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## 30-1-116 Definitions

31. Bed and breakfast means an establishment operated in a private residence or portion thereof, which provides temporary accommodations to overnight guests for a fee and which is occupied by the operator of such establishment.
32. Berm means an earthen barrier of compacted soils preventing the passage of liquid materials, or providing screening from adjacent uses.
33. Bicycle parking, enclosed shall mean bicycle storage in lockers, a room or other space within a parking structure or other building, including a shed or carport. All types of enclosed bicycle storage must be easily accessible to entrances and walkways, secure, lighted and protected from the weather. Each storage space shall provide a minimum of six (6) square feet in area. The storage space shall not impede fire exits or be located so that parked bicycles interfere with public access.
34. Bicycle parking, fixed shall mean bicycle parking that allows the bicycle frame and both wheels to be securely locked to the parking structure. The structure shall be of permanent construction such as heavy gauge tubular steel with angle bars permanently attached to the pavement foundation. Fixed bicycle parking facilities shall be at least two (2) feet in width and five and one-half (5½) feet in length, with additional back-out or maneuvering space of at least five (5) feet.
35. Bikeway means a path designed for use by bicyclists, which may be used by pedestrians.
36. Bike lane means a dedicated lane of a street intended for use by bicycles.
37. Billboard means a sign advertising products not made, sold, used, or served on the premise displaying the sign.

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368. Shopping center means a group of retail and service establishments located in a complex which is planned, developed, owned or managed as a unit, with off-street parking provided on the property.
369. Side Loaded Garage means a garage that is oriented so that the garage doors are perpendicular to the front street.
369. Sidewalk means the hard surface path within the street right-of-way for use by pedestrians and/or bicyclists.

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## 30-2-104 - Lots and blocks

- A. Intent . The intent of the block and lot standards is to continue the Town's existing block pattern in a manner that is compatible with site-specific environmental conditions.
- B. General provisions .
  - 1. Blocks . Streets shall be designed to create blocks that consider interconnectedness, topography, solar orientation, views, energy efficiency, and other design features. Block size shall be designed to create blocks that are generally a rectilinear or modified rectilinear shape. Amorphously shaped blocks are discouraged except where topography or other conditions necessitate that type of configuration.
  - 2. Lot dimension and configuration .
    - a. Blocks shall be set within a street layout that includes a maximum average length of 400 feet from street centerline to street centerline.
    - b. Lot size, width, depth, shape, and orientation and building setback lines or build-to lines shall conform to this Chapter 30 and shall facilitate the placement of buildings with sufficient access, outdoor space, privacy and view.
    - c. Depth and width of properties shall be adequate to provide for off-street parking, landscaping, and loading areas required by the type of use and development contemplated.
    - d. Lot frontage. Street frontage shall typically not be less than 25 percent of the lot depth. Flag lots are prohibited unless otherwise approved by the Town per Section 30-2-103.
    - e. Corner lots. Corner lots for residential use shall have extra width to accommodate the required building setback and utility easements on both street frontages. For a corner lot, the front of the lot is defined as the side where the property is addressed. In the case of a reverse corner lot, both sides abutting a street shall maintain a front yard setback.
    - f. Double frontage. Residential lots that front on two streets (double frontage) shall not be permitted unless otherwise approved by the Town per Section 30-2-103.
    - g. Side lot lines. Side lot lines shall be substantially at right angles or radial to road right-of-way lines or centerlines.
    - h. Residential lot access to adjacent or nearest public street.
      - i. All lots shall have access to the public street system.
      - ii. Driveway access to a local or collector street from a single-family detached residential lot shall be limited to one driveway curb-cut or driveway access. A circular drive in which each access to the local or collector street is less than ten feet in width, separated by at least 30 feet and which is constructed as an integral part of the overall architectural design of the single family residence may be considered as a single driveway access.
      - iii. ~~Driveway access to a local street from a single family detached residential lot shall be greater than 30 feet from the intersection of the local street and a collector street or 50 feet from the intersection of the local street and an arterial street as measured from the intersecting right-of-way lines.~~
      - iv. ~~Driveway access to a collector street from a single family detached residential lot shall be greater than 50 feet from the intersection of the collector street and a local street, another collector street, or an arterial street as measured from the intersecting right-of-way lines.~~
      - iii. The slope of all driveways shall be no more than 10 degrees.

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- i. ~~Commercial, business and industrial lot access to adjacent street.~~
- ii. ~~Driveway access to a local or collector street from a multi-family residential, commercial, business or industrial lot shall be greater than 125 feet from any street intersection as measured from the intersecting right of way lines;~~
- iii. ~~Driveway access to an arterial street from a commercial, business or industrial lot shall be not less than 100 feet from any intersection on the arterial street, or from another commercial, business or industrial lot's access as measured from the intersecting right of way lines, or driveways; or~~
- iv. ~~Driveway access to a local street, collector street, or arterial street from a multi-family residential, commercial, business or industrial lot may be allowed by the Town at its sole discretion.~~

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## 30-2-106 - Parking

- A. *Intent* . The intent of this section is to provide adequate parking for motor vehicles while minimizing the visual impact of parking lots and structures.
- B. *General provisions* . In all mixed use, commercial or industrial zone districts, off-street parking facilities for the storage of motor vehicles for the use of occupants, employees and patrons of the building or structures hereafter erected, altered or extended shall be provided and maintained as herein prescribed.
  - 1. *Surface* . All parking and driveway areas and primary access to parking facilities shall be surfaced with asphalt, concrete or similar materials.
  - 2. *Integrate parking lots with surroundings* . Parking lots shall not dominate the frontage of pedestrian-oriented streets, interfere with designated pedestrian or bicycle routes, or negatively impact surrounding neighborhoods. The pedestrian character of streets and buildings shall be maximized through continuity of buildings and landscape frontage.
  - 3. *Landscaping* . Parking lots shall be landscaped, screened and buffered as provided in this Section.
  - 4. *Shared-access* . Where feasible, parking lots shall share access drives and cross-access easements with adjacent properties having similar land uses.
  - 5. *Off-street parking design* . Any off-street parking area shall be designed so that vehicles will exit without backing onto a public street unless no other practical alternative is available. Off-street parking areas shall be designed so that parked vehicles do not encroach upon or extend onto public rights-of-way, sidewalks or strike against or damage any wall, vegetation, utility or other structure.
  - 6. *Circulation area design* . Circulation lanes within parking lots shall support the safe movement of vehicles without endangering pedestrians or impeding use of the parking area.
  - 7. *Striping* . All parking lots shall be striped to identify individual parking spaces.
  - 8. *Lighting* . All parking area lighting shall be full cutoff type fixtures. Any light used to illuminate parking areas or for any other purpose shall be so designed as to direct the light away from nearby residential properties and passing motorists.
  - 9. *Shared off-street parking* . When there are opportunities to support parking demand through shared off-street parking for compatible uses (such as a movie theater and an office building), a parking study and shared parking agreements may be used to demonstrate the adequacy of the parking supply as a substitute for standard parking requirements. Reductions of between ten percent and 30 percent of the parking amounts called for in Table 2.2 are possible.
  - 10. *Adjacent on-street parking in commercial and mixed use districts* . In order to promote a pedestrian scale and encourage a perception of safety in the commercial and mixed use zoning districts, parking may be satisfied using adjacent on-street parking or shared rear-lot parking areas. A parking study and shared parking agreements shall be used to demonstrate the adequacy of the parking supply as a substitute for standard parking requirements.
- C. *Paved off-street parking requirements* .
  - 1. Paved off-street parking shall be provided according to the minimum requirements as specified below:

Table 2.2: Required parking

	R1, R-2 zones, RR, SR	R3, R5 zones	R4, UR zone	C1, C2, SB zones	M1, M2 zones
Residential	2.0 per dwelling — 2.0 per unit in R3 <sup>1</sup>	1.5 per dwelling unit	1.5 per dwelling <sup>1,2</sup>	1.0 per dwelling	—
Lodging	1.0 per bedroom	—	1.0 per bedroom	1.0 per bedroom	1.0 per bedroom
Office	3.0/1,000 sq. ft.	—	3.0/1,000 sq. ft.	3.0/1,000 sq. ft.	2.0/1,000 sq. ft.
Retail	—	—	3.0/1,000 sq. ft. <sup>3</sup>	3.0/1,000 sq. ft. <sup>3</sup>	3.0/1,000 sq. ft. <sup>3</sup>
Restaurant: sit down	—	—	1 per 4 seats or 1 per 100 s.f. of gross floor area	1 per 4 seats or 1 per 100 s.f. of gross floor area	1 per 4 seats or 1 per 100 s.f. of gross floor area
Restaurant: drive through	—	—	1 per 100 sq. ft., plus 3 stacking spaces for drive thru window	1 per 100 sq. ft. <sup>3</sup>	1 per 100 sq. ft. <sup>3</sup>
Industrial	—	—	—	1.0 space per 1,000 s.f. gross floor area	1.0 space per 1,000 s.f. gross floor area
Civic	To be determined on project basis				
Other	To be determined on project basis				
Footnotes					
1	Alley loaded homes with less than 1,250 sq ft of total floor area (including unfinished) are only required 1 parking space per dwelling unit.				
2	For residential units without direct street frontage, an extra 0.20 spaces of off-street visitor parking per unit will be required within the overall development. Driveway spaces located directly behind garages or parking pads will not be counted towards this requirement.				
3	STACKING: For food/drink establishments, a minimum of 12 stacking spaces will be required in the drive-thru. For all other drive-thru uses, a minimum of 7 stacking spaces will be required.				

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*	Electric vehicle charging spaces are required to be installed with new construction. These spaces count towards the total space requirement
**	Maximum parking: For non-residential uses, the larger of either 10 spaces greater than the minimum required or 25% greater than the minimum required

2. Off-street parking for commercial uses shall be sufficient to provide parking for employees of all proposed uses as well as long-term customer parking. Spaces reserved for employees shall be designated as such by means of striping and signage. Parking shall be located at the rear and sides of buildings to the greatest extent possible and screened from the view of streets as provided in this Section. Required parking in the commercial and mixed use zone districts can be met with on-street and shared parking.
3. The location of required off-street parking facilities for other than residential uses shall be within 400 feet of the building they are intended to serve when measured from the nearest point of the building or structure.
4. Commercial uses either renovating or expanding existing properties fronting on Massachusetts Ave. between 3<sup>rd</sup> and 5<sup>th</sup> Streets, Mountain Ave. between 1<sup>st</sup> and 5<sup>th</sup> Streets or Welch Avenue between 1<sup>st</sup> and 5<sup>th</sup> Streets are exempt from the parking requirements of this Section.
5. Large retail centers are subject to the below minimum parking standards:
  - a. Centers with 75,000-150,000 sq. ft: 1 space per 350 sq.ft.
  - c. Centers with more than 150,000 sq. ft: 1 space per 400 sq.ft.

D. *Location of spaces for residential uses .*

1. Off-street parking facilities for residential uses shall be provided and located on the same lot as the building they are intended to serve.
2. Front or side — loading garages shall be set back at least 22 feet from the back of the sidewalk or property line, whichever is more restrictive. Required off-street parking spaces shall not encroach upon any sidewalk or into the public right-of-way.

E. *Handicap parking spaces .*

1. Handicap parking spaces shall be required for all retail, office, business, multi-family, industrial and institutional uses.
2. Handicap parking spaces shall be designated as being for the handicapped with painted symbols and standard identification signs.
3. Handicap parking spaces shall be located as close as possible to the nearest accessible building entrance.
4. Number of required handicap parking spaces are as shown in Table 2.3:

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Table 2.3: Handicap parking spaces

Total parking spaces in lot	Min. required handicap parking spaces
1—25	1
26—50	2
51—75	3
76—100	4
101—150	5
151—200	6
201—300	7
301—400	8
401—500	9
501—1,000	2% of total spaces

For every eight handicap parking spaces there must be at least one van-accessible space. If there is only one handicap parking space, that space must be van-accessible.

F. *Handicap parking space dimensions*

1. Parking spaces must be eight feet by 18 feet with a five-foot wide access aisle.
2. Van-accessible spaces must be eight feet by 18 feet with an eight-foot wide access aisle.
3. Parking spaces for the physically handicapped that are parallel to a pedestrian walk which is handicap accessible may have the same dimensions as those for standard vehicles.

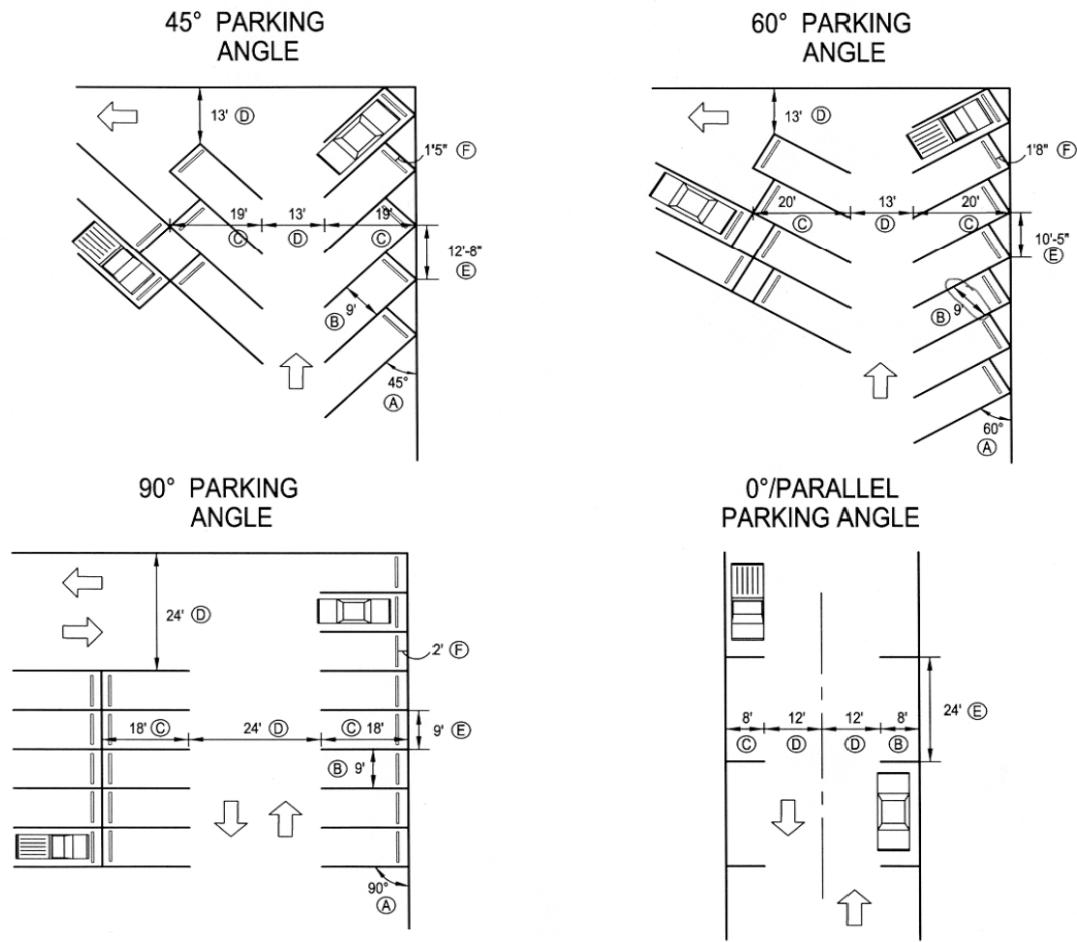
G. *Parking stall dimensions*. Parking stalls for automobiles shall meet the following standards. All dimensions represent the minimum requirement for any required parking space.

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Table 2.4: Parking stall dimensions

Parking Stall Dimensions					
Parking Angle (A)	Stall Width (B)	Stall to Curb (C)	Aisle Width (D)	Curb Length (E)	Over-hang (F)
45°	9'	19'	13'	12' 8"	1' 5"
60°	9'	20'	13'	10' 5"	1' 8"
90°	9'	18'	24'	9'	2'
0°(parallel)	8' *	8'*	12'	24'	0'

\* Except along local streets where seven feet is permitted.



H. *Bicycle parking spaces* . Commercial, industrial, civic, employment, multi-family and recreational uses shall provide bicycle facilities to meet the following standards:

1. A minimum number of bicycle parking spaces shall be provided, equal in number to **ten** percent of the total number of automobile parking spaces provided by the development, but not less than one space. **Multi-family or mixed-use developments will be required to have at least 50% of their bicycle parking spaces be enclosed.**
2. For convenience and security, bicycle parking facilities shall be located near building entrances. Within downtown commercial areas, however, a grouping of spaces shall be provided as directed by the Town.
3. Bicycle parking facilities shall be designed to allow the bicycle frame and both wheels to be securely locked to a structure which is permanently attached to the pavement.
4. Bicycle parking facilities shall be located so as not to interfere with pedestrian traffic or access to buildings.



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## 30-2-107 Sidewalks, walkways, trails, and bikeways

- A. *Intent.* The intent of the standards for sidewalks, walkways and trails is to assure a safe, convenient, and attractive pedestrian/bicycle system that minimizes conflicts between vehicles, bicycles and pedestrians.
- B. *Sidewalks and walkways.*
  - 1. *Interconnected network.* A sidewalk network that interconnects all dwelling units with other dwelling units, non-residential uses, and common open space shall be provided throughout each development. Sidewalks and/or walkways shall be separate and distinct from motor vehicle circulation routes. The pedestrian circulation system shall include gathering/sitting areas and provide benches, landscaping and other street furniture where appropriate.
  - 2. *Sidewalks required.* In all zone districts, except for the AG: Agricultural or T: Transition districts, sidewalks are required along both sides of a street. In areas featuring a rural street cross-section, trails may replace sidewalks.
  - 3. *Sidewalk width.* Sidewalks shall be a minimum of five feet wide when adjacent to local streets; a minimum of five feet wide along collector streets; and a minimum of eight feet wide along arterial streets. If a detached sidewalk is installed it must be at least four feet in width. Sidewalks adjacent to storefronts in commercial areas shall be ten to 15 feet in width or consistent with the average sidewalk width on a block if building in an area with existing sidewalks.
  - 4. *Sidewalk location.* Sidewalks shall be located within the right-of-way unless otherwise authorized by the Town.
  - 5. *Sidewalk materials.* Sidewalks shall be constructed of concrete, concrete containing accents of brick, or some combination thereof that is compatible with the style, materials, colors, and details of the surrounding buildings. Concrete sidewalks four to six feet wide shall be a minimum of four inches thick and concrete sidewalks crossing driveways shall be a minimum of six inches thick. Asphalt shall not be used for sidewalks.

