrial or commercial property in a permanent manner, or for longer than a six (6) month basis.

F. Industrial (M1 and M2) architectural standards.

1. Intent. Industrial architectural standards are intended to create attractive public frontages for these uses while supporting the more utilitarian aspects of modern industrial operations. In addition, the following standards shall apply:

a. Façade. A building's special architectural features and treatments shall be featured on the front facade. Other sides of a building open to view by the public when viewed from public right-of-way may feature a lower level of architectural interest, features and treatments.

- i. 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 (s). These colors may be used as building accent colors.
- ii. Entries. Entries should incorporate overhangs, recessed openings, canopies or other features to emphasize the entrance area. Utility doors, fire system standpipes and valves, loading docks, etc. should be concealed or blended in with the architectural design.

b. Building massing and form:

- i. Site components such as structures, parking areas, driveways, and outdoor functions should be arranged and located to emphasize the aesthetically pleasant components of the site such as existing mature trees and mountain views, or superior architectural features. New buildings should be oriented toward the adjoining public streets, so that public entrances are a focal point on the building and site layout.
- ii. Industrial development should be designed in a manner that fits in with the surrounding development pattern and context. This refers to: the spatial relationship between structures and the public right-of-way; circulation patterns; existing vegetation and topography; the architectural elements in surrounding development; and the size and form of new structures in relationship to existing development. For instance, where new buildings and uses are similar to those on adjoining sites, the design should reflect similar setbacks, building heights and form, scale and mass, materials, compatible colors and landscape treatments. The intent is not uniformity, but compatibility.
- iii. Freestanding outbuildings should use forms, shapes and materials that are consistent with the main structure.

Table 3.1: Principal and conditional uses by zone district

	AG	TN	R1	R2	R3	R4	R5	C1	C2	M1	M2
■ PRINCIPAL USE BY RIGHT											
□ CONDITIONAL USE											
Residential land uses											
Accessory dwelling (incl. "carriage units") assoc. with a permitted use	■	■	■	■	■	■	■	■	■	■	■
Bed & breakfast establishments	■	□	□	■	■	■	■	■	■		
Boarding and rooming houses					□				■		
Child care home	■	■	■	■	■	■		■			
Child care home, large	■	■	■	■	■	■		■			

establishments with outdoor sales											
Fireworks sales - temporary								■	■	■	
Gasoline/fueling station						□		□	■	■	■
Gas, oil and other hydrocarbon well drilling and production	■									□	□
Greenhouses, whether public or private	■					■		■	■	■	■
Grocery store of less than 25,000 sq. ft. of floor area						■		■	■	□	□
Grocery store of more than 25,000 sq. ft. of floor area								■	□	□	□
Home occupations	■	■	■	■	■	■	■	■			
Hospital		□	□	□	□	□		■	■	■	□
Hotel/motel (no room limit)								□	■	■	
Inn (up to 12 rooms)						■		□	■	■	
Kennel - small animal	■							■	■	■	□
Laundromat and dry cleaning retail outlets						■		■	■	■	
Medical and dental offices and clinics		□	□	□	□	■		■	■	□	□
Medical marijuana center										□	□
Medical marijuana infused product manufacturing										□	□
Medical marijuana optional premises cultivation operation										□	□
Mini-storage facilities - enclosed						□		□	□	■□	■
Movie theater						■		■	■	■	
Office building						■		■	■	■	■

Parking lots and parking garages (as principal use)								<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Passenger terminal or park-n-ride						<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Personal and business service shops						<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Professional offices						<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Push cart (sidewalk vending)						<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Recycling facilities (including biofuel) processing and sales										<input type="checkbox"/>	<input type="checkbox"/>
Restaurant not including drive through						<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Restaurant with drive-through						<input type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Retail sales - general						<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Retail sales building/center \leq 50,000 gross s.f.						<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Retail sales building/center \geq 50,000 gross s.f.									<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Retail and supply yard establishments with outdoor storage										<input checked="" type="checkbox"/>	<input type="checkbox"/>
	AG	TN	R1	R2	R3	R4	R5	C1	C2	M1	M2
Comm., retail or service land uses, cont.											
Roadside or temporary retail stand/tent	<input checked="" type="checkbox"/>					<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Sales of farm implements, heavy equipment, Mobile/manufactured homes											<input checked="" type="checkbox"/>
Storage facilities, outdoor storage for RV's, boats, trailers, etc.										<input type="checkbox"/>	<input checked="" type="checkbox"/>
Truck depot									<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Truck maintenance								■	■	■
Vehicle sales including automobiles, motorcycles, RV's boats and trucks							□	■	■	■
Veterinary clinic for small animals with no outside kennels	■				■	■	■	■	■	■
Veterinary hospitals - large animals	■							□	■	
Public, quasi-public, other land uses										
Accessory buildings and uses incidental to the principal use	■	■	■	■	■	■	■	■	■	■
Alternative power generation facilities	□		□	□	□	□	□	□	□	□
Bus shelters	■	■	■	■	■	■	■	■	■	■
Cemetery	■	□	□	□	□					
Clubs and lodges					■		■	■	■	
Community garden	■	■	■	■	■	■	■	■		
Conference/convention center					■		□	■	■	
Farmer's market							■	■	■	□
Fire station	■	□	□	□	□	□	■	■	■	■
Municipal uses w/out equipment yards						□		■	■	■
Municipal uses with equipment yards									■	■
Museum	■	■	■	■	■	■	■	■	■	
Parks and open space	■	■	■	■	■	■	■	■	■	■
Parks and playgrounds - neighborhood		■	■	■	■	■	■	■		
Outdoor amphitheater	■				■		■	■	■	
Public or other non-profit recreational	■	■	■	■	■	■	■	■	■	■

