

**TOWN OF BERTHOUD ORDINANCE
NUMBER 1329
(SERIES 2023)**

**AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE BERTHOUD MUNICIPAL
CODE CHAPTER 30, SPECIFICALLY SECTION 2 REGARDING LANDSCAPE DESIGN,
SECTION 9 REGARDING HISTORIC RESOURCES, SECTION 3 REGARDING PLANNED
UNIT DEVELOPMENTS, AND SECTION 2 REGARDING OUTDOOR LIGHTING AND DARK
SKY STANDARDS**

WHEREAS, the Town of Berthoud is a municipal corporation possessing all powers granted to a statutory town by Title 31 of the Colorado Revised Statutes; and

WHEREAS, the Town wishes to implement the vision and values expressed in the 2021 update to the Comprehensive Plan, including strengthening the Town's sense of place, enhancing community identity, supporting community resilience and sustainability touchstones; and

WHEREAS, the Planning Commission, after proper notice, has held a public hearing on October 26, 2023 on this ordinance providing for a recommendation of approval from the Town Board of Trustees; and

WHEREAS, the Board of Trustees, after proper notice has held a public hearing on November 28, 2023 on this ordinance providing for the adoption of said code amendments pursuant to C.R.S. Section 31-16-203; and

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

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

Section 1. The attached Ordinance 1329 (Series 2023) shall be amended as presented in Attachment A and adopted into Chapter 30 of the Berthoud Municipal Code.

Section 2. Interpretation: This Ordinance shall be so interpreted and construed to effectuate its general purpose.

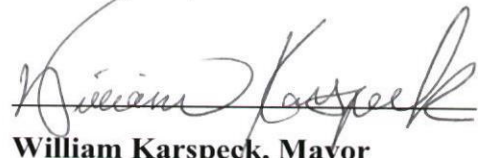
Section 3. Effective Date: The provisions of this Ordinance shall take effect thirty (30) days following the date of public hearing.

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INTRODUCED, READ, ADOPTED, AND APPROVED on second reading this 12th day of December, 2023.

TOWN OF BERTHOUD

By


William Karspeck, Mayor

ATTEST:

By:

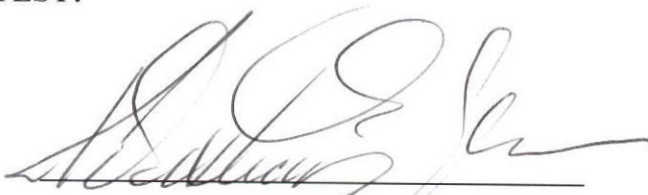

Christian Samora, Town Clerk



EXHIBIT A: Ordinance 1329

Note for the reader/Municode: Section explanations are not to be codified. These introductory explanations are intended to memorialize the reason why a code change is proposed.

Section 1: Ordinance 1325 just adopted the Landscaping Guidelines. Minor Code amendments are needed to reference this document as well as refine the Code so there are no conflicts between the Code and the newly-adopted guidelines. This section proposes to repeal all of the existing Section 30-2-112 and replace with the following. The entire section of 30-2-112 is provided so the reader can see the entire proposed amendments as they relate to the section.

30-2-112 Landscape design

- A. *Intent.* To preserve Town's special character and integrate new development by promoting quality landscape design. The standards found in the Town of Berthoud Landscape Design Guidelines shall be incorporated into landscape plans, and also reflect the following that:
1. Reinforces the identity of the community and each neighborhood;
 2. Provides tree-lined streets with canopy tree species in urban areas;
 3. Anchors new buildings within the landscape;
 4. Provides tree canopies within paved areas; ~~and~~
 5. Preserve existing trees, utilize water conservation techniques, and support the planting of native species (when appropriate), to enhance the natural habitat.
 6. Enhances natural features, and drainage ways.
 7. Enhance functional open space through the creation of natural areas appropriate to the location and purpose of the open space within the development.
 8. Maximizes connections within development sites to natural areas and to landscaped areas in adjacent developments.
 9. Reinforces neighborhood identity, creates consistency between proposed developments and the surrounding areas.
 10. Incorporate the elements of gateway, path and destination into the design of landscapes. Gateways are entries that provide transitions from one space to another. Pathways are routes that lead to a destination. Destinations are focal points that can include anything from a garden bench at the end of a path to a civic building at the end of a street.
- B. *General provisions.* All land development applications except for building permits for individual attached or detached single-family residences shall be accompanied by an appropriate landscape plan. New landscaping within the community shall comply with these regulations.
1. *Site landscape design regulations.* Landscape improvements shall be an integral part of the overall site design for all residential common areas, multi-family developments, and any non-residential development/property. Landscape improvements shall be designed to complement and enhance the character of the existing neighborhood and shall follow these guidelines.
 - a. *Environmental considerations.* Landscapes shall use the following water conserving xeriscape design principles ~~to facilitate water conservation:~~
 - i. Well-planned planting schemes;
 - ii. Appropriate turf selection to minimize the use of bluegrass;
 1. Bluegrass and other high-water consuming turf grasses should be reserved for spaces intended for recreational activities, or should be used as borders to larger areas of non-turf landscaping;