Sidewalks must be constructed of approved materials of sufficient strength to support light maintenance vehicles. If used as a secondary emergency access, sidewalks must also be able to support the weight of fire apparatus.
  - 6. *Sidewalk installation.* Sidewalks and related improvements shall be installed or constructed by the applicant, land owner or developer in accordance with plans and specifications approved by the Town and, after installation or construction; they shall be subject to inspection, approval and acceptance by the Town.
  - 7. *Accessibility.* Sidewalks and walkways shall be accessible to disabled individuals as required by this Code and the Americans with Disabilities Act.
  - 8. *Walkways.* Walkways are sidewalks within a park setting or connections through any subdivision that allow easier access between areas. Within a park setting a walkway shall be at least six feet in width. When cutting through a subdivision a walkway shall be at least six feet in width and located within dedicated open space of not less than 20 feet in width and shall be flanked with appropriate landscaping. Walkways along buildings and within parking lots shall be raised and curbed where suitable. A direct pedestrian connection to building entries, public space and parking areas shall be provided from public sidewalks. Walkways shall be constructed of the same materials as sidewalks; except that walkways internal to asphalt surfaced parking lots may be of asphalt construction. Walkways crossing driveways in parking lots shall be clearly delineated by a change in pavement color, texture, or paint striping.

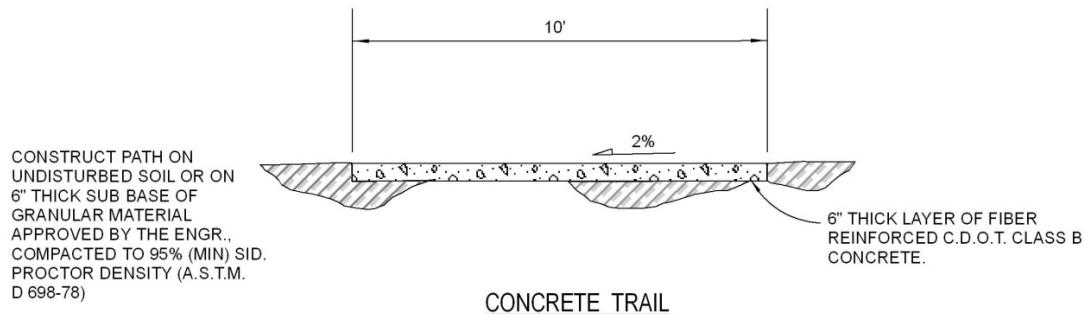
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9. *Lighting.* Where lighting is necessary, all sidewalks and other walkways shall have appropriate Dark Sky compliant lighting using poles and fixtures consistent with the overall design theme for the development.

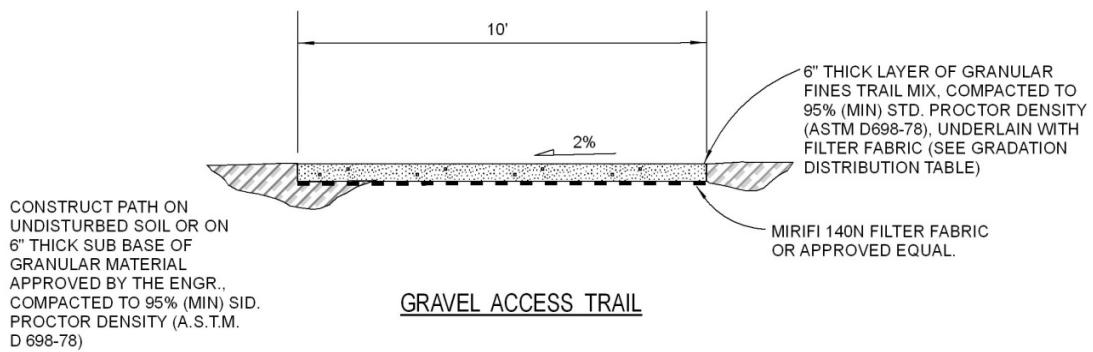
C. *Trails and bikeways.* Berthoud's Parks, Recreation and Open Space (PORT) Plan identifies the following types of trails and bikeways:

1. *Park Trail:* Two types of trails make up this category. These are multipurpose trails located within greenways, parks or natural resource areas. The focus is on recreational value and harmony with the natural environment.  
*Type I Park Trail:* Separate hard surfaced trails at a minimum of eight feet in width for pedestrians, bicyclists, in-line skaters or other appropriate users.  
*Type II Park Trail:* Nature trails of an indeterminate width for pedestrians that may be hard or soft-surfaced.
2. *Connector Trail:* These are multipurpose trails that emphasize safe travel for pedestrians to and from parks and around the community. The focus is as much on transportation as it is on recreation.  
*Type I Connector Trail:* Hard surfaced trails for pedestrians, bicyclists, in-line skaters or others located in an independent right of way or easement (e.g., old rail line, ditch road, etc.). These trails are intended to be ten feet in width.  
*Type II Connector Trail:* Multipurpose, hard surfaced trails for pedestrian, bicyclists, in-line skaters or others located within the road right of way. These trails are intended to be as wide as appropriate within the right of way or ten feet in width.
3. *On-street bikeways:* These are paved segments of roadways that serve as a means to safely separate bicyclists from vehicular traffic.  
*Bike route:* Designated portions of the roadway for the preferential or exclusive use of bicyclists.  
*Bike lane:* Shared portion of the roadway that provide separation between motor vehicles and bicyclists, such as paved shoulders.
4. *All terrain bike trail:* An off road trail for all terrain (mountain) bike. Usually a single purpose loop trail located in larger parks and natural resource areas.
5. *Equestrian trail:* Trails developed for horseback riding which are usually a loop trail located in larger parks and natural areas. Sometimes developed as multipurpose with hiking and all terrain biking where conflicts can be controlled.

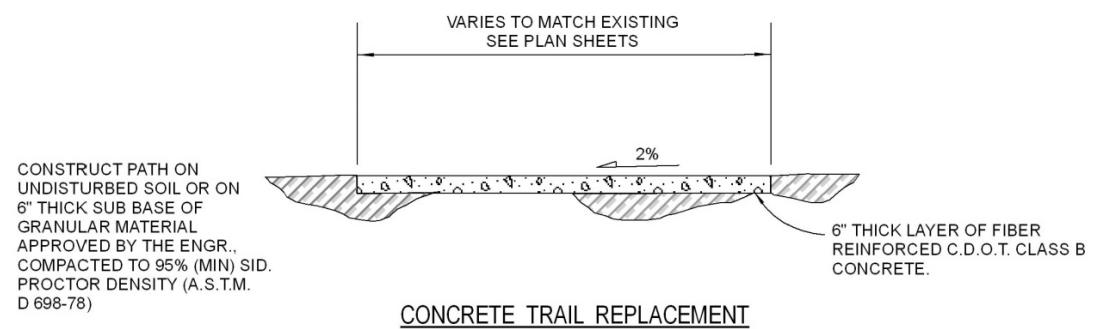
**Figure 2.11: Concrete trail cross-section**



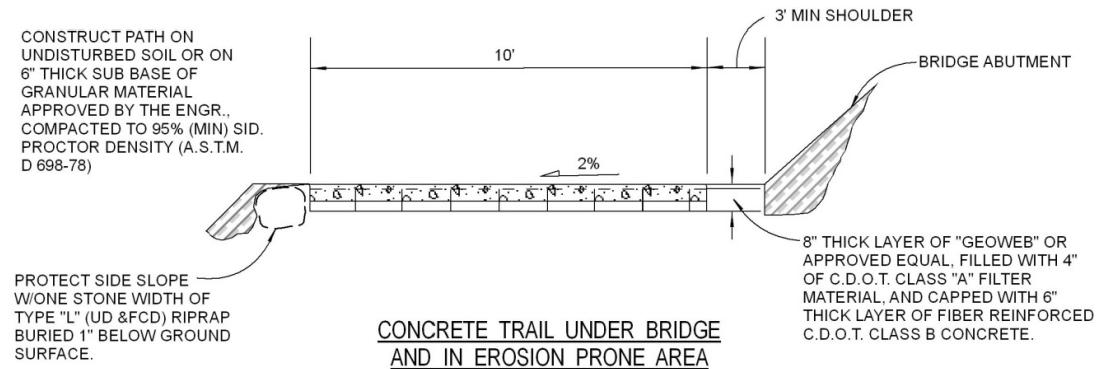
**Figure 2.12: Gravel trail**



**Figure 2.13: Trail replacement**



**Figure 2.14: Trail at underpass or bridge**



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## 30-2-108 Easement and utility standards

A. *Utility easement width.* Utility easements shall measure at least five feet on each side of abutting rear lot lines when an easement is placed in that location. In the event that the location of utility easements adjacent to rear property lines is unsuitable for use by utility companies due to drainage, irrigation ditches or other obstructions, the applicant or developer shall provide like width easements adjacent to said areas of obstruction. Side lot line easements, where necessary, shall measure ten feet in full width; five feet either side of a lot line is acceptable. Front lot line easements shall measure ten feet in width. Easements may be more or less than widths stated if the specific utility indicates in writing a width other than those required by this Code. Utility easements shall be subject to the approval of the Town.

A. *Multiple installations within easements.* Easements shall be designed so as to provide efficient installation of utilities. Public utility installations shall be located as to permit multiple installations within the easements. The developer will establish final utility grades prior to utility installations.

B. *Underground utilities.* Telephone lines, electric lines, cable television lines and other like utility services shall be placed underground. The applicant or developer shall be responsible for complying with the requirements of this Section, and shall make the necessary arrangements including any construction or installation charges with each utility provider for the installation of such underground facilities. Transformers, switching boxes, meter cabinets, pedestals, ducts and other facilities necessarily appurtenant to such underground utilities shall be placed underground or on the surface but not on utility poles. Screening or fencing is required subject to approval of the Town. Electric transmission and distribution feeder lines and necessary appurtenances thereto may not be placed above ground unless they are carrying greater than 115 kV. Upon approval of the Town, such facilities shall be placed within easements or rights-of-way provided for particular facilities.

C. *Street lighting.* Street lighting shall be full cut-off and installed as provided in Section 30-2-118 of this Code and as specified in the Town of Berthoud Construction Specifications for Public Improvements. Lighting will be in compliance with Berthoud's Dark Sky standards. Minimum lighting requirements and spacing of light fixtures is per the applicable electric utility.

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### 30-2-131 Subdivision identity and place standards

A. *Intent.* Subdivision identity and place elements shall be provided within all single-family and two-family residential or mixed-use and multi-family developments. The Subdivision identity and place standards are to create areas for gathering, recreation, and design features, intended to create a unique character or sense of identity within each subdivision. Subdivision identity and place elements may include a pocket park, trail system, pedestrian plaza and/or courtyard, community building or pool, community garden or pollinator garden, artwork/water features, playground or picnic/barbeque area, signage, fencing, and other approved elements which substantially improves the character of the subdivision.

Except as otherwise provided herein, no credit for one of the required features, shall be given for items that are otherwise required by other provisions of this Development Code, such as landscaping or open space. A mechanism shall be defined and established by the developer to ensure perpetual maintenance of all subdivision identity and place features. Where such mechanism involves a homeowners' association or metro district, there shall be clear language provided of their responsibility on all plats and development agreements.

B. *Applicability.* Subdivision identity and place features are required in all developments which require a Major Subdivision plat (i.e. any development in which five or more lots are created), as required in Table 3.131, including un-platted phases of existing developments. In new developments, the required subdivision identity standards will be counted for the entire development; in existing developments with un-platted phases, all new phases will require elements as per the number of units/acreage of the remaining phase proposed. Where the number of acres and the number of dwelling units proposed in a development results in two different numbers of required subdivision identity and place elements, the larger number of required elements shall be used.

Subdivision Identity and Place Element

Table 3.131

Number of Units/Acreage of Development	Elements Required (22 total possible)
5 to 20 Dwelling units; or 2-5 acres	1
21 to 50 dwelling units; or 6-11 acres	4
51 to 100 dwelling units; or 11-50 acres	5
101 to 200 dwelling units; or 51-100 acres	6
201 to 300 dwelling units; or 101-200 acres	7
Over 301 dwelling units; or 201 acres or more	8

C. *Elements.*

1. *METRO/HOA Responsibility.* All elements shall be the responsibility of the Metro district or HOA, unless otherwise agreed upon by the Town.
2. *Element Category Eligibility.* Combining elements of one category or offering multiple elements in one of the element categories below, will not count towards the total required elements of Table 3.131 (ex. five playgrounds which satisfy the requirements below, will only be entitled for credit for one element for playground features, and not be credited for five elements); each element category may be counted towards the overall total only once.
3. *Element Category Credits.* Credit shall be given for subdivision identity and place elements as follows:
  - a. *Trails:* shall be designed to provide areas for walking, bicycling and/or riding in areas separate from and in addition to traditional sidewalks. Trails are to be avoided along collector and arterial streets and should include meandering pathways or trails rather than linear sidewalk. Trails shall be designed and constructed using one of the following designs appropriate for the location as

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determined by the Trails Master Plan in the Berthoud PORT Plan, and as determined by Town Staff:

- i. Ten-foot-wide paved concrete multi-modal trail shall count as one element for trail systems less than 5,000 linear feet; if the trail is not required by the PORT plan, and over 5,000 linear feet, the trail shall count as two elements.
- ii. Eight-foot-wide crusher fines trail with collared edges, or as per the parks master plan, whichever is greater shall count as one element.
- b. *Pocket Park*: A pocket park(s) ranging from one-third of an acre to two acres in gross size, shall count as one element. Pocket Parks ranging from two acres to five acres in size, shall count as two elements.
- c. *Artwork*: Artwork such as sculptures, fountains, water features, informational placards, shall count as one element.
- d. *Playground*: Any playground(s) with commercial grade playground equipment, picnic/barbeque areas with commercial grade equipment, or court games (tennis, volleyball or basketball), shall count as one element provided the area is at least 1,000 square feet in size, and the detail of the playground equipment, must be included with the site plan/landscape plan.
- e. *Community Gardens*: Community garden(s) with irrigation systems and collars to define garden edges, shall count as one element. Community gardens require 1,000 square feet (aggregate) of size for 21 to 50 dwelling units and/or 11 acres or less; and 1,000 square feet of additional community garden area per the graduated subdivision dwelling unit and acreage size found on Table 3.131 above.
- f. *Pollinator Gardens*: A pollinator garden(s) with collars to define edges, shall count as one element. Pollinator gardens require 1,000 square feet (aggregate) of size for 21 to 50 dwelling units and/or 11 acres or less; and 1,000 square feet of additional pollinator garden area per the graduated subdivision dwelling unit and acreage size found on Table 3.131 above is required to satisfy the element.
- g. *Pool*: An in-the-ground swimming pool at least 20 feet by 40 feet in size shall count as two elements.
- h. *Community Building*: A community building at least 4,000 square feet in size to serve the subdivision with meeting rooms, restrooms, changing/locker rooms, and/or fitness facilities or any combination of the above, shall count as two identity elements.
- i. *Entryway*: An integrated entryway system, including retaining walls, walls, landscaped area, medians, lighting and/or subdivision signs crafted of brick, stucco or wrought iron shall count as one element.
- j. *Buffer Areas*: Buffer yards along arterial and collectors, adjoining subdivisions, and/or the perimeter of the subdivision of no less than 30 feet, shall count as one element. Buffer areas shall be comprised of berms, turf, trees, and/or shrubs.
- k. *Fencing and Walls*: Enhanced fencing or walls which may include masonry, brick, wrought iron and/or unique alignments such as serpentine, off-sets, sculptural effects and/or more frequent placement of columns or posts, shall be counted as one-half of one element. For developments where the improved fencing/walls is located along any major corridor exceeding 500 linear feet, shall be counted as one element. Vinyl fencing will not be eligible for element credit.
- l. *Useable Detention Areas*: A useable or improved detention pond(s) a minimum of 5,000 continuous square feet in size, with turf, natural grass, trees, shrubs and other amenities such as

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benches or picnic tables 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 element. Useable detention areas over 40,000 square feet shall count as two elements.

- m. *Existing Trees*: Protecting or retaining existing trees of sufficient calipers shall count as one element and will require the submittal of an existing tree survey to qualify.
- n. *Useable Open Space*: Open space (above the already required **ten** percent) that is comprised of a continuous 10,000 square foot turf area which can be easily utilized for recreational activities, **such as a disc golf course**, shall qualify for credit as one element. Useable Open Space over one acre in size, shall count as two elements. Pollinator garden and community garden areas may be included in the useable open space calculation.
- o. *Alley Loaded Streets*: Alley loaded streets along any arterial, collector, or lots fronting onto a neighborhood park and/or open space shall qualify for two elements only if maintained by the HOA or Metro District. If the alley loaded street is maintained by the Town, then it shall only qualify for one element.

(Ord. No. 1252 , § 1(Exh.), 9-25-2018)

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### 30-3-104 Principal and conditional uses permitted by zoning district

A. *General application of uses.* Uses designated as "principal uses" are allowed in a zone district as a matter of right. Uses classified as "conditional uses" are permitted upon approval of a conditional use permit per this Code. Unless a use is designated as a "principal use" or "conditional use" or is classified as a legal "non-conforming" structure or use, it is not permitted.

Land uses not otherwise identified in this Code may be proposed. In order to allow such uses, the new or unlisted land use must be determined to be "similar" to either a principal or conditional use listed within that zone district. "Similar" shall mean that the use can be reasonably interpreted to fit into a similar use category as identified in this Code. Town Administration will make a written determination regarding any request for a land use not listed in this Code. If a determination is made that the proposed use is similar to either a listed principal or conditional use, it will be processed as a conditional use under the provisions of this Code.

B. *Measurement of residential density.* Allowable or maximum residential densities as identified in this Code will be measured as gross densities where the number of residential units is divided by the total acreage of the subject property.