uses											
Public utility main lines and substations	■	■	■	■	■	■	■	■	■	■	■
Religious assembly (neighborhood scale)	■	■	■	■	■	■	■	■	■	■	■
Religious assembly (community scale)								■	■		
Rest stop	■					■		■	■		
Schools, public & private (preschool - grade 12)	■	■	■	■	■	■	■	■	■	■	■
Schools, including colleges, vocational and technical training							□	■	■	■	■
Wireless telecommunications facility	■					■		□	■	■	■
Industrial land uses											
Heavy industrial facility											■
Laboratory and/or research facility						■		□	■	■	■
Light industrial facility						□		□	■	■	■
Manufacturing plants incl. assembly, sales and service of commodities									■	■	
	AG	TN	R1	R2	R3	R4	R5	C1	C2	M1	M2
Comm., retail or service land uses, cont.											
Warehouse, distribution and wholesale uses								□	■	■	■
Workshops and custom small industry including art studio with/without sales	□					■		■	■	■	■

<input checked="" type="checkbox"/> PRINCIPAL USE BY RIGHT												
<input type="checkbox"/> CONDITIONAL USE												

PART III –GENERAL PROVISIONS

1. INTERPRETATION

THIS ORDINANCE SHALL BE SO INTERPRETED AND CONSTRUED AS TO EFFECTUATE ITS GENERAL PURPOSE.

2. VALIDITY

IF ANY PART OR PARTS OF THIS ORDINANCE IS/ARE, FOR ANY REASON, HELD TO BE INVALID, SUCH DECISION SHALL NOT AFFECT THE VALIDITY OF THE REMAINING PORTIONS OF THIS ORDINANCE. THE TOWN BOARD HEREBY DECLARES THAT IT WOULD HAVE CODIFIED THESE PROVISIONS AND EACH PART OR PARTS THEREOF, IRRESPECTIVE OF THE FACT THAT ANY ONE PART OR PARTS BE DECLARED INVALID.

3. REPEAL OF OLD ORDINANCES

EXISTING ORDINANCES OR PARTS OF ORDINANCES AND TOWN OF BERTHOUD DEVELOPMENT CODE SECTIONS COVERING THE SAME MATTERS AS EMBRACED IN THIS CODIFICATION ARE HEREBY REPEALED AND ALL ORDINANCES OR PARTS OF ORDINANCES AND TOWN OF BERTHOUD DEVELOPMENT CODE SECTIONS INCONSISTENT WITH THE PROVISIONS OF THIS ORDINANCE ARE HEREBY REPEALED

4. EFFECTIVE IMMEDIATELY

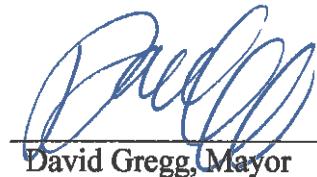
THE TOWN BOARD HEREBY FINDS, DETERMINES AND DECLARES THAT THIS ORDINANCE IS NECESSARY AND PROPER FOR THE HEALTH, SAFETY AND

**WELFARE OF THE TOWN OF BERTHOUD AND THE INHABITANTS THEREOF,
AND SHALL THEREFORE TAKE EFFECT IMMEDIATELY UPON PASSAGE.**

PASSED, ADOPTED, SIGNED AND APPROVED this the 24 day of March, 2016.

TOWN OF BERTHOUD

By:



David Gregg, Mayor

ATTEST:

By:



Alisa Darrow, Town Clerk