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- iii. Use of mulch to maintain soil moisture and reduce evaporation;
 - iv. Placement of plant materials according to their microclimatic needs and water requirements;
 - v. Improve the soil with organic matter if needed;
 - vi. Efficient irrigation systems that reduce spray over; ~~and~~
 - vii. Proper maintenance and irrigation schedules; ~~and~~
 - viii. Group plantings of similar water requirements together.
- b. All landscapes shall strive to maximize the use of native species as specified in the Town's Landscape Design Guidelines. Where native material is not appropriate for the intended use or appearance, plant species that are regionally adapted and noninvasive may be used.
 - c. Landscapes shall consist of a variety of species to enhance biodiversity.
 - d. Buildings and parking areas shall be located to preserve and promote the health of existing trees, environmental resources and natural drainage ways. No healthy tree shall be removed without good cause. If a healthy tree is removed with cause, it must be replaced with comparable trees per a tree mitigation plan. This requirement is not intended to prevent the removal of unhealthy trees in conjunction with site development.
 - e. Where possible, trees shall be located to provide summer shade and limit winter shade on walks and streets.
 - f. A combination of plantings, berms, walls and fences shall be used as appropriate to buffer sensitive habitat.
 - g. Weed control will be practiced on all areas disturbed by construction and those areas shall be reseeded to prevent erosion. Native, noninvasive grasses shall be used for revegetation where practical. Weed control is the responsibility of the landowner on all reseeded areas and preservation areas. Weed control shall be a continual responsibility of the owner during all phases of land clearing and construction.
 - h. Native grasses shall not be planted immediately adjacent to fences, buildings, sidewalks, or concrete trails. A minimum landscaped buffer of 10 feet shall exist between areas of native grass areas and fences, buildings, sidewalks, or concrete trails.
2. *Plant material standards.*
- a. The minimum planting sizes on all required landscaping shall be two-inch caliper deciduous trees, one and one-half inch caliper ornamental trees, six foot tall evergreen trees and five gallon shrubs.
 - b. Plants shall be healthy, well-branched vigorous stock with a growth habit normal to the species and variety and free of diseases, insects and injuries. A variety of plant species should be installed to prevent the spread of disease.
 - c. All plants shall conform to standards for measurements, grading, branching, quality, ball and burlapping as stated in the current edition of the American Standard for Nursery Stock, American Association of Nurserymen, Inc., (AAN-ASNS) and the Colorado Nursery Act of 1965 (CNA).
 - d. Plants shall be no more than 24 inches in height at plant maturity when located in a sight distance triangle.
3. *Irrigation.* This Code mandates landscaping and installation of permanent automatic underground sprinkler systems containing moisture sensors in all parks and open spaces within new developments,
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except for (i) Natural Areas undisturbed by development, (ii) Open Water, and (iii) all impervious surfaces, and (iv) as allowed in Section 7-c below. All irrigated landscaping shall be established and maintained in a live and weed-free condition. Irrigation shall be appropriate to the type and scope of the improvements.