Table 3.1 Revised Lot and Density Standards Residential

Dimensions 	R-1	R-2	R-3	R-4	R-5  	Traditional Neighborhood	AG
Maximum Density Per Gross Acre	8 Dwelling units	16 dwelling units	20 dwelling units	24 dwelling units	12 dwelling units	24 dwelling units	1 dwelling unit (unless on septic)
Maximum building height	40	40	40	50 	16	50 	40
Minimum lot width 	30	20 	16 	16 		16 	150
Minimum setback:							
Front yard Front loaded (with garage)	20*	20*	20*	20*	25 (entire park)	N/A	25
Front Yard Rear loaded (rear, or no garage)	15	10	10	10 	25 (entire park)	0 	25
Rear yard With front loaded garage	20  	10 	10 	10  	15 (entire park)	10  	25
Rear yard With rear loaded garage	5-8  	5-8  	5-8  	5-8  	15 (entire park)	5-8  	25
Side: MF: 3 Stories	5 	5  	5  	5   	15 (entire park)	3   	15
Corner Side	10	10	10	10	15 (entire Park)	10	15
Minimum lot area:	3,500	2,000	1,400	1,200	3,000	1,200	1 acre

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Footnotes:	
①	At required front yard setback line.
②	Zero lot line: Each residential unit, 20 ft. for R-2; 16 ft. R-3; 16 ft. for R-4;
③	Height Transition required as provided in Section 30-3-104.D.
④	On building lots in R-2, R-3 and R-4, and Traditional Neighborhood, dwelling units may be located on the lot at zero feet from one side lot line, if there is a maintenance agreement agreed to by the owner of the lot adjacent to that zero-lot line. Off-setting setbacks, setbacks of 0 ft. and 10 ft. are allowed in each district.
⑤	Balconies that are at least 10 feet above the sidewalk may encroach into the front setback or right of way, up to 5 feet, and cantilevered or bay windows that are at least 10 feet above the sidewalk surface, may encroach five feet into the required front setback, and no more than two feet into the required side or rear setbacks. Fire-resistive rating and opening requirements of the building code shall be complied with for exterior walls.
⑥	Buffer Areas: On Arterial: A 30' perimeter buffer is required from all arterial streets. On Collectors: A 20' perimeter buffer is required from all collector streets. Mixed Use: A permanent landscape buffer consisting of a hedge or evergreen plant material, or a solid wall or fence, is required screening for Mixed Use buildings or commercial uses abutting a residential zoning district.
⑦	Infill Front setbacks as provided in Infill Setbacks 30-3-104 C
⑧	Accessory buildings. All unattached accessory buildings shall satisfy Section 30-116-1 a 2, and be five feet from all property lines and no more than 30' in height except for garages with vehicle access on corner side lots, which will follow the regular setbacks of the zoning district; Accessory Dwelling Units must meet be no more than 850 sq. ft. in size, located not forward of the principal structure, match the principal structure, and must follow the district setback standards.
⑨	A 5' minimum rear setback for new lots/development; and an 8' minimum setback for development within existing lots of record abutting alleyways.
⑩	10' setback on rear yards to any deck, including covered decks and patios.
*	For residential properties with a 7-foot or wider tree lawn, the required front setback to a front porch may be reduced by 7 feet. Front covered porches are allowed a 10' front setback. Side-loaded garages are allowed a 10' front setback for the garage portion.
☆	Please see Section 30-3-105 for additional encroachments into required setbacks
☆☆	Additional Density for modular home, or tiny house/park model developments may be considered as a use by special review.

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C. *Infill Requirements.*

1. *Infill Front Setback:* Contextual front setbacks shall be as deep as the average front setback that exists on the nearest developed lots on the same block that front on the same side of the street as the subject lot, in accordance with the following rules:

Figure 3.1

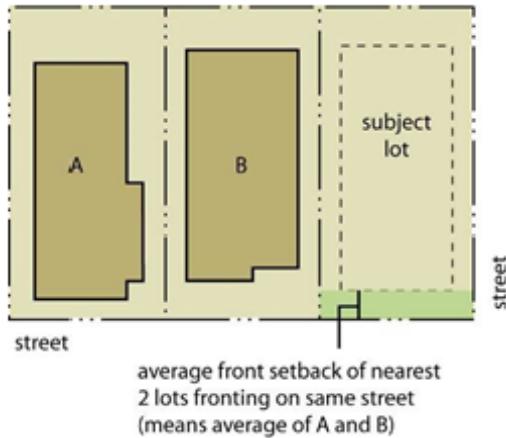
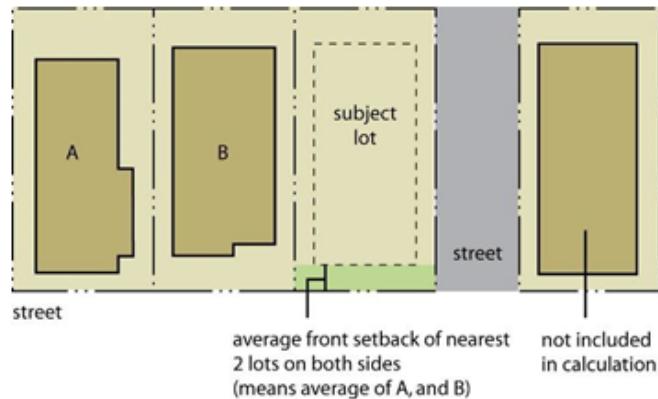
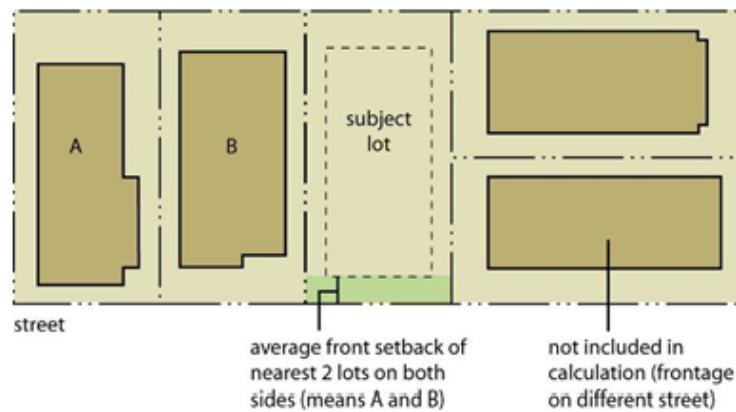


Figure 3.2



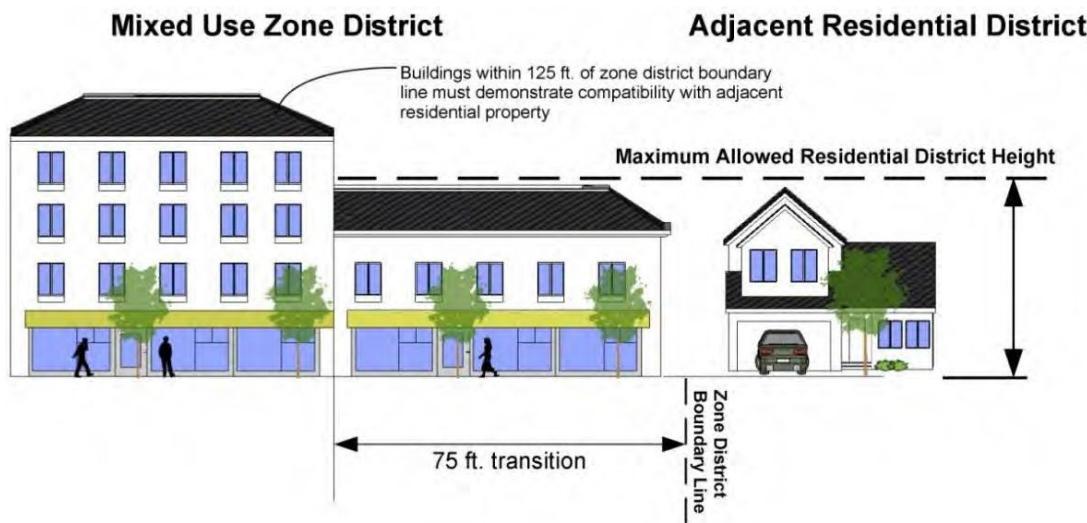
3. When the subject lot is a corner lot, the average setback will be computed on the basis of the two nearest developed lots that front on the same side of the street as the subject lot;

**Figure 3.3**

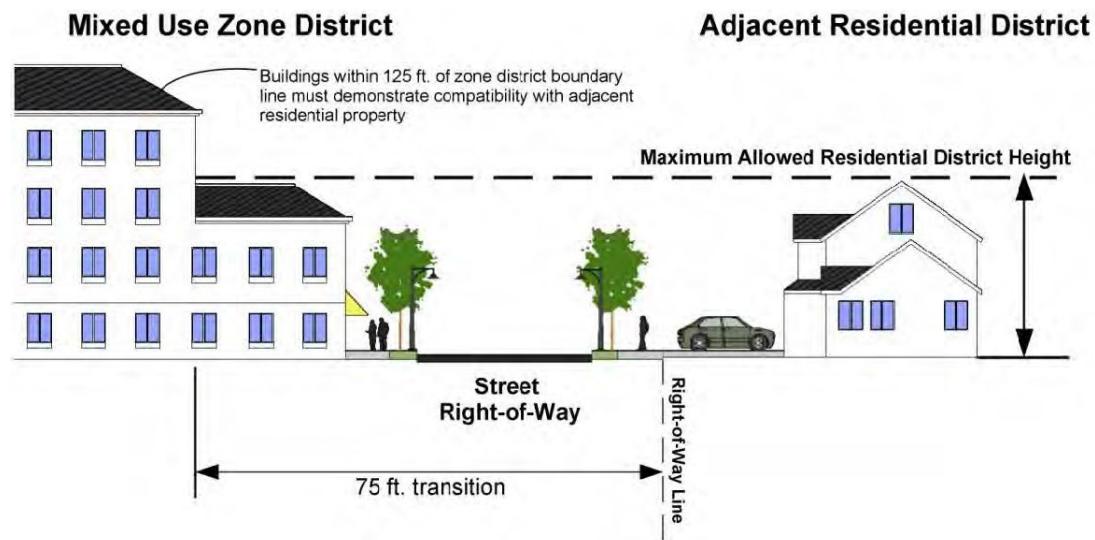


D. *Height Transition*: Any portion of a building located within the R-4 Mixed Use District, and the Traditional Neighborhood district, and within 75 feet of the Mixed Use Boundary, shall have a maximum height no greater than the maximum height allowed in the adjacent zoning district. Where a street separates the zoning districts, the measurement shall be from the street right-of-way line opposite the R-4 and TN District.

**Figure 3.4 Height Transition Between Adjoining Zones**



**Figure 3.5 Height Transition, Between Zones and Street Separation**



**E. AG Agricultural District.**

*Intent.* The AG District provides for the continuation of agricultural activities on property annexed to the Town. Newly annexed areas that are predominately used for agricultural purposes may be zoned AG until other zoning is requested by the property owner. Agricultural zoning is intended to either support the continued agricultural activity on open farmlands near the Berthoud community or be used as a temporary "holding" zone until development at an urban scale is proposed.

1. *Principal or Conditional uses.* Principal or conditional uses for the AG District are found on Table 3.1.
2. *Area and Bulk Requirements.* See Table 3.1.
3. *Maximum density.* Development in the AG District is limited to one unit per acre where connection to public water and wastewater systems is present, and one unit per 2.29 acres for properties without connection to public water or wastewater systems.

**F. TN Traditional Neighborhood District.**

*Intent.* The TN District provides for the development of low to moderate density single family residential dwellings with alleys. New residential development in this District shall feature garages that are accessed from a 20-foot wide alley.

1. *Principal or Conditional uses.* Principal or conditional uses for the TN District are found on Table 3.1.
2. *Area and bulk requirements.* See Table Figure 3.2.
3. *Maximum density.* Accessory dwelling units in the TN District count as .33 units towards the overall project density.
4. *Tree lawn requirement.* Developments within the TN District must include a seven-foot wide tree lawn along all streets.

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**G. R1 Single Family District.**

*Intent.* The R1 District provides for the development of low to moderate density single family residential dwellings.

1. *Principal or Conditional uses.* Principal or conditional uses for the R1 District are found on Table 3.1.
2. *Area and bulk requirements.* See Table 3.1.

**H. R2 Limited Multi-Family District.**

*Intent.* The R2 District provides for the development of areas containing low to moderate density with both single and multi-family residential uses.

1. *Principal or Conditional uses.* Principal or conditional uses for the R2 District are found on Table 3.1.
2. *Area and bulk requirements.* See Table 3.1.

**I. R3 Multi-family District.**

*Intent.* The R3 District is a moderate to higher-density residential zone that allows the development of multiple dwelling units on the same lot.

1. *Principal or Conditional uses.* Principal or conditional uses for the R3 District are found on Table 3.1.
2. *Area and bulk regulations.* See Table 3.1.

**J. R4 Mixed Use District.**

*Intent.* The purpose of the R4: Mixed Use Zone District is to allow for the development of variety of residential, commercial, business and employment land uses within pedestrian-oriented neighborhoods.

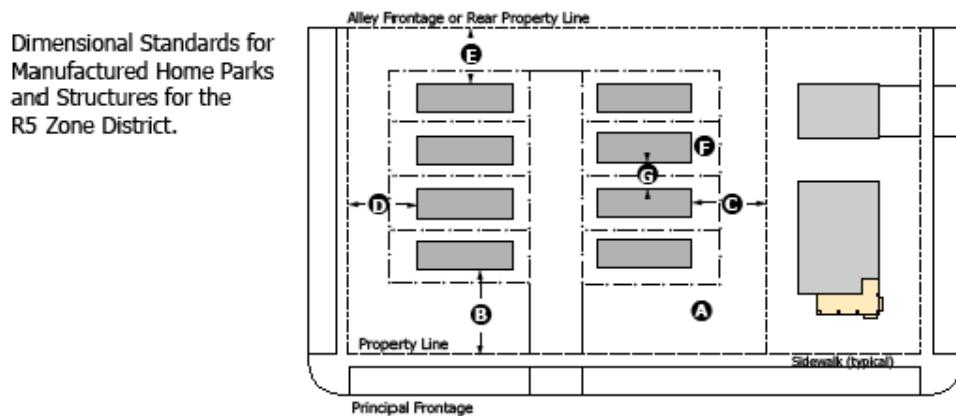
1. *Principal or Conditional uses.* Principal or conditional uses for the R4 District are found on Table 3.1.
2. *Area and bulk regulations.* See Figure 3.6.
3. *Maximum density or lot coverage.*
  - a. Accessory dwelling units in the R4 District count as .33 units towards the overall project density.

**K. R5 Manufactured/Mobile Home Park District.**

*Intent.* The intent of this district is to provide for the development of manufactured home parks and subdivisions. Mobile Home Parks or subdivisions are also included within this District.

1. *Principal or Conditional uses.* Principal or conditional uses for the R5 District are found on Table 3.1.
2. *Area and bulk requirements.* See Figure 3.3.
3. *Maximum density.* Development in the R5 District shall not exceed 12 dwelling units per gross acre.
4. *Open space required.* Development in the R5 District shall provide public open space (parks, trails, open lands) per Chapter 30, Section 2 of this Code.

Figure 3.6: R5 — Manufactured/Mobile Home Park District



DIMENSIONAL STANDARDS

<b>A</b> Lot Width, Manufactured/Mobile Home Park:	N/A
<b>A</b> Lot Area, Manufactured/Mobile Home Park:	5 acres min.
<b>B</b> Setback, Front Yard, Manufactured/Mobile Home Park:	25' min.
<b>C</b> Setback, Side Yard, Manufactured/Mobile Home Park:	15' min.
<b>D</b> Setback, Corner Side Yard, Manufactured/Mobile Home Park:	15' min.
<b>E</b> Setback, Rear Yard, Manufactured/Mobile Home Park:	15' min.
<b>F</b> Lot Area, Individual Unit:	3,000 sq.ft. min.
<b>G</b> Setback, Individual Unit:	10' min. between structures <sup>1</sup>

BUILDING HEIGHT STANDARDS



1. Manufactured homes may be set up anywhere within the confines of the pad site, provided there is a minimum of ten feet between all buildings.

L. *Table 3.2 Revised Lot and Density Standards Commercial and Industrial.*

	C-1	C-2	M-1	M-2
Maximum Density Per Gross Acre	24 Dwelling units	20 dwelling units	N/A	N/A
Maximum building height	50	50	40	50③
Minimum lot width ① :	25	50②	50②	50②
Minimum setback:				
Front yard	0'②⑥	25③⑥⑧	25⑧	20⑧
Rear yard	0'/20'④	35⑥⑦⑧	20⑥⑦⑧	20⑥⑦⑧
Side:	0/20'⑤⑦	0/25⑤⑦⑧	0/20⑤⑦⑧	0/20⑤⑦⑧
Corner Side	0⑦	0/25⑤⑦⑧	20⑦⑧	20⑦⑧

Footnotes:	
①	At required front yard setback line
②	Building must be built on/to front/street facing setback line.
③	In the case of large buildings for employment, storage or auto-related uses, where greater setbacks are needed, a minimum of 30 percent of the building shall be brought forward to the front/street facing setback line
④	Rear setback from adjacent zoning district boundary.
⑤	Side setback from adjacent zoning district boundary.
⑥	Balconies that are at least ten feet above the sidewalk may encroach into the front setback or right of way, up to 5 feet, and cantilevered or bay windows that are at least 10 feet above the sidewalk surface, may encroach five feet into the required front setback, and no more than two feet into the required side or rear setbacks. Fire-resistive rating and opening requirements of the building code shall be complied with for exterior walls.
⑦	A permanent landscape buffer consisting of a hedge or evergreen plant material, or a solid wall or fence, is required screening for commercial or industrial uses abutting a residential zoning district.
⑧	Buffer Areas from Residential: All C-2, M-1 and M-2 districts require <b>no less than a 35 foot setback buffer</b> from the property line of a residential zoning district.

[M] *C1 Neighborhood Commercial District.*

*Intent.* The Neighborhood Commercial District is intended to provide for the development of mixed use, retail, commercial and service businesses to support residential neighborhoods. New development or redevelopment in this district should be scaled in size to fit the adjacent neighborhood. This District does not support larger retail, public, religious or other uses commonly referred to as "big box" type uses.

1. *Principal or Conditional uses.* Principal or conditional uses for the C1 District are found on Table 3.3.
2. *Area and bulk requirements.* See Table 3.2.

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**N. C2 General Commercial District.**

*Intent.* The C2 District is intended to be a setting for development of a wide range of service businesses, retail uses, offices and personal and business establishments. This District supports both smaller (neighborhood) commercial and retail uses as well as larger uses (commercial, retail, religious, etc.) commonly referred to as "big box" uses.

1. *Principal or Conditional uses.* Principal or conditional uses for the C2 District are found on Table 3.3.
2. *Area and bulk requirements.* See Table 3.2.

**O. M-1 Light Industrial District.**

*Intent.* This district is intended to provide locations for a variety of workplaces including light industrial uses, research and development offices and institutions. This district is also intended to accommodate secondary uses that complement and support the primary workplace uses, such as hotels, restaurants, convenience shopping, and child care.

1. *Principal or Conditional uses.* Principal or conditional uses for the M1 District are found on Table 3.3.
2. *Area and bulk requirements.* See Table 3.2.

**P. M2 Industrial District.**

*Intent.* This zoning district is intended to provide a location for a variety of employment opportunities such as manufacturing, warehousing and distributing, indoor and outdoor storage and a wide range of commercial and industrial operations.

1. *Principal or Conditional uses.* Principal or conditional uses for the M2 District are found on Table 3.3.
2. *Area and bulk requirements.* See Table 3.2.

**Q. Transitional District.**

*Intent.* The intent of the T: Transitional District is to accommodate properties which are in a transitional stage with regard to their ultimate use or plans for development.

1. *Permitted uses.* The following uses are permitted by right in the T district:

No use shall be permitted except such use as existed on the date the property was placed in this zoning district. No permanent structures shall be constructed on any land in this district, except that which is expressly authorized by the Town Board at the time of zoning property into this district. The Town Board of Trustees may grant a variance permitting expansion of any existing use, or installation or enlargement of a permanent structure to be used in connection with the use of the property, at the time of such zoning upon the following conditions:

- a. The owner of the property, prior to the Town Board meeting at which the zoning is to be heard, shall submit a site plan showing in reasonable detail the proposed expansion of current use or installation of permanent structure on the property.
- b. The Town Board shall grant such variance upon a finding that the strict application of the zoning ordinance would result in exceptional or undue hardship upon the owner of the property and that the variance may be granted without substantial detriment to the public good and without substantially impairing the intent and purposes of this code.

2. *Change of zoning.* The owner of any property in the T District may at any time petition the Town to remove the property from this zoning district and place it in another zoning district, in accordance with the procedures and requirements of this code.

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**R. Planned Unit Development (PUD) Overlay District.**

*Intent.* This Planned Unit Development (PUD) Overlay District is intended to be used as an overlay zone that supplements one or more underlying standard zone districts as found in this Code. The PUD Overlay District is intended to permit greater flexibility in the application of specific zoning standards and greater freedom in the allowable range of land use types.

1. *Permitted uses.* Uses permitted in the PUD Overlay District shall be those uses permitted in the underlying standard zone district(s) for the property. An applicant for a PUD Overlay District may request modifications to the permitted uses of the underlying zone district to remove those uses that may be deemed incompatible or inappropriate for the overall PUD development or add additional uses compatible with the overall intent of the project. Conditional uses may be permitted in the PUD Overlay District if it can be demonstrated that such uses meet the conditional use review criteria for the underlying zone district(s).
2. *PUD Overlay District general requirements.* Properties utilizing the PUD Overlay District shall be subject to the following:
  - a. All PUD applications shall include a gross land area of not less than five acres.
  - b. The area of land for the PUD may be controlled by one or more landowners and must be developed under unified control or a unified plan of development. No PUD may be approved by the Town without the written consent of the landowner(s) whose property is included within the PUD.
  - c. All requirements set forth in this Code and the underlying zone districts otherwise applicable to the area of land proposed for a PUD shall govern, except to the extent that the PUD Overlay District as approved modifies permitted or conditional land uses, and change specific standards including lot size, building bulk, type of use, gross density, lot coverage or floor area ratio.
3. *PUD approval procedure.* All PUD Overlay District applications shall be submitted and processed simultaneously with the processing of annexation, base zone district or subdivision applications for the property. An application for a PUD Overlay District amendment to the Zoning Map shall be processed and subject to public hearings in the same manner as for other amendments to the Zoning Map, as outlined in this Code.  
Approval of a PUD Overlay District shall require the Town to adopt an ordinance establishing the PUD Overlay District for the property.
4. *PUD amendment procedure.* All PUD Overlay District's may be amended upon application by the property owner. An application for a PUD Overlay District amendment shall be processed as a text amendment to the Zoning section of this Code.
5. *Relationship of PUD zoning to approved Overall Development Plans (ODP), Preliminary Development Plans (PDP), and Final Development Plans (FDP).* The use of PUD zoning as an overlay zone district, when combined with the subdivision procedures of concept plan, preliminary plat and final plat; removes the need for ODP, PDP, and FDP submittals under this Code. Traditional ODP, PDP and FDP submittal materials are included within the concept, preliminary and final plat processes and requirements found in Chapter 30, Section 6 of this Code.  
ODP, PDP and FDP applications approved prior to the adoption of this Code will remain in full force and effect per the regulations or agreements in place at the time of the Town action to approve such ODP, PDP or FDP.

Table 3.3: Principal and conditional uses by zone district

	AG	TN	R1	R2	R3	R4	R5	C1	C2	M1	M2
■ Principal Use By Right											
□ Conditional Use											
<i>Residential land uses</i>											
Accessory dwelling (incl. "carriage units") assoc. with a permitted use	■	■	■	■	■	■		■	□	□	□
Bed and breakfast establishments	■	□	□	□	□	□		■	■		
Boarding and rooming houses					□				■		
Child care home (up to 6 persons)	■	■	■	■	■	■		■			
Child care home, large	■	□	□	□	□	□		■			
Class A Recreational vehicles						□	■				
Family care, elderly day care homes	■	■	■	■	■	■		■			
Flex buildings (start as residential and shift to commercial over time)						□		□	■		
Group homes	■			■	■	■		■	■		
Long-term care facilities		■	■	■	■	■		■	■		
Manufactured/mobile home and park							■				
Multifamily dwellings (4 or more units)					■	■		■	□		
Multifamily dwellings (less than 4 units)				■	■	■		■	□		
Safe house for adults or children up to 8 persons				■	■						
Senior housing					■	■	■	■			
Single family detached dwellings	■	■	■	■	■	■	■	■	□		
Single room occupancy boarding house	□	□	□	□	□	□		■	■		
Two family (duplex) dwellings				■	■	■		■			
Zero lot line single or 2 family dwellings				■	■	■		■			
<i>Mixed land uses</i>											
Live/work units and buildings						■		■	■	□	
Mixed use buildings (residential, commercial, office, workshops, etc.)					■		■	■	□	□	
<i>Commercial, retail or service land uses</i>											
Administrative, office and research facilities						■		■	■	■	■
Adult entertainment											□
Agricultural uses: ranching, farming, grazing, etc.	■										
Appliance sales and service						□		■	■	■	■
Automobile service and repair — minor						□		□	■	■	■
Automobile service and repair — major								□	■	■	■

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(Supp. No. 7)

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Banks and financial institutions						■		■	■	■	■
Bars/taverns/micro-breweries						■		■	■	■	■
Business offices (contractors, electronic repair, small engine, motorcycle)							□	■	■	■	■
Car/motor vehicle washes								■	■	■	■
Child care center	□	□	□	□	□	■		■	■	■	
Cremation facility									□	□	
Commercial and retail businesses, indoor sales and service						■		■	■	■	■
Distillery including tasting room and retail sales						■		■	■	■	■
Entertainment facilities, comm. theaters, etc.						■		■	■		
Equipment (small) rental establishments without outdoor sales							□	■	■	■	■
Equipment rental (heavy) 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						□		■	■	■	
Marina	■					■		■			
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)						□		□	■	■	■	■
Passenger terminal or park-n-ride						■		■	■	■	■	■
Personal and business service shops						■		■	■	■	■	■
Professional offices						■		■	■	■	■	■
Push cart (sidewalk vending)						■		■	■	■	■	■
Recycling facilities (including biofuel) processing and sales										□	□	
Restaurant not including drive through						■		■	■	■	■	■
Restaurant with drive-through						□		□	■	■	■	■
Retail sales — general						■		■	■	■	■	■
Retail sales building/center $\leq$ 50,000 gross s.f.						■		■	■	■	■	■
Retail sales building/center $\geq$ 50,000 gross s.f.						□		□	■	■	■	■
Retail and supply yard establishments with outdoor storage												□
Roadside or temporary retail stand/tent	■					□		■	■	■	■	■
Sales of farm implements, heavy equipment, Mobile/manufactured homes												■
Storage facilities, outdoor storage for RV's, boats, trailers, etc.										□	□	
Truck depot									□	■	■	
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	■									□	■	
<i>Public, quasi-public, other land uses</i>												
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	■	□	□	□	□	□	□		■	■	■	■

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Municipal uses w/out equipment yards						<input type="checkbox"/>			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Municipal uses with equipment yards											<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Museum	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>					
Parks and open space	<input checked="" type="checkbox"/>											
Parks and playgrounds — neighborhood		<input checked="" type="checkbox"/>										
Outdoor amphitheater	<input checked="" type="checkbox"/>					<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Public or other non-profit recreational uses	<input checked="" type="checkbox"/>											
Public utility main lines and substations	<input checked="" type="checkbox"/>											
Religious assembly (neighborhood scale)	<input checked="" type="checkbox"/>											
Religious assembly (community scale)									<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Rest stop	<input checked="" type="checkbox"/>					<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
Schools, public and private (preschool — grade 12)	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>						
Schools, including colleges, vocational and technical training								<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Wireless telecommunications facility	<input checked="" type="checkbox"/>					<input type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Industrial land uses</i>												
Heavy industrial facility												<input checked="" type="checkbox"/>
Laboratory and/or research facility						<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Light industrial facility						<input type="checkbox"/>		<input checked="" type="checkbox"/>				
Manufacturing plants incl. assembly, sales and service of commodities										<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Warehouse, distribution and wholesale uses									<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Workshops and custom small industry including art studio with/without sales	<input type="checkbox"/>					<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>				
<input checked="" type="checkbox"/> Principal Use By Right												
<input type="checkbox"/> Conditional Use												

(Ord. No. 1252 , § 1(Exh.), 9-25-2018; Ord. No. 1276 , § 1(Exh.), 10-8-2019; Ord. No. 1280 , § 1(Exh. B), 1-28-2020)

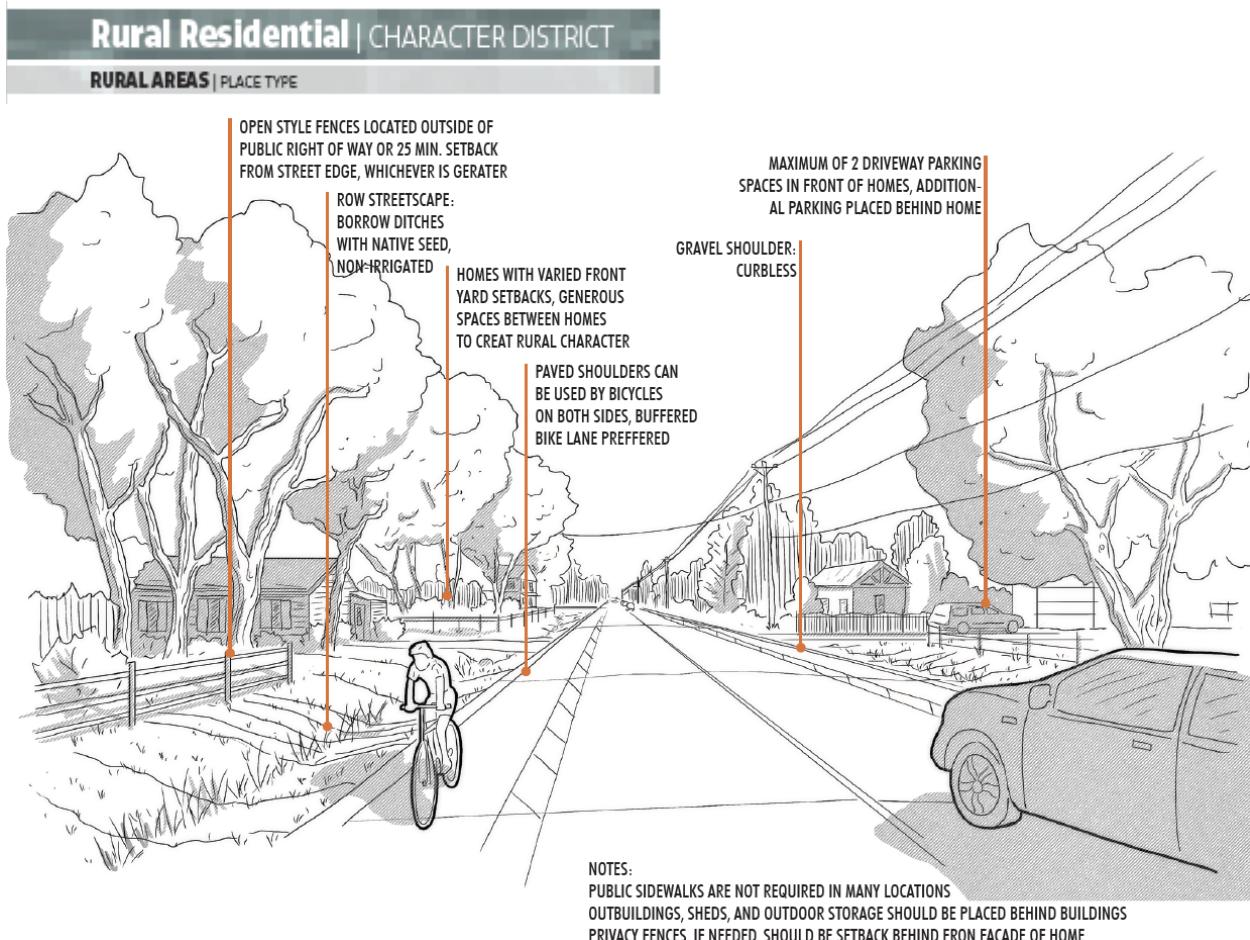
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## S. Conservation District (CD)

**Figure 3.7: Conservation District Place Type**



*Intent.* The Conservation District (CD) is intended to provide for a primarily low-density housing types and large areas of conservation.

### 1. Street Patterns and Pedestrian and Bicycle Connectivity

- a) Land Pattern: Development should occur in a rural style, including larger lot sizes, sizeable setbacks, and expansive areas dedicated to conservation. Dead end streets and cul-de-sacs are discouraged in favor of looping and connected street patterns. Conservation subdivisions should follow conservation design development concepts, where a significant portion of the property is permanently protected as open space and a small percentage is developed for low density residential lots that are placed to minimize impacts to environmental resources.

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- b) Arterial and Collector Streets: All arterial and collector streets shall be built to the Town of Berthoud's standards. Conservation District subdivisions should have direct access to these roadways via a local road and all residential lots should have a substantial buffer. No lots should have a direct access to an arterial or collector street.
- c) Local Streets: Streets are intended to be rural in nature, characterized by borrow ditches and no curb and gutter or sidewalks. Street trees and streetlights will not be required.
- d) Bicycle and Pedestrian Connectivity: Painted bike lanes or shared bike lanes are required on local streets. Bike racks should be provided where public or private amenities (Subdivision Identity, Open Space Elements, or Parks) are provided. Crusher fines off-street trails as transportation or leisure routes are heavily encouraged. Trails identified in the current Trails Master Plan are required to be constructed along with the development.

## 2. Overall Layout, Density, and Process

- a) Layout: Sites should be designed in a rural style with buildings built far from the street and other property lines in according with the requirements of this section.
- b) Approval: The Town PORT Committee will review any conservation subdivisions which desire to dedicate open space to the Town and make a recommendation to the Town Planning Commission and Town Board.
- c) Water: All Conservation Subdivisions will be required to either possess a non-pot water system or water rights to satisfactorily irrigate an agricultural property of medium water usage crops. A water study will be required at the Town's discretion to ensure this requirement is satisfied.
- d) Trail Corridor: All properties abutting the Little Thompson River, or a Town designated Regional Trail as per the Town's Comprehensive Plan and Trails Master Plan, shall dedicate the necessary easement or ROW for a regional trail, as determined by the Town.
- e) Parks, Open Space Elements and Subdivision Identity: Rural Residential and Conservation Districts are exempted from the Parks requirements in Section 30-2-109 B, the Open Space elements of Section 30-2-109 D, and the Subdivision Identity Standards of Section 30-2-31 of this code.
- f) Contiguous: All property included within a conservation development shall be contiguous.
- g) Residual and Developed Land: All conservation developments shall consist of two segments: (1) the development cluster or clusters, on which the residential units are located, and (2) the designated private residual land to be held in conservation. The minimum size for residual land is 35 acres.
- h) Percentage of Developable/Conversation Land: The following minimum percentages of land are required in cluster and residual segments:

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**Table 3.4: Conservation Development Site Design**

Conservation Development Type	Required Residual Land in Conservation (%) <sup>1</sup>	Permitted Developable Land in Cluster(s) (%)
No public water/sewer	80	20
Provides public sewer	80	20 <sup>1</sup>
1	Conservation Subdivisions may increase underlying density found in Table 3.6 by up to 30%.	

- i) Density: As per Table 3.4, 80% of the total project (35 min acres) must be reserved as conserved residual land as provided in this Section. The remaining 20% can be developed with a density consistent with Larimer and Weld County septic standards (no less than 2 acres); i.e. for a quarter-section sized conservation subdivision, 128 acres would be required for open space, and the remaining 20% of 32 acres of developable area shall be developed at a density of 2 acres, or 16 dwelling units. On lots served by Town sewer, the number of development lots within the 20% developable area, may increase by 30%.
- j) Residual Land: All residual land shall be maintained and remain undeveloped in perpetuity in accordance with appropriate use plan for residual land and/or common area as provided in of this Code.

### 3. Site Design

- a) Lot Size and General Layout
  - i. Even within the development cluster, the highest priority for site layout shall be the preservation of environmentally sensitive areas and agricultural uses. The location of home sites and the corresponding layout of lots and streets shall have a lower priority and shall be designed to create a compact development pattern.
  - ii. No minimum lot size is required in the development cluster, except for those developments and lots that use on-lot septic systems or wells where the minimum lot size is two acres (87,120 square feet).
- b) Site layout shall be oriented to:
  - i. Achieving the best possible relationship between development and features of the land;
  - ii. Minimizing alteration of the natural site features and topography;
  - iii. Relationship to surrounding properties;
  - iv. Improving the view from and the view of buildings; and
  - v. Reducing the area devoted to roads and utilities.
- c) Flexibility in lot size is encouraged to:
  - i. Promote a design that is sensitive to the natural environment;
  - ii. Adapt to the natural topography of the site;

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- iii. Accommodate the mix of residential land uses and housing types proposed within the development
- iv. Design for compatibility with agricultural uses and other existing and allowed uses.
- v. To the extent practical, home sites should be located to enhance visual access to residual land both from the proposed development and from adjacent lands.

- d) Residual Lands

- i. Residual land in conservation developments shall be designed to achieve the maximum contiguous amount of open space possible while avoiding the creation of small, isolated, and unusable areas.
- ii. Roads, pedestrian walkways, and trails may connect through the residual land.
- iii. Where practical, residual land should be located contiguous to and be connected with other residual land on the site or residual land adjacent to the conservation development boundaries. Connectivity is based on visual connections for residents of the development and, where applicable, physical connections for wildlife habitat.
- iv. Residual land may include such uses as pedestrian and bicycle areas, buffer areas and common area devoted exclusively to the use of the residents of the conservation development and their guests.
- v. Residual land areas containing environmentally sensitive areas or features can not contain any structure or improvements, except walkways or trails, provided such areas are determined to be appropriate for walkways or trails and they can be constructed with minimal disturbance to environmentally sensitive areas.
- vi. Residual land areas shall not include road rights-of-way or parking areas, except in projects with a ratio of 20 percent developed area to 80 percent residual land, the road right-of-way, up to 70 feet in width, may be included in the calculation of the required residual land.
- vii. Uses in residual land are limited to such uses, accessory structures, and improvements necessary for agricultural uses or for the educational, cultural, recreational, or social enjoyment of the residents of the conservation development and their guests, and any utility services, including community sewer systems, providing the coverage of all structures and improvements in the residual land does not exceed five percent of the residual land.
- viii. All residual land not developed as part of the conservation easement must be held or dedicated as a perpetual conservation easement, or as open space to the Town of Berthoud.
- ix. Residential conservation tracts shall not be subdivided.

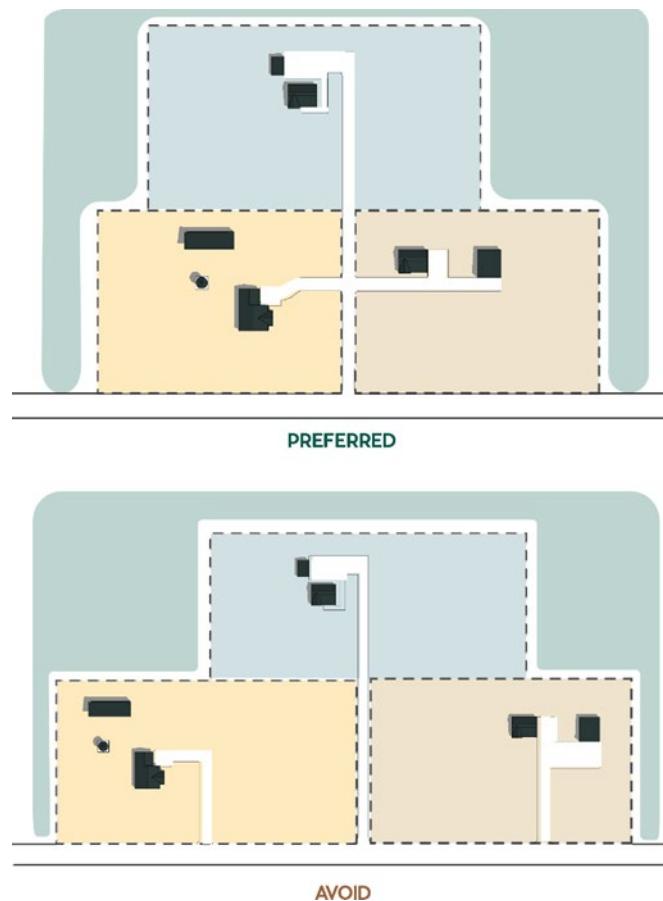
- e) Design Requirements

- i. Structures shall be sited to optimize the shape and configuration of farmable parcels and fields. Fragmented farmland and wildlife habitat shall be avoided to the maximum extent practicable.
- ii. Structures shall be located at the edges of farmland to allow the creation of cohesive farm fields.

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- iii. New structures or development shall be located at the edge of existing developed areas in compact configurations. Where possible, development should be located at the edge of farmland or natural features such as a ridgeline, tree stand, bluff, or stream.
- iv. Fence rows shall be used where practicable to define productive parcels and developed areas.
- v. Driveways shall be located along fencerows or other natural features that are not incorporated into farm fields. The distance and number of driveways shall be minimized to the maximum extent practicable. See Figure 5-1 below.

**Figure 3.8: Driveway Site Design**



f) Multiple-lot residential development

- i. Multi-lot conservation development shall be clustered in the form of a typical farmstead and served by a cul-de-sac road. See Figure 3.8.
- ii. Developed land adjacent to farmland shall be minimized to prevent the loss of farmland.

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- iii. Development shall be designed and sited to minimize the perimeter of developed areas adjacent to farmland.
- iv. Large, isolated lots shall be avoided to the maximum extent practicable.

**Figure 3.9: Cluster Development with Cul-de-Sac**



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- v. Development Sited Away from Roadway: Homes and outbuildings shall be set back from the road and shall not be designed to line the roadway with structures and driveways as shown in Figure 3- below.

- g) Building Envelopes

- i. In lieu of setbacks, building envelopes may be designated for each lot to identify the area where all buildings shall be constructed and to provide adequate separation between buildings and uses or activities.
- ii. Building envelopes shall be designed to avoid hazard areas, the tops of ridgelines or slopes, view corridors, open fields, sensitive environmental areas, and agricultural infrastructure.
- iii. To the maximum extent feasible, all building envelopes shall be located at least one-quarter mile (1,320 feet) from the edge of the Interstate 25 or Highway 287 right-of-way.
- iv. The placement of buildings within building envelopes along the street frontage should be varied to minimize uniformity.
- v. If building envelopes are used, agricultural buildings may be located outside the building envelope on the residual lot if specified as part of an approved development. Applicable base zoning district setbacks shall still be applicable.
- vi. A building envelope may be used to limit the location of various types of structures. When so used, the types of structures limited to the building envelope shall be clearly stated as part of an approved development with the implication that all other types of structures may be located outside the building envelope

- h) Buffering

- i. Perimeter buffering of a development cluster is required to minimize visual and noise impacts where adjacent land uses are of a different type (e.g., residential adjacent to commercial or industrial) or are of a substantially different residential density; or where the cluster is adjacent to a county road, state or federal highway or a railroad.
- ii. Where the proposed cluster abuts an existing or approved residential, mixed-use, or commercial development, the buffer shall be at least equal to the required rear yard depth of the adjacent lots. Where the proposed cluster abuts a county road, state or federal highway or a railroad, the buffer is measured from the edge of the existing right-of-way and shall be of a width and design to reduce visual and noise impacts from the road, highway, or railroad.
- iii. Buffering may be accomplished through the use of increased separation between land uses and/or by using native or drought resistant vegetation, fencing, walls, or a combination of these measures.
- iv. The traditional concept of using windbreak plantings around a farmstead may be desirable for the design of buffering between a cluster and agricultural uses.

- i) Fencing

- i. Privacy fencing may be used in conservation developments when the backs of lots are adjacent to a county road or state highway, or on individual lots to provide privacy or

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enclosure for the lot or a portion of the lot. Such privacy fencing shall be constructed of wood.

- ii. Fencing should be designed to conform to the topography and be of a color that blends with the natural environment.
- iii. Plastic and fiberglass fencing is prohibited

4. **Uses:**

**Table 3.5 Conservation District Uses**

	<b>Conservation Subdivision</b>
■ Principal Use By Right	
□ Conditional Use	
<i>Residential land uses</i>	
Accessory dwelling (incl. "carriage units") assoc. with a permitted use	■
Child care home (up to 6 persons)	■
Child care home, large	□
Family care, elderly day care homes	□
Safe house for adults or children up to 8 persons	□
Single Family Detached Dwelling	■
<i>Commercial land uses</i>	
Agricultural uses (farming, grazing, etc.)	■
Greenhouses	■
Home Occupations	■

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## 5. Standards:

**Figure 3.10 Conservation District Property**



**Table 3.6 Conservation Subdivision Standards**

Dimensions	Conservation Subdivision Primary Structure	Accessory Buildings
Individual Lot Size	Must comply with existing Larimer or Weld County Septic Standards (no less than 2 acres).  If on sewer, no lot size requirement.	N/A
Density	80% of 35 acre minimum must be reserved in residual tract, remaining 20% can be developed with a density consistent with Larimer and Weld County septic standards (no less than 2 acres)	N/A
Maximum Building Height	30'	0'
Front Yard Setback	See Building Envelope	Must be behind the principal structure
Rear Yard Setback:	See Building Envelope	15'
Side Yard Setback	See Building Envelope	10'
Conservation Easement Total Minimum Size	35 acres	N/A

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Proportion in Conservation Easement/Dedicated Open Space	80%	
Access:	No direct individual driveway access on Primary Roads; private streets required for interior streets and access	

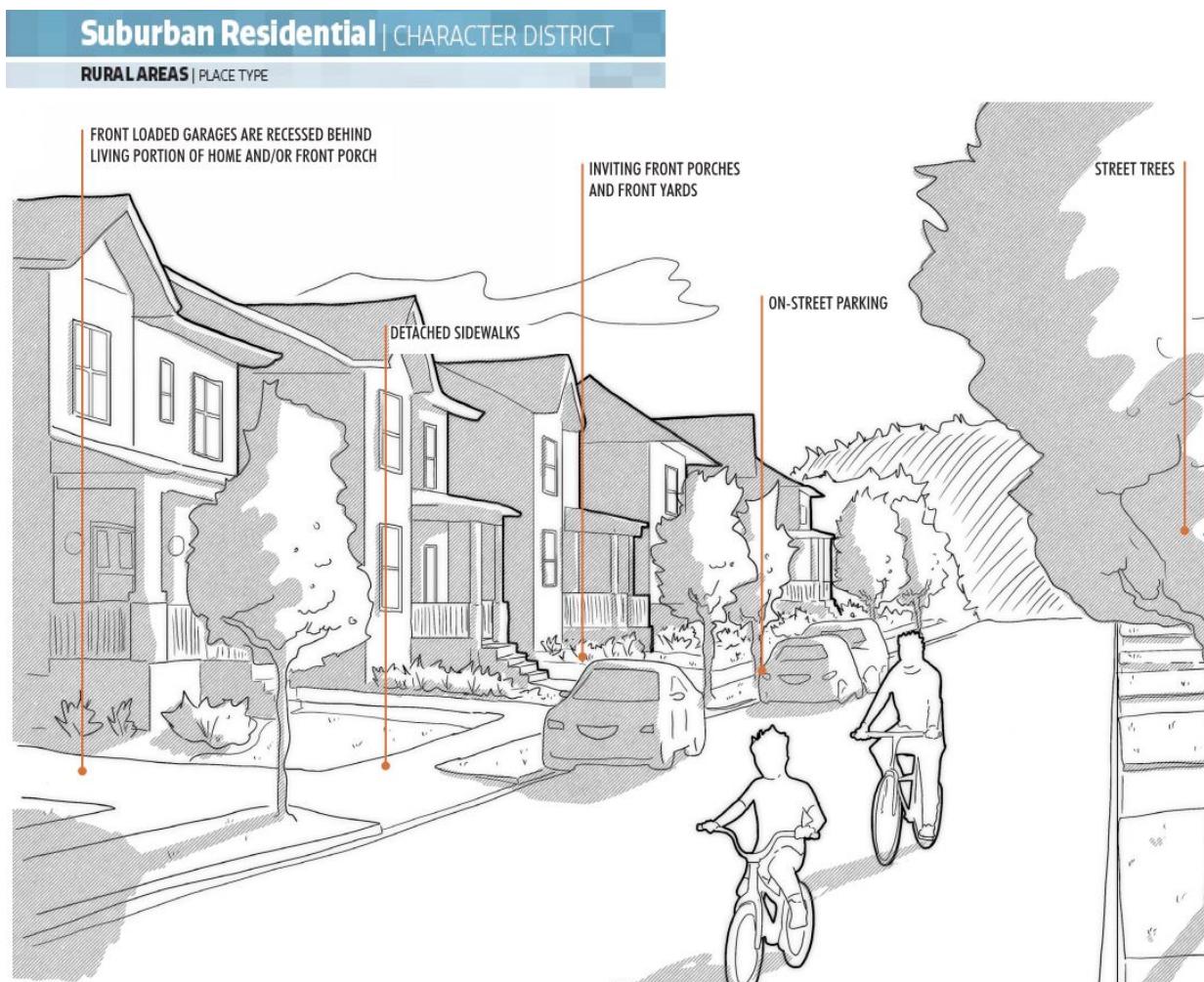
## 6. Architecture

See Chapter 30-2 for architectural design requirements.

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#### T. Suburban Residential/Suburban Commercial District (SR/SC)

**Figure 3.11 Suburban Residential Place Type**



*Intent.* The Suburban Residential (SR) District is intended to provide for neighborhoods with primarily single-family detached, and single family attached (townhomes and paired homes) homes.

**1. Street Patterns and Pedestrian and Bicycle Connectivity**

- a) Type: Street Patterns may have either a Suburban curvilinear character or a gridded pattern.
- b) Walkability and bike-ability: shall be guiding principles in the design of the overall subdivision pattern.

c) Arterial and Collector Streets: All arterial and collector streets shall provide dedicated bike lanes, and bike parking or racks should be provided where public or private amenities (Subdivision Identity, Open Space Elements, or Parks) are provided. All arterial and collector streets shall provide a minimum of 10' tree lawns. No residential lots shall load onto arterial or collector streets.

d) Local Streets: All streets must provide 7' detached tree lawns and 5' minimum sidewalks along both sides of each road. Sidewalks shall be interconnected throughout, and connect to any nearby trails, parks, or open spaces. Painted bike lanes or shared bike lanes are encouraged on local streets.

2. **Uses:**

**Table 3.7 Suburban Uses**

	Suburban House	Duplex/Paired Home	Townhomes	Suburban Commercial
■ Principal Use By Right				
□ Conditional Use				
<i>Residential land uses</i>				
Accessory dwelling (incl. "carriage units") assoc. with a permitted use	■	□	□	
Bed and breakfast establishments	□	□	□	
Child care home (up to 6 persons)	■	■	■	
Child care home, large	■	□	□	
Class A Recreational vehicles				
Family care, elderly day care homes	■			
Group Homes	□			
Safe house for adults or children up to 8 persons	□			
<i>Commercial land uses</i>				
Administrative, office and research facilities				■
Agricultural uses: ranching, farming, grazing, etc.	■	■	■	■
Appliance sales and service				■
Automobile service and repair — minor				■
Automobile service and repair — major				□
Banks and financial institutions				■
Bars/taverns/micro-breweries				■
Business offices (contractors, electronic repair, small engine, motorcycle)				■
Car/motor vehicle washes				■
Child care center	□			■
Commercial and retail businesses, indoor sales and service				■

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Distillery including tasting room and retail sales				<input checked="" type="checkbox"/>
Entertainment facilities, comm. theaters, etc.				<input checked="" type="checkbox"/>
Equipment (small) rental establishments without outdoor sales				<input checked="" type="checkbox"/>
Equipment rental (heavy) establishments with outdoor sales				<input type="checkbox"/>
Fireworks sales — temporary				<input checked="" type="checkbox"/>
Gasoline/fueling station				<input checked="" type="checkbox"/>
Greenhouses, whether public or private	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
Grocery store of less than 25,000 sq. ft. of floor area				<input checked="" type="checkbox"/>
Grocery store of more than 25,000 sq. ft. of floor area				<input checked="" type="checkbox"/>
Home occupations	<input checked="" type="checkbox"/>			
Hospital				<input checked="" type="checkbox"/>
Hotel/motel (no room limit)				<input checked="" type="checkbox"/>
Inn (up to 12 rooms)				<input checked="" type="checkbox"/>
Laundromat and dry cleaning retail outlets				<input type="checkbox"/>
Marina				<input type="checkbox"/>
Medical and dental offices and clinics				<input checked="" type="checkbox"/>
Medical marijuana center				<input type="checkbox"/>
Medical marijuana infused product manufacturing				<input type="checkbox"/>
Medical marijuana optional premises cultivation operation				<input type="checkbox"/>
Mixed Use Building				<input checked="" type="checkbox"/>
Movie theater				<input checked="" type="checkbox"/>
Office building				<input checked="" type="checkbox"/>
Parking lots and parking garages (as principal use)				<input checked="" type="checkbox"/>
Passenger terminal or park-n-ride				<input checked="" type="checkbox"/>
Personal and business service shops				<input checked="" type="checkbox"/>
Professional offices				<input checked="" type="checkbox"/>
Restaurant not including drive through				<input checked="" type="checkbox"/>
Restaurant with drive-through				<input checked="" type="checkbox"/>
Retail sales — general				<input checked="" type="checkbox"/>
Retail sales building/center ≤ 50,000 gross s.f.				<input checked="" type="checkbox"/>

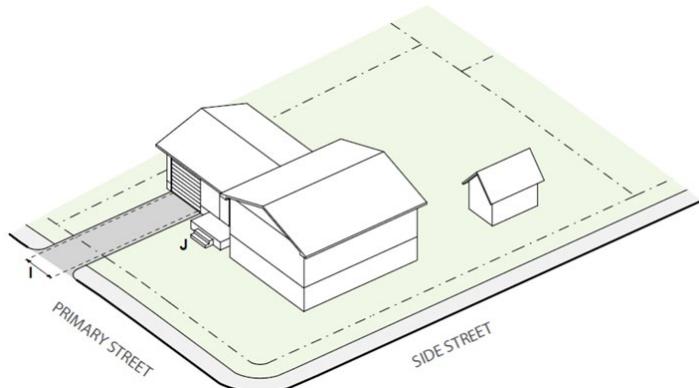
Retail sales building/center $\geq$ 50,000 gross s.f.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Retail and supply yard establishments with outdoor storage	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Roadside or temporary retail stand/tent	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Truck depot	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Truck maintenance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vehicle sales including automobiles, motorcycles, RV's boats and trucks	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Veterinary clinic for small animals with no outside kennels	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Veterinary hospitals — large animals	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### 3. Standards

#### A. Detached House

- a) *Principal or Conditional uses.* Principal or conditional uses for the Urban Residential Detached Houses are found on Table 3.6.
- b) *Area and bulk requirements.* See Table 3.7

**Figure 3.12 Suburban Residential Detached House**



#### B. Duplex/Paired Home

- a) *Principal or Conditional uses.* Principal or conditional uses for the Urban Residential Detached Houses are found on Table 3.6.
- b) *Area and bulk requirements.* See Table 3.7

Figure 3.13 Suburban Residential Duplex/Paired Home

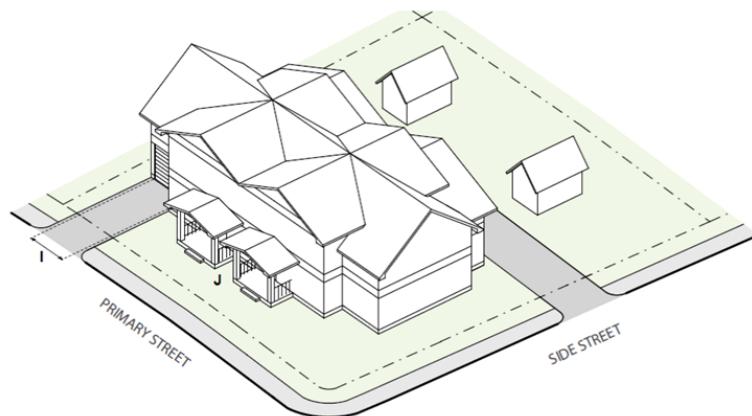


Table 3.8 Suburban Residential Standards

Dimensions 	Suburban Detached House	Duplex/Paired Home	Townhomes
Maximum building height	30	30	30
Minimum lot width:	40 ①	20 ①	16
Front yard Front loaded (with garage)	20 ⑤⑦*	20 ⑤⑦*	N/A
Front Yard Rear loaded (rear, or no garage)	10 ⑤⑦	10 ⑤⑦	10 ⑤⑦
Rear yard with front loaded garage	20⑧ ⑩	20⑧ ⑩	N/A
Rear yard with rear loaded garage	5-8⑧⑨	5-8⑧⑨	5-8⑧⑨
Side:	5②④⑥⑧	5②④⑥⑧	5②④⑥⑧
Corner Side	10 ②④⑥	10 ②④⑥	10 ②④⑥

Minimum lot area:	2,500 sq. ft. / 3,500 sq.ft. ③	3,000 sq.ft.	1,600 sq.ft.
Pedestrian Access:	Architectural emphasis from the street through use of a courtyard; or columns; or tower element; or a covered porch having a minimum depth of six (6) feet and minimum square footage of forty-eight (48) square feet	Architectural emphasis from the street through use of a courtyard; or columns; or tower element; or a covered porch having a minimum depth of six (6) feet and minimum square footage of forty-eight (48) square feet	Architectural emphasis from the street through use of a courtyard; or columns; or tower element; or a covered porch having a minimum depth of six (6) feet and minimum square footage of forty-eight (48) square feet
Garage:	Garage doors shall not extend across more than 50% of the street facing façade of the primary residential structure	Garage doors shall not extend across more than 40% of the street facing façade of the primary residential structure	Alley/Rear-Loaded Only. Front access garages are prohibited.
Four-Sided Architecture:	Side or rear elevations shall not be a solid blank wall with no articulation; structures shall be designed so as to break up long walls by the use of offsets, shadow lines, façade treatments and the architectural theme on the front of the house shall be continued on the sides and rear of the structure to maintain the integrity of design throughout the structure.	Side or rear elevations shall not be a solid blank wall with no articulation; structures shall be designed so as to break up long walls by the use of offsets, shadow lines, façade treatments and the architectural theme on the front of the house shall be continued on the sides and rear of the structure to maintain the integrity of design throughout the structure.	Side or rear elevations shall not be a solid blank wall with no articulation; structures shall be designed so as to break up long walls by the use of offsets, shadow lines, façade treatments and the architectural theme on the front of the house shall be continued on the sides and rear of the structure to maintain the integrity of design throughout the structure.

Footnotes:	
①	At required front yard setback line.
②	Zero lot line or Townhouse: Each residential unit, 20 ft.
③	Smaller lot sizes are allowed if the principal structure is alley/rear loaded and less than 1,250 sq. ft. of total floor area.
④	Dwelling units may be located on the lot at zero feet from one side lot line, if there is a maintenance agreement agreed to by the owner of the lot adjacent to that zero-lot line. Off-setting setbacks, setbacks of 0 ft. and 10 ft. are allowed in each district.
⑤	Balconies that are at least 10 feet above the sidewalk may encroach into the front setback or right of way, up to 5 feet, and cantilevered or bay windows that are at least 10 feet above the sidewalk surface, may encroach five feet into the required front setback, and no more than two feet into the required side or rear setbacks. Fire-resistive rating and opening requirements of the building code shall be complied with for exterior walls.
⑥	Buffer Areas: On Arterial: A 30' perimeter buffer is required from all arterial streets.

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	On Collectors: A 20' perimeter buffer is required from all collector streets.
⑦	Infill Front setbacks as provided in Infill Setbacks 30-3-104 C
⑧	Accessory buildings. See Section xx
⑨	A 5' minimum rear setback for new lots/development; and an 8' minimum setback for development within existing lots of record abutting alleyways.
⑩	10' setback on rear yards to any deck, including covered decks and patios.
*	Side-loaded garages are allowed a 10' front setback for the garage portion.
☆	Please see Section 30-3-105 for additional encroachments into required setbacks

Figure 3.14 Suburban Commercial

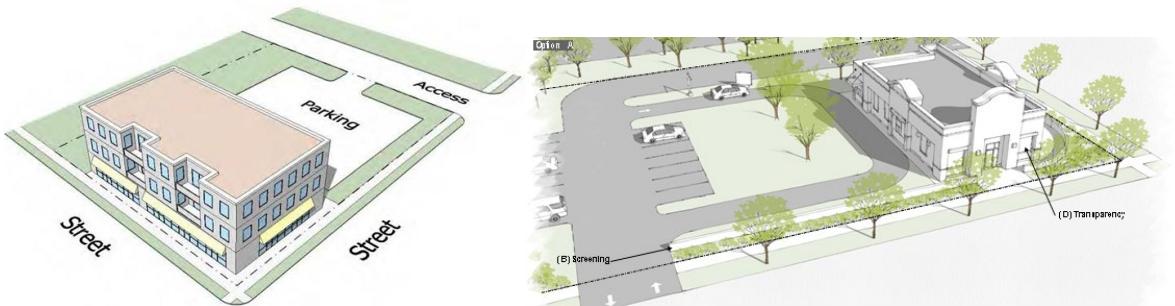


Table 3.9 Suburban Commercial Standards

Dimensions 	Suburban Commercial
Maximum building height	40' (see height transition)
Minimum Lot Area	4,000 sq. ft.
Front yard and Corner Lot Build to Line Min/Max	50% of Building within 10' min.
Side Build to Setback	50% of the Building within 10'
Rear yard	10  
Drive Thru	Shall not be accessed from primary street or be located in front or corner side yard.
Drive Thru Screening	Berm, garden wall or landscaping so drive aisle is not visible from ROW.
Surface Parking	No parking shall be located forward of the building, and only 20% of parking is permitted in the side yard.
Road Access:	Access shall be primarily from secondary streets; individual curb cuts shall be minimized to the greatest extent possible on primary streets.
Pedestrian Access:	Architectural emphasis from the street through use of a courtyard; or columns; or tower element; or a covered porch
Architecture/Design:	See Section 30-3-114 D (Mountain Avenue East Architecture Guidelines)
Footnotes:	
	At required front yard setback line.
	Zero lot line or Townhouse: Each residential unit, 20 ft.
	Garages See Section XX
	Dwelling units may be located on the lot at zero feet from one side lot line, if there is a maintenance agreement agreed to by the owner of the lot adjacent to that zero-lot line. Off-setting setbacks, setbacks of 0 ft. and 10 ft. are allowed in each district.

(5)	Balconies that are at least 10 feet above the sidewalk may encroach into the front setback or right of way, up to 5 feet, and cantilevered or bay windows that are at least 10 feet above the sidewalk surface, may encroach five feet into the required front setback, and no more than two feet into the required side or rear setbacks. Fire-resistive rating and opening requirements of the building code shall be complied with for exterior walls.
(6)	<b>Buffer Areas:</b> On Arterial: A 30' perimeter buffer is required from all arterial streets. On Collectors: A 20' perimeter buffer is required from all collector streets.
(7)	Infill Front setbacks as provided in Infill Setbacks 30-3-104 C
(8)	Accessory buildings. See Section xx
(9)	A 5' minimum rear setback for new lots/development; and an 8' minimum setback for development within existing lots of record abutting alleyways.
(10)	10' setback on rear yards to any deck, including covered decks and patios.
*	The required front setback to a front porch may be reduced by 7 feet. Side-loaded garages are allowed a 10' front setback for the garage portion.
☆	Please see Section 30-3-105 for additional encroachments into required setbacks

#### 4. Suburban Residential Sustainable Landscaping Standards

- a) Any development or platted final plat with five (5) or more units shall retain a licensed landscape architect to prepare landscape plans for front yards. To the greatest extend possible, these landscape plans should vary in design between adjoining lots.
- b) Front yard landscaping: should visually integrate the adjacent natural landscape where applicable.
  - i. The entire front yard shall be landscaped, except for that portion covered by a paved driveway. Landscaping shall mean any combination of trees, shrubs, vines, ground cover, turf, natural grass, decorative gravel, stones, decomposed granite, mulch or other hardscape materials.
  - ii. Monoculture and/or plant palettes including five (5) or less species are discouraged.
  - iii. Regionally sourced or manufactured landscape construction materials, such as lumber, mulches, pavers, trees, shrubs, groundcover, and quarried gravel/cobbles/rocks or other hardscape materials, should be utilized where practical.
  - iv. Dwellings should incorporate landscaping features to soften the transition between the street and the dwelling.
  - v. Trees must be planted 10' away from utility lines extending to the residence.
  - vi. Turfgrass lawns are strongly discouraged within single-family landscape areas except where adjacent to outdoor living areas such as patios. Should turf lawns be provided, they shall cover no more than 40% of the front yard area.
  - vii. Use of architecturally compatible, decorative material is encouraged for pedestrian walkways
  - viii. Each front yard should have at least one ornamental tree. Front yard trees should be of at least 1.5" caliper in size.

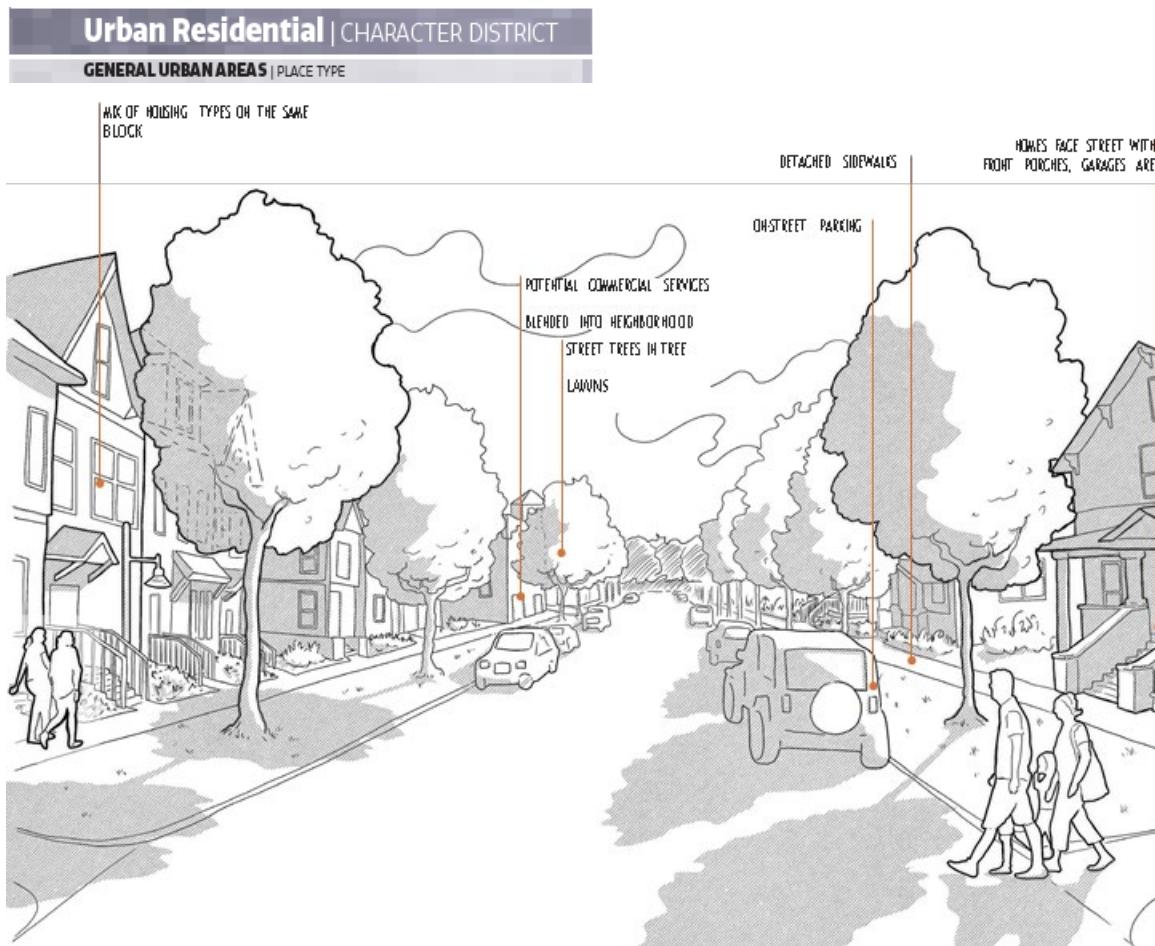
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## 5. Architecture

See Chapter 30-2 for architectural design requirements.

## U. Urban District (U)

Figure 3.15 Urban Residential Place Type



*Intent.* The Urban Residential (UR) District is intended to provide for a variety of housing types and limited commercial uses in a dense, walkable environment built at a human scale.

### 1. Street Patterns and Pedestrian and Bicycle Connectivity

- a) Land Pattern: Development should occur in a “New Urbanist” style, including gridded street patterns, shorter blocks, and alley-loaded products. Dead end streets and cul-de-sacs should be avoided at all costs. Mixed-Use buildings are encouraged throughout the neighborhood, especially at street corners or along busier roadways.
- b) Arterial and Collector Streets: All arterial and collector streets shall be built to the Town of Berthoud’s standards. These road types should be concentrated on the periphery of Urban Residential developments and should rarely provide direct access to individual lots.

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- c) Local Streets: All streets must provide 7' detached tree lawns and minimum 4' wide sidewalks along both sides of each road. Sidewalks shall be interconnected throughout, and provide natural connections to any nearby trails, parks, or open spaces. Painted bike lanes or shared bike lanes are encouraged on local streets.
- d) Bicycle Connectivity: Painted bike lanes or shared bike lanes are encouraged on local streets. Bike racks should be provided where public or private amenities (Subdivision Identity, Open Space Elements, or Parks) are provided. Off-street trails as transportation routes are heavily encouraged.
- e) Pedestrian Connectivity: The size of buildings, street blocks, and amenities should be built to a pedestrian scale. Pedestrian street crossings should be plentiful, allowing for pedestrians to cross at natural locations. Off-street trails as transportation routes are heavily encouraged.

## 2. Site Design

- a) Layout: Sites should be designed in a “New Urbanist” style with buildings built close to the sidewalk at a pedestrian scale.
- b) Parking: For buildings that include commercial and multi-family units, off-street parking should be located in the rear or interior of the building footprint. For single-family buildings access to the driveway and garage should come from the rear alley or side street.
- c) Design: All sides of a building that front a street should be activated architecturally. Corner buildings’ side yards should continue the elements found in the front yard. This includes the building façade materials, architectural features, landscaping, etc.
- d) Ground Floor Residential Uses: Where present, ground floor residential uses fronting a public street or walkway should be separated from the street by landscaping, steps, porches, grade changes, and low ornamental fences/walls.

3. Uses:

Table 3.10 Urban Residential/Commercial Uses

	Urban House	Duplex/Pair ed Home	Townhouse	Garden House	Apartment/Condo	Urban Commercial
■ Principal Use By Right						
□ Conditional Use						
<i>Residential land uses</i>						
Accessory dwelling (incl. "carriage units") assoc. with a permitted use	■	□				
Bed and breakfast establishments	□	□	□	□		
Child care home (up to 6 persons)	■	■	■	■	■	
Child care home, large	■	□	□	□		
Class A Recreational vehicles						
Family care, elderly day care homes	■					
Group Homes	□					
Safe house for adults or children up to 8 persons	□					
<i>Commercial land uses</i>						
Retail-General						■
Restaurant without drive thru						■
Office-general and professional services						■
Bar or Microbrewery						■
Mixed Use Building						■
Home Occupation	■	■	■	■		■
Religious Assembly	■					■
Hotel/Inn						■

Workshop/Studio						■
Medical Office						■
Sidewalk/ Mobile Vending						■

#### 4. Standards

**Table 3.11 Urban Residential Standards**

URBAN RESIDENTIAL STANDARDS					
Dimensions	Urban Residential House	Paired Homes/Duplex	Townhouse/Row House	Garden Court House	Apartments/Condos
Maximum building height	30'	30'	30'	35'	40'
Lot Size	2,500 sq. ft	2,000 sq. ft.	8,000 sq. ft. min for all buildings, 1,600 sq. ft. min for each lot/unit	12,000 sq. ft. for all attached buildings, 1,200 sq. ft. min for each lot/unit	8,000 sq. ft. min for entire site
Side Wall Height, for Pitched Roof, within 15' Side Street (max)	25'	25'	24' max or 2 stories	24' max or 2 stories	24' max or 2 stories
Minimum lot width:	25'	20'	16'	100' for all buildings, 25' min for each lot/unit	50'
Front Yard (build to line):	8'-12'	8'-12'	8'-12'	--	60% 10' min, 20' max
Rear yard with rear loaded garage	5'	5'	5'	10'	10' alley, 20' no alley
Side:	5'	0' attached, 5' side lot line	0' attached, 5' side lot line	7.5'	7.5', 20' entire site and for interior abutting apartments/condo buildings (between buildings)
Corner Side	10'	10'	10'	10'	?

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Vehicle Access/Garage:	Alley'; if no alley, a 12' max side driveway to detached garage to the rear of the principal structure	Alley Only	Alley Only	Alley or Rear loaded	Alley or rear loaded street only
Pedestrian Access:	Through an entry feature such as porch or stoop to primary street.	Entry Feature such as porch or stoop to primary street.	Entry Feature such as porch or stoop to primary street	Entry Feature such as porch or stoop	Entry feature such as porch/stoop fronting onto garden court
Dimensions	Accessory Dwelling Unit/ Detached Garage	Detached Garage	Detached Garage	Detached Garage Structure Common	Detached Garage Structure Common
Total Size:	850 sq. ft. max living area/ 850 sq. ft. max	850 sq. ft. max	850 sq. ft. max	--	--
Max Height:	25'/ 17' unless combined with ADU	17' (1 story)	17' (1 story)	17' (1 story)	17' (1 story)
Side Setback:	10' for two stories/ 5'	0' (maintenance easement required for garages with a setback of 3' or less)	5'	10'	10'
Rear Setback:	5'/ 5'	5'	5'	10'	10'
Location:	Rear 35% of lot only/ At least 3' behind primary structure	At least 3' behind structure	Entirely behind primary structure	Entirely behind primary structure	Entirely behind apartments/condos

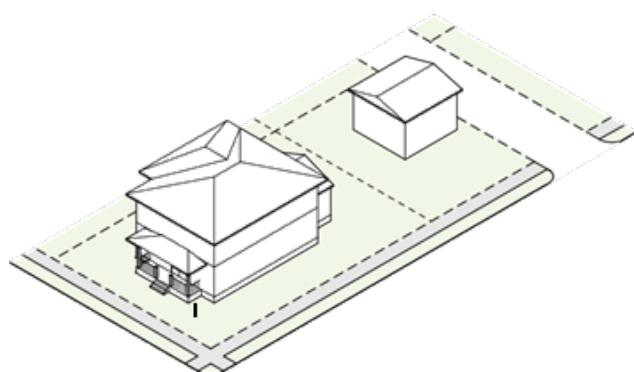
Vehicle Access	Alley only/ Alley, or if no alley, a 12' width max side driveway to detached garage to the rear of the principal structure	Alley Only	Alley Only	Alley or rear loaded	Alley or Side/Rear loaded public street
Garage Type	--	--	--	--	Attached garage, max one car per Dwelling Unit

##### 5. Detached House

a) *Principal or Conditional uses.* Principal or conditional uses for the Urban Residential Detached Houses are found on Table 3.9.

b) *Area and bulk requirements.* See Table 3.10 or 3.11

**Figure 3.16 Urban House**



**Table 3.12 Urban Residential Detached House Standards**

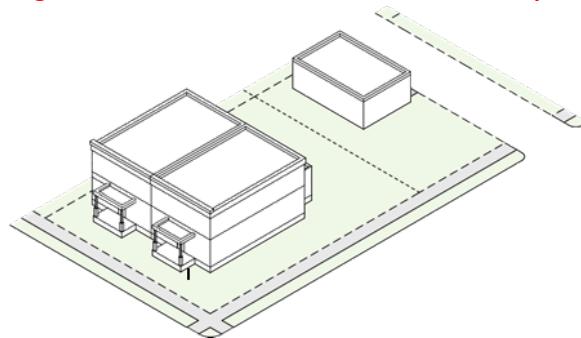
Dimensions 	Urban Residential House	Dimensions	Accessory Dwelling Unit	Detached Garage
Maximum building height	30	Total Size	850 sq. ft. max living area	850 sq. ft. max
Lot Size	2,500 sq. ft	Lot Size:	4,000 sq. ft. required	3,000 sq. ft. max

Side Wall Height, for Pitched Roof, within 15' Side Street (max)	25'	Max Height:	25'	17' (1 story) unless combined with ADU
Minimum lot width:	25'	Side/Corner Side Setback:	10' for two stories	5'
Front Yard (build to line):	10'	Rear Setback	5'-8'	5'
Rear yard with rear loaded garage	5-8'	Location:	Rear 35% of lot only	At least 3' behind primary structure.
Side:	5'	Vehicle Access	Alley only	Alley; or if no alley, a 12' max side driveway to detached garage to the rear of principal structure
Corner Side	10'	Vehicle Access/Garage:	Alley'; if no alley, a 12' max side driveway to detached garage to the rear of the principal structure	
Pedestrian Access:	Through an entry feature such as porch or stoop to primary street.			

## 6. Paired Homes/Duplex

- a) *Principal or Conditional uses.* Principal or conditional uses for the Urban Residential Detached Houses are found on Table 3.9.
- b) *Area and bulk requirements.* See Table 3.10 or 3.12

**Figure 3.17 Urban Residential Paired Home/Duplex**



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**Table 3.13 Urban Residential Paired Home/Duplex Standards**

Dimensions	Paired Home/Duplex	Dimensions	Detached Garage
Maximum building height	30	Total Size	850 sq. ft. max
Lot Size	2,000 sq. ft	Lot Size:	3,000 sq. ft. max
Side Wall Height, for Pitched Roof, within 15' Side Street (max)	25'	Max Height:	17' (1 story)
Minimum lot width:	20' ①	Side/Corner Side Setback:	0' (maintenance easement required for garages with a setback of 3' or less)
Front Yard (build to line):	10'	Rear Setback	5'
Rear yard with rear loaded garage	5-8	Location:	At least 3' behind primary structure.
Side:	0' attached; 5' lot line	Vehicle Access	Alley only;
Corner Side	10	Entry Feature such as porch or stoop to primary street.	
Vehicle Access/Garage:	Alley only		
Pedestrian Access:			

## 7. Townhouse/Rowhouse

- a) *Principal or Conditional uses.* Principal or conditional uses for the Urban Residential Detached Houses are found on Table 3.9.
- b) *Area and bulk requirements.* See Table 3.10 or 3.13

**Figure 3.18 Urban Residential Townhouse/ Rowhouse**



**Table 3.14 Urban Residential Townhouse/Row House Standards**

Dimensions 	Townhouse	Dimensions	Detached Garage
Maximum building height	30	Total Size	850 sq. ft. max
Lot Size Minimum for all attached buildings	8,000 sq. ft	Lot Size:	3,000 sq. ft. max
Lot Size Individual lot/unit	1,600 sq. ft.	Max Height	17' (1 story)
Side Wall Stepback Height (end units abutting public street)	24' Max; or 2 stories	Side/Corner Side Setback	5'
Minimum lot width:	16'	Rear Setback:	5'
Front Yard (build to line):	8'	Location	Entirely behind primary structure
Rear yard with rear loaded garage	5-8'	Vehicle Access	Alley Only
Side:	0' attached; 5' side lot line		
Side Setback entire site and for interior abutting townhomes:	20'		

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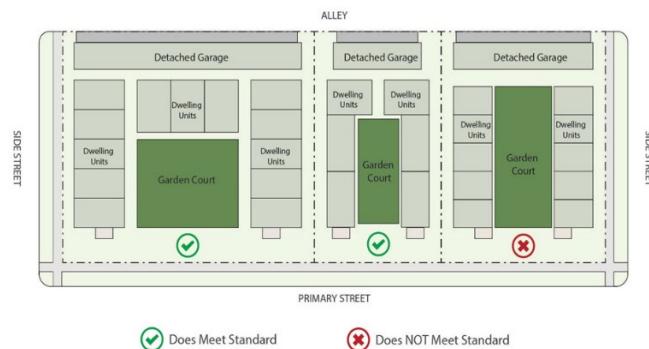
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Corner Side	10'
Vehicle Access/Garage:	Alley only
Pedestrian Access:	Entry Feature such as porch or stoop to primary street.

## 8. Garden Court Homes

- a) *Principal or Conditional uses.* Principal or conditional uses for the Urban Residential Detached Houses are found on Table 3.9.
- b) *Area and bulk requirements.* See Table 3.10 or 3.14

**Figure 3.19 Urban Residential Garden Court Homes**



**Table 3.15 Urban Residential Garden Court Homes Standards**

Dimensions	Garden Court Homes	Dimensions	Detached Garage Structure Common
Maximum building height	35	Garage Type	Attached garage, one car per Dwelling Unit
Lot Size Minimum for all attached buildings	12,000 sq. ft	Max Height	17' (1 story)
Garden Court (street facing) width	40	Side/Corner Side Setback (entire garage)	10
Garden Court Depth	40	Rear Setback	10
Side Wall Stepback Height (end units abutting public street)	24' Max; or 2 stories	Location	Entirely behind garden court homes
Minimum site lot width:	100'	Vehicle Access	Alley or Rear loaded public street.
Rear Yard	10		
Side Setback	7.5		

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Side Setback entire site and for interior abutting townhomes:	10
Vehicle Access/Garage	Alley or Rear loaded Street only
Pedestrian Access	Entry Feature such as porch/stoop fronting onto garden court

## 9. Apartments/Condos

a) *Principal or Conditional uses.* Principal or conditional uses for the Urban Residential Detached Houses are found on Table 3.9.

b) *Area and bulk requirements.* See Table 3.10 or 3.15

**Figure 3.20 Urban Residential Apartment/Condo**



**Table 3.16 Urban Residential Apartments/Condos Standards**

Dimensions	Apartment/Condo	Dimensions	Detached Garage Structure Common
Maximum building height	40 (see height transition)	Garage Type	Attached garage, one car per Dwelling Unit
Lot Size Minimum for all attached buildings	8,000 sq. ft	Max Height	17' (1 story)

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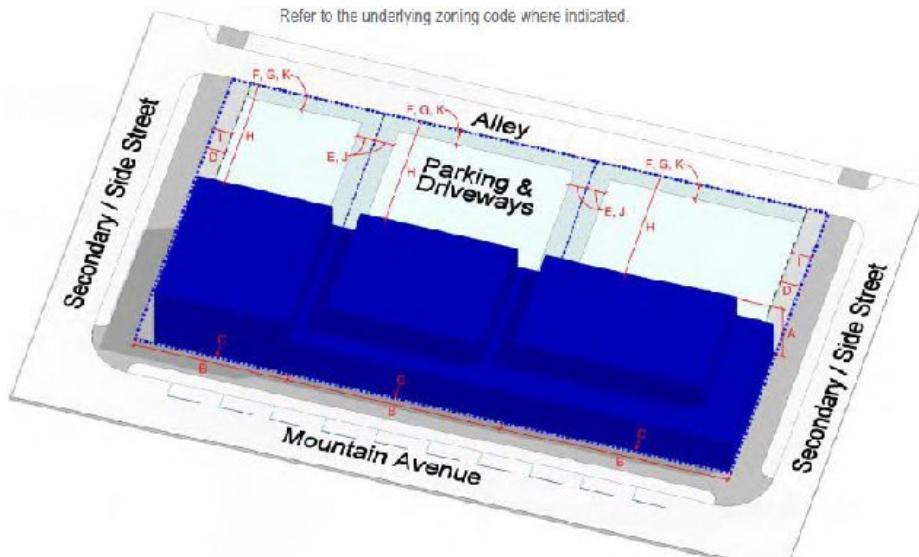
Lot width	50	Side/Corner Side Setback (entire garage)	10
Front Setback/Build to Line Min/Max	60% 10' Min; 20' max.	Rear Setback	10
Side Wall Stepback Height (end units abutting public street)	24' Max; or 2 stories	Location	Entirely behind Apartments/Condos
Side Setback	7.5'	Vehicle Access	Alley or Side or Rear loaded public street.
Side Setback entire site and for interior abutting apartments/condo buildings	10'		
Rear Yard	10' alley; 20' no alley		
Parking	No surface parking between primary street or side street		
Vehicle Access/Garage	Alley or Rear loaded Street only		
Pedestrian Access	Entry Feature such as porch/stoop fronting onto garden court		

## J. Commercial

- a) *Principal or Conditional uses.* Principal or conditional uses for the Urban Residential Detached Houses are found on Table 3.9.
- b) *Area and bulk requirements.* See Table 3.10 or 3.16

**Figure 3.21 Urban Commercial**

Refer to the underlying zoning code where indicated.



**Table 3.17 Urban Commercial Standards**

Dimensions 	Urban Commercial
Maximum building height	40 for mix use building/30' for commercial only
Lot Size Minimum for all attached buildings	3,000 sq. ft
Lot width	24'
Front Setback/Build to Line Min/Max	75% to 0'; 10' max (courtyard only)
Side Wall Stepback Height (end units abutting public street)	24' Max; or 2 stories
Side Setback	7.5'
Side Setback entire site and for interior abutting buildings	10'
Rear Yard	10' alley; 20' no alley
Parking	No surface parking between primary street or side street
Vehicle Access/Garage	Alley or Rear loaded Street only; no drive-thrus

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Pedestrian Access	Entry Feature
Glazing/Transparency	60 % primary street; 25% side facing street
Design Standards	See Section 30-3-114, 3, A

## 5. Urban Residential Sustainable Landscaping Standards

- a) Any development or platted final plat with five (5) or more units shall retain a licensed landscape architect to prepare landscape plans for front yards. To the greatest extend possible, these landscape plans should vary in design between adjoining lots.
- b) Front yard landscaping: should visually integrate the adjacent natural landscape where applicable.
  - i. The entire front yard shall be landscaped, except for that portion covered by a paved driveway. Landscaping shall mean any combination of trees, shrubs, vines, ground cover, turf, natural grass, decorative gravel, stones, decomposed granite, mulch or other hardscape materials.
  - ii. Monoculture and/or plant palettes including five (5) or less species are discouraged.
  - iii. Regionally sourced or manufactured landscape construction materials, such as lumber, mulches, pavers, trees, shrubs, groundcover, and quarried gravel/cobbles/rocks or other hardscape materials, should be utilized where practical.
  - iv. Dwellings should incorporate landscaping features to soften the transition between the street and the dwelling.
  - v. Trees must be planted 10' away from utility lines extending to the residence.
  - vi. Turfgrass lawns are strongly discouraged within single-family landscape areas except where adjacent to outdoor living areas such as patios. Should turf lawns be provided, they shall cover no more than 40% of the front yard area.
  - vii. Use of architecturally compatible, decorative material is encouraged for pedestrian walkways
  - viii. Each front yard should have at least one ornamental tree. Front yard trees should be of at least 1.5" caliper in size.

## 5. Architecture

See Chapter 30-2 for architectural design requirements.

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### **30-3-110 Amendments**

- A. *Initiation of amendments to text or official zoning map.* The Board may from time to time, amend, supplement, change or repeal the regulations and provisions of this Section. Amendments to the text of this Code may be initiated by the Board, Town Staff or the Planning Commission. Amendments to the zoning district map may be initiated by the Board, Town Staff, Planning Commission, or by a real property owner in the area to be included within the proposed amendment.
- B. *General rezoning of the Town.* Whenever the zoning district map is in any way to be changed or amended incidental to or as part of a general revision of the zoning code, whether such revision be made by repeal of the existing zoning code and enactment of a new zoning code or otherwise, the requirement of an accurate survey map or other sufficient legal description of, and the notice to and listing of names and addresses of owners of real property in the area of the proposed change, shall be waived. However, the proposed zoning map shall be available for public inspection in the Town Hall during regular business hours for a minimum of 15 days prior to the public hearing on such amendments.
- C. *Zoning amendment application process.*
  - 1. *Optional pre-application conference.* The applicant may attend a pre-application conference with a representative from the Town. The purpose of the meeting is to discuss the zoning amendment, submittal requirements and review process.
  - 2. *Zoning amendment application submittal.* The applicant shall submit the complete zoning amendment application package to the Town and shall request that the application be reviewed by the Planning Commission and Board. Note: In the case of text amendments, no zoning amendment map is required.
    - a. Completed land use application form, zoning amendment, application fee and fee agreement;
    - b. A written description of the proposed change to the text of this Section, including the citation of the portion of the Section to be changed and the wording of the proposed change. The description must provide the rationale for the proposed change, citing specific difficulties with the existing text and similar provisions in zoning codes of other jurisdictions that support the rational of the proposed change.
    - c. A legal description for all property to be considered for rezoning;
    - d. Current proof of ownership in the form of a title commitment issued within 30 days of submission of the application (for zoning map amendments only).
    - e. A zoning amendment map of the area included in the proposed change, 24 inches high by 36 inches wide, with the following information:
      - i. North arrow, scale (one inch equals 100 feet or one inch equals 200 feet), and date of preparation.
      - ii. The subdivision or block and lot name of the area to be zoned (if applicable) at the top of each sheet.
      - iii. Legal description of area to be zoned (entire area and individual zoning districts). In un-subdivided property, zone boundaries shall be determined by a metes and bounds description or by lot and blocks if applicable.

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- iv. Location and boundaries, including dimensions, of the property(s) proposed for rezoning.  
Note: zone boundaries are to be the center lines of physical streets, roads, highways, alleys, railroad rights-of-way, and channelized waterways, or such lines extended.
- v. The acreage or square footage contained within the property proposed for rezoning.
- vi. All existing land uses in the proposed rezoning area.
- vii. Zoning and existing land uses on all lands adjacent to the proposed rezoning.
- viii. The location and dimensions for all existing easements and public rights-of-way including streets, fee properties, and centerlines of water-courses within and adjacent to the rezoning.
- ix. The names of all adjoining subdivisions with lines of abutting lots, and departing property lines of adjoining properties not subdivided.
- x. Certificate blocks for Surveyor, Planning Commission, Board, and Larimer or Weld County Clerk and Recorder.
- xi. An AutoCAD™ drawing file (release 12 or higher) of the zoning amendment map on acceptable electronic transfer.

f. A written statement describing the proposal and addressing the following points:

- i. Rationale for the proposed rezoning;
- ii. Present and future impacts on the existing adjacent zone districts, uses, and physical character of the surrounding area;
- iii. Impact of the proposed zone on area accesses and traffic patterns;
- iv. Availability of utilities for any potential development;
- v. Present and future impacts on public facilities and services, including, but not limited to, fire, police, water, sanitation, roadways, parks, schools, and transit;
- vi. The relationship between the proposal and the Town Comprehensive Plan; and
- vii. Public benefits arising from the proposal.

g. Surrounding property ownership mailing labels — Provide the Town with a two current sets of mailing labels not more than 30 days old of the names and addresses of the surrounding property owners (within 300 feet of the property), mineral interest owners of record, mineral and oil and gas lessees for the property and appropriate ditch companies. The applicant shall certify that the report is complete and accurate.

3. *Zoning amendment application certification of completion.* Within a reasonable period of time after the filing of the application, 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.

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4. *Set zoning amendment public meeting and hearing and complete public notification process.* The Town shall send notice of public meetings and hearings to the applicant, all property owners of record within 300 feet of the property in question, all mineral interest owners and oil and gas lessees of record and to referral agencies. The Town shall also publish notice in a newspaper of general circulation. For zoning map amendments, the Town shall prepare a public hearing notification sign to be posted on the property by the applicant.

If the zoning amendment request is accompanying another application which is scheduled for public hearings before the Planning Commission and Board, one public hearing may be held on both applications.

5. *Planning Commission public meeting and recommendation on the zoning amendment.* The Planning Commission shall hold a public meeting to review the zoning amendment. The Commission shall then make a recommendation to the Board to approve, conditionally approve, or deny the application.

6. *Board public hearing and action on the zoning amendment.* The Board shall, after receiving the report and recommendations from the Planning Commission, hold a public hearing and act upon the proposed amendment. Following the required hearing, the Board shall consider the comments and evidence presented at the hearing and evaluate the application in accordance with the criteria listed below and approve, approve with conditions, or deny the application, in whole or in part.

7. *Post approval actions.*

- a. Upon approval of an amendment to the official zoning map by the Board, the Town shall cause an appropriate revision of the official zoning map to be prepared. In the event the zoning amendment was initiated by an interested party, the petitioner shall pay the Town's cost for the preparation of the revision to the official zoning map.

- b. Upon approval of an ordinance amending, changing or repealing part of the text of this Section, the Town shall certify a copy of the ordinance and place it in the official records of the Town and make appropriate supplements to this Section.

- c. The applicant initiating the official zoning map amendment shall have one month after approval of the amendment by the Board to submit to the Town two original mylar plats of the approved zoning amendment map for recording, along with the recording fees and all other costs billed by the Town relative to the zoning amendment.

The zoning amendment map shall be prepared by a licensed surveyor or engineer. Inaccurate, incomplete or poorly drawn plans shall be rejected. In addition, the petitioner shall submit one 11-inch by 17-inch reduction of the zoning amendment map and an AutoCAD™ drawing file (release 12 or higher).

- d. Within 30 days of receipt of an applicant-initiated zoning amendment map, the Town shall review the document(s) for compliance with the Board approval, obtain the Town Officials' signatures and submit the approved zoning amendment map and the ordinance amending the official zoning map to the Larimer or Weld County Clerk and Recorder's Office for recordation.

- D. *Criteria for amendments to the official zoning map.* For the purpose of establishing and maintaining sound, stable and desirable development within the Town, the Zoning Map shall not be amended except:

1. To correct a manifest error in an ordinance establishing the zoning for a specific property;

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2. To rezone an area or extend the boundary of an existing district because of changed or changing conditions in a particular area or in the Town generally; or
3. The land to be rezoned was zoned in error and as presently zoned is inconsistent with the policies and goals of the Town Comprehensive Plan; or
4. The proposed rezoning is necessary to provide land for a community-related use that was not anticipated at the time of the adoption of the Town Comprehensive Plan, and the rezoning will be consistent with the policies and goals of the Comprehensive Plan; or
5. The area requested for rezoning has changed or is changing to such a degree that it is in the public interest to encourage development or redevelopment of the area; or
6. ~~A rezoning to Planned Unit Development overlay district is requested and approved per provisions of this Code.~~

This declaration of criteria for zoning map amendments shall not control an amendment that occurs incidentally to a general revision of the zoning map.

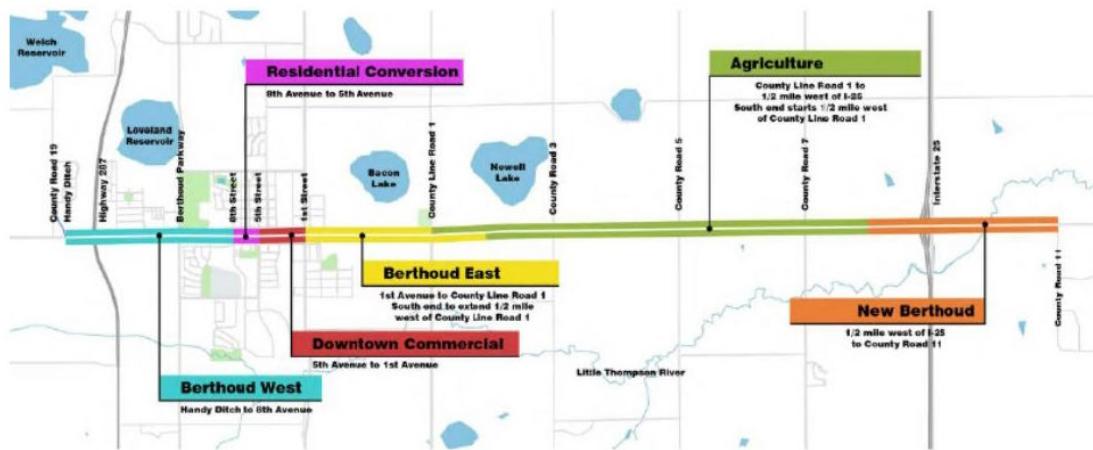
- E. *Criteria for text amendments to the zoning code.* For the purpose of establishing and maintaining sound, stable and desirable development within the Town, the text of this Section shall not be amended except:
  1. To correct a manifest error in the text of this Section; or
  2. To provide for changes in administrative practices as may be necessary to accommodate changing needs of the community and the Town Staff; or
  3. To accommodate innovations in land use and development practices that were not anticipated at the adoption of this Section; or
  4. To further the implementation of the goals and objectives of the Town Comprehensive Plan.
- F. *Map — Amendment upon zoning establishment or modification.* Upon enactment of any ordinance annexing and establishing zoning or modifying existing zoning for any property, and after the effective date thereof, the Town shall amend the prior existing official maps to include the annexed area with the proper zoning classification or show the amended classification, as the case may be. Such updated Zoning Map shall contain, in table form, the date and number of the ordinance amending it, the date the Map was amended to reflect each amendment and the initials of the person who checked and approved the change to the map.
- G. *PUD Text Amendment to use current Design Standards.* It is anticipated that subdivisions previously approved with PUD zoning will seek amendments to those approved PUD documents in order to allow the subdivision to follow Design Standards as identified in Chapter 30, Section 2 of this Code. Text amendments to previously approved Final Development Plans that seek to modify Design Standards in order to conform to Chapter 30, Section 2 of this Code will be processed as an Administrative act of the Town. Any such PUD amendments will be recorded at the respective County Clerk and Recorder.

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## 30-3-114 Mountain Avenue Overlay District

1. *Intent:* The Mountain Avenue Overlay Corridor focuses on protecting and enhancing the existing historical districts and directing the general character of new development along Mountain Avenue/Hwy 56. The overlay district defines and emphasizes unique character districts along the corridor and sets specific guidelines as to architecture, site planning, parking, urban design and streetscapes within this area. The underlying zoning remains, but specific design, architecture and setback requirements are governed by the overlay district.
2. *Applicability/Boundaries:*
  - a. *Boundary of Mountain Avenue Overlay District.* The boundary of this Mountain Avenue Overlay district (herein referred to as the "Mountain Avenue Overlay District") shall be the area so labeled and depicted in the map below, and as approved in the official zoning map, which is incorporated herein by reference; which generally extends along HWY 56 and is applicable to all properties within 150 feet of the centerline of Hwy 56, **Larimer County Road 8, and Weld County Road 44 within Town Limits.**



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## **30-6-109 - Minor subdivision plat**

### **A. Minor Subdivision Plat purpose.**

1. The purpose of the Minor Subdivision Plat is to complete the subdivision of land consistent with the technical standards when the following conditions exist:
  - a. The property has previously been platted within the Town; and
  - b. The resulting subdivision will produce six or fewer lots.

### **B. Minor Subdivision Plat application process.**

1. *Pre-application conference.* A pre-application conference with a representative from the Town is required before the applicant may submit a Minor Subdivision Plat application. Topics to be discussed will include:
  - a. Town regulations and standards.
  - b. The application and review process.
  - c. Submittal requirements.
  - d. Proposed schedule.
2. *Minor Subdivision plat application submittal.* The applicant shall submit the complete Minor Subdivision plat application package to the Town and request that the application be reviewed by the Planning Commission. The application shall be formatted and packaged per the application submittal checklist provided by the Town and include:
  - a. Development application form.
  - b. Application fee and MOU.
  - c. Title commitment. A current title commitment, dated no more than 30 days from the date of minor subdivision plat application submittal.
  - d. Minor Subdivision plat. The 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 and meet applicable State of Colorado requirements.
    - ii. Except for parcels separated by public rights-of-way, public tracts, or railroads, parcels not contiguous 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 10,000.
    - v. Bearings, distances and curve data of all perimeter boundary lines shall be indicated outside the boundary line, not inside, with the lot dimensions.

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- vi. All signatures shall be made in black drawing ink.
- vii. The Minor Subdivision plat shall provide the following information:
  - a) Title of project.
  - b) North arrow, scale (not greater than one inch equals 100 feet) 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 noted as "not included in this subdivision" and the boundary completely indicated by bearings and distances.
  - k) Existing rights-of-way in and adjacent to subject property (labeled and dimensioned).
  - l) Existing and proposed street names for all streets on and adjacent to the property.
  - m) Existing easements and their type in and adjacent to subject property (labeled and dimensioned).
  - n) Location and description of monuments.
  - o) Floodplain boundary with a note regarding source of information (if a floodplain does not exist on the property, please state this on the plat).
  - p) Single-family or two-family residential developments shall provide tables and other information identifying compliance with Section 30-2-116 of this Code.
  - q) Certificates blocks for signatures of owner, surveyor, utility providers, and Town approval, as applicable.

#### LEGAL DESCRIPTION AND DEDICATION:

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

#### (LEGAL DESCRIPTION)

Have laid out, platted, and subdivided the above described land, under the name and style of \_\_\_\_\_, and by these presents do dedicate to the Town of Berthoud in fee simple the street and public rights-of-

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way as shown on the plat, and grants to the Town of Berthoud such easements as are created hereby and depicted or, by note, referenced hereon, along with the right to install, maintain, 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, 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

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

Owner: The ABC Corporation, a Colorado corporation

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By: John Doe, President

If owner is a trust:

Owner: The Jane Smith Trust

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

**DEED OF TRUST'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 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.

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(Supp. No. 7)

Created: 2021-07-27 16:10:46 [EST]

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(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 Planning Commission of the Town of Berthoud, Colorado, this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_\_.

\_\_\_\_\_  
Chairman

The foregoing plat is approved for filing and accepted by the Town of Berthoud, Colorado, this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_\_.

ATTEST: \_\_\_\_\_  
**Community Development Director**

- e. General development information. A written description addressing how the proposed Minor Subdivision conforms to this Code, the Comprehensive Plan and the PORT Plan.
- f. Additional materials. At Town discretion and depending on the size of the Minor Subdivision and its potential impact to the community, the Town may request the following additional materials:
  - Traffic study
  - Geotechnical report
  - Drainage map and study
  - Utility map and study
- g. Surrounding property ownership report. A list and set of mailing labels not more than 30 days old of the names and addresses of the surrounding property owners within 300 feet of the property, mineral interest owners of record, mineral and oil and gas lessees for the property and appropriate ditch companies. The applicant shall certify that the report is complete and accurate.
- 3. *Application certification of completion.* Within 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

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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.

4. *Public Comment Requirements.* Within five days of a complete application, the Town shall send notice of public comment to the neighboring property owners within 500 feet of the subject property, as part of the review process. This notice shall include a summary of the project, along with a copy of the Minor Subdivision Plat. The Public shall have three weeks to submit comments back to the Town. All Public comments received, will be sent to the developer, and be part of the record for the Planning Commission meeting. The Developer shall address all public comments in a report to be included with the record, before the Minor Subdivision Plat shall be scheduled for a hearing.
5. *Refer application to parties of interest.* Within an appropriate timeframe, staff shall send information about the application by regular mail to: surrounding property owners within 300 feet, mineral interest owners of record, mineral and oil and gas lessees for the property, and other parties of interest.
6. *Schedule Planning Commission public hearing and complete public notification process.* The Town shall schedule a public hearing for the purpose of taking action on the Minor Subdivision. The Town shall publish notice and post the property with a sign legible from an adjacent public right-of-way within a reasonable time prior to the hearing. All notices and posting shall be consistent with this Code.
7. *Planning Commission public hearing and action.* The Planning Commission shall hold a public hearing to review the application based on the Minor Subdivision review criteria. The Planning Commission shall then move to approve, conditionally approve, or deny the application by resolution. An applicant may appeal denial by the Planning Commission to the Town Board.
8. *Applicant addresses Planning Commission conditions.* The applicant shall revise the Minor Subdivision plat based on any Planning Commission conditions of approval and submit it to the Town.
9. *Record Minor Subdivision Plat.* Three original signed mylars of the minor subdivision plat shall be delivered to the Town. The Town will record the minor subdivision plat in the office of the Larimer or Weld County Clerk and Recorder.

C. *Minor Subdivision Plat review criteria.* The Town shall use the following criteria to evaluate the request:

- a. The minor subdivision plat is in compliance with this Code, the Town Comprehensive Plan, and the PORT Plan.
- b. The Planning Commission shall also consider how the Applicant has addressed comments received from the public, during the Public Comment portion of the process when considering the request.

(Ord. No. 1252 , § 1(Exh.), 9-25-2018)

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## **30-6-112 Site plan**

- A. *Site Plan Purpose.* The site plan is a prerequisite to a building permit for all multi-family (excluding duplexes), commercial, and industrial developments. The site plan shows how the lot will be developed so that the Town can ensure that the site design will be in compliance with all Town regulations and this Code.
- B. *Site Plan process.*
  - 1. *Site Plan application.*
    - a. Land use application form.
    - b. Application fee and fee agreement.
    - c. Site Plan map — The site plan map shall be a minimum of 18 inches by 24 inches and shall provide the following information:
      - i. Title of project.
      - ii. North arrow, scale (no greater than one inch equals 50 feet) and date of preparation.
      - iii. Vicinity map.
      - iv. Address of project.
      - v. Legal description of property.
      - vi. Name, address and phone number of property owner.
      - vii. Name, address and phone number of person or firm responsible for plan.
      - viii. Lot size (square footage).
      - ix. Bearings and distances of all lot lines.
      - x. Existing and proposed easements and rights-of-way.
      - xi. Existing and proposed paved areas and sidewalks on the site and in the adjacent rights-of-way, all dimensioned, showing how pedestrians will have access to the site and buildings.
      - xii. Gathering areas for people.
      - xiii. Existing and proposed curb cuts on the site and in the adjacent rights-of-way (on both sides of perimeter streets), all dimensioned.
      - xiv. Existing and proposed two-foot contours.
      - xv. Existing waterways on or adjacent to the site.
      - xvi. Finished floor elevations for all structures.
      - xvii. Footprint (including roof overhangs and eaves, decks, balconies, outside stairs and landings) of all proposed structures and their use with their dimensions and locations noted with respect to the property lines.
      - xviii. Existing structures and their use.

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- xix. Square footage of the proposed building(s) and the footprint of the proposed building(s).
- xx. Proposed structure height.
- xxi. For commercial and industrial uses, the type of activity and number of employees.
- xxii. For multi-family residential, the number of residential units and bedrooms per unit.
- xxiii. Location of proposed signs and lights.
- xxiv. Specifications for the signs and lights, including type, height and general conformance to the Code. For commercial and industrial uses, a photometric plan prepared by a qualified electrical or lighting engineer shall be submitted that depicts all lighting fixtures and the light spread (in footcandles) of these fixtures across the site to all property boundaries.
- xxv. Proposed traffic controls and striping for parking areas (all lanes, driveways, and parking spaces must be dimensioned).
- xxvi. Trash disposal areas and enclosures including specifications for enclosures.
- xxvii. Location and size of existing and proposed water and sewer service connections and tap sizes (including those for irrigation systems).
- xxviii. Location and size of water and sewer lines to which the service connections will be or are made.
- xxix. Location and size of water meter(s).
- xxx. Location and size of backflow-prevention devices.
- xxxi. Indication of how and where perimeter drain will drain (if one exists).
- xxxi. Location of existing electrical lines and poles on or adjacent to the site.
- xxxi. Location of proposed electrical service connection and meter location.
- xxxi. Location of electric transformer.
- xxxi. Location of all fire hydrants. If none exist on site, note distance and direction of the closest hydrant adjacent to the site within 500 feet.
- xxxi. Location of detention/retention areas and storm sewer infrastructure with the required drainage easements.
- xxxi. The distance from the proposed building(s) or structure(s) to adjacent lot lines, easements, and adjacent structures.
- xxxi. A land use chart (table).
- xxxi. Certificate blocks for signatures of owner, surveyor, utility providers, and Town approval, as applicable.

#### LEGAL DESCRIPTION

(LEGAL DESCRIPTION)

OWNER and PROFESSIONAL INFORMATION:

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OWNER	ENGINEER	ARCHITECT	OTHER
Name	"	"	"
Address	"	"	"
Phone #	"	"	"

**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.

**APPROVAL CERTIFICATES:**

Approved by the Town Administrator of the Town of Berthoud, Colorado, this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_\_.

\_\_\_\_\_  
Town Administrator

Approved by the Engineer of the Town of Berthoud, Colorado, this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_\_.

\_\_\_\_\_  
Engineer

The foregoing plan is approved for filing and accepted by the Town of Berthoud, Colorado, this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_\_.

**ATTEST:**

\_\_\_\_\_  
**Community Development Director**

**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.

- d. Community design standards — Demonstrate in written or graphic form how the proposed structure(s) is consistent with Chapter 30, Section 2 of this Code.
- e. Certified drainage report — A certified drainage report, including an erosion control study and plan, as applicable, must be reviewed and approved by the appropriate sanitation district (if applicable) prior to submittal of the report to the Town as part of the site plan application.
- f. Final landscape and open space plan. Provide an existing and proposed landscape and open space plan consistent with this Section.
- g. Exterior elevations of proposed structures/graphic visual aids. Provide complete building elevations, drawn to scale, with illustrations of all colors and identifying major materials to be used in the structure(s). In addition, Staff may require building floor plans, sectional drawings,

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perspective drawings, models, and/or computer visualizations when the impacts of a proposal warrant such information.

2. *Application certification of completion.* Within a reasonable period of time, 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 Clerk. The original application and all documents requiring a signature shall be signed in blue ink.
3. *Staff reviews application and prepares comments.* Staff will review the site plan map to ensure it is consistent with the site plan review criteria. Following the review, Staff will prepare a written report outlining any changes that the applicant must make before the site plan can be recommended for approval. This report will be forwarded to the applicant.
4. *Applicant addresses staff comments.* Applicant shall make all necessary changes to the site plan and resubmit a revised copy to the Town.
5. *Development Agreement.* Staff may require that the applicant execute a Development Agreement as detailed in Section 30-6-114 of this Code to assure the construction of on-site and off-site improvements as a condition of approval of the site plan.
6. *Review and action.* The Town Administrator and Planner shall be responsible for processing all applications for Site Plan Reviews within the Town of Berthoud. The Town Administrator and Planner shall also have the responsibility of ensuring that all applications and submittal requirements are met prior to initiating any official action as listed above. The authority and responsibility for making the decision to approve, disapprove or approve with conditions all requests for a site plan review will rest with the Town Administrator.

The Town Administrator may refer a site plan application to the Planning Commission for the Commission's review and action, based on a determination that the proposed development's complexity, projected impacts, or proximity to conflicting land uses merits such action. The application and notice of the referral shall be sent to the Planning Commission for its review within a Public Hearing and action. Appeals of any Planning Commission final decision may be made to the Town Board acting as the Board of Appeals using the appeal procedures found in Section 30-3-108.B. and C.
7. *Board consideration of appeals.* The Board of Trustees shall consider any appeal within 45 days of the close of the 14-day appeal period, except an appeal associated with a concurrent development application requiring Board review or approval, shall be considered with final action on the concurrent development application. The Board shall apply the site plan review criteria to uphold, modify, or reverse an earlier decision.
8. *Post approval actions.*
  - a. *Building Permit.* A building permit shall be issued only when a site plan has been approved. However, with the approval of the Town, an applicant may submit a building permit application concurrent with the site plan application. Building permits shall not be issued for any development that is not in conformance with the approved site plan.
  - b. *Phasing and expiration of approval.* The site plan shall be effective for a period of three years from the date of approval, unless stated otherwise in the written site plan approval. Building

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permits shall not be issued based on site plans that have an approval date more than three years old. For multi-phased plans, building permits shall not be issued based on an approval date more than three years from the date of Phase I approval.

C. *Site Plan review criteria.* In addition to all requirements of this Code, the site plan must meet the following review criteria:

1. All of the information required on a site plan is shown.
2. The lot size and lot dimensions are consistent with what is shown on the approved final plat.
3. No buildings or structures infringe on any easements.
4. The proposed site grading is consistent with the requirements of any applicable adopted storm drainage criteria or master drainage plans.
5. The density and dimensions shown conform to Section 3: Zoning.
6. The applicable provisions of this Chapter have been met and the proposed improvements conform to this Chapter and the Comprehensive Plan.

D. *Amendments to approved Site Plans.*

1. Minor variations in the location of structures, improvements, or open space areas caused by engineering or other unforeseen difficulties may be reviewed and approved by the Town Staff. Such changes shall not exceed ten percent of any measurable standard or modify the use, character, or density of an approved site plan. All plans so modified shall be revised to show the authorized changes and shall become a part of the permanent records of the Town.
2. Changes to approved site plans that exceed the ten percent threshold, or other major modifications (such as changes in building size or footprint, relocation of access points, changes to required parking, etc.), shall be considered as a new site plan application. Such amendments shall require Planning Commission review and approval to become effective. A complete site plan application shall be prepared and submitted in compliance with the requirements set forth in this Section.

(Ord. No. 1252 , § 1(Exh.), 9-25-2018)

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(Supp. No. 7)

Created: 2021-07-27 16:10:46 [EST]