- a. Water Dedication Requirements. Water dedication for irrigation purposes shall be in accordance with the Imposition of Development Fees Section 30-10-105 of this Development Code.
 - b. Criteria and process for determining Natural Areas and Open Water. Town staff in its discretion, with final approval of the Town Administrator, may determine that areas qualify as Natural Areas or Open Water in accordance with the definitions found in the Definitions and in the Imposition of Development Impact Fees Sections of this Chapter, in Chapters 30-1-116 and 30-10-105.
 - c. Use of non-treated water for irrigation is encouraged if a permanent, suitable supply is available. Gravity flow irrigation using irrigation ditches for areas planted with native seed Native-Seed Areas may be permitted as an alternative to installing permanent automatic underground sprinklers where deemed acceptable and appropriate by the Town staff in its discretion, with final approval by the Town Administrator. Areas planted with native seed are to be irrigated until the area is well established.
 - d. Sleeving for the future installation of irrigation lines shall be provided under walkways and paved areas where irrigation may be installed in order to prevent or minimize damage and replacement to paved areas.
 - e. Irrigation systems shall be drip irrigation where possible in planting beds and for shrubs, trees, etc. All irrigation systems shall be designed to prevent overspray and runoff onto paved or other non-landscaped areas.
 - f. All automatic irrigation systems must be installed with moisture sensors.
4. *Guarantee of installation.* Required landscape improvements shall be installed prior to issuance of a Certificate of Occupancy for all structures. If weather conditions prevent installation, the developer, builder or applicant shall post a financial guarantee for the improvements. This guarantee shall be released by the Town upon completion of the installation of the landscaping and expiration of any warranty period.
 5. *Maintenance, removal, and replacement.* All property owners/occupants, Homeowner's Associations and Metro Districts shall be responsible for maintenance, removal and replacement of trees and landscaping within the portion of the public right-of-way between the back of the curb or street pavement and the adjacent property as defined in the approved land use application in perpetuity. All property owners/occupants of mixed use, commercial or industrial property with an approved Final Development Plan or Site Plan are responsible for the maintenance and replacement of landscaping as shown on that approved plan.
 - a. Seventy-five percent of all landscape areas shall be covered with living ground cover. The recommended ground cover should be attained within three years of the date of planting. The use of non-living ground cover, such as rocks, gravel and bark, should be used sparingly; non-living ground cover is generally most suitable as accent treatment.
 - b. Notwithstanding any other provision in this code, any street tree that is diseased, is dying or has died shall be removed from the public rights-of-way in consultation with the Town Forester and the Street Tree Work Permit provisions of this Code. The Tree shall be replaced by the adjacent homeowner in consultation with the Town Forester within the same growing season of removal, as practical due to weather.

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6. *Weed control.* Weed control shall be a continual responsibility of the owner, developer, Homeowners Association or Metro District from site construction and grading to occupation of the business or residence, during all phases of land clearing and construction, and operation.

a. Every effort shall be made to prevent the spread of noxious weeds.

C. *Landscaping design standards.*

1. *Landscaping in common open space areas.* Common open space areas are lands meant to be enjoyed by the general population, includes lands reserved for pocket parks and along trails. Landscaping shall be appropriate to the use and function of the area and include trees, shrubs, groundcover, irrigation (where necessary) and paving. Native grass is appropriate for trail corridors while Kentucky bluegrass is appropriate for more active park areas and some open spaces.

a. A mechanism for long-term maintenance of common open space and arterial and collector street right-of-way landscaping is required. This may take the form of an approved maintenance plan by the developer, a Homeowners' Association or Metro District—such as a homeowners' association and covenants is required.

2. *Tree-lined streets.* The Town of Berthoud has a long, rich heritage of tree-lined streets. Today street trees and their conditions are a concern to those involved in urban forestry and the Town has the authority and obligation to assure that vegetation planted on public rights-of-way meets certain standards and is maintained, as approved in perpetuity. Tree plantings should be made with the same methodical planning that is used when making substantial financial investments. To comply with the Streets and Alleys Section of the Design Guidelines Section 30-2-105 of this Code there are three options to achieve this requirement:

a. *Tree lawns with detached sidewalks:*

- i. Tree lawns are recommended in all developments.
- ii. Tree lawns along Local streets shall be a minimum of six feet in width to ensure adequate room for root growth. Tree lawns along Collector or Arterial streets shall be a minimum of ten feet in width.
- iii. Trees shall be aligned in straight rows, located in the middle of the tree lawn, and spaced between thirty feet and forty feet (as appropriate given the species) on center in order to allow for mature spread. If two or more consecutive residential lots along a street each measure between 40 and 60 feet in street frontage width, one tree per lot may be substituted for the 30-foot to 40-foot spacing requirement. Such street trees shall be placed at least five feet away from the edges of driveways and alleys, and 40 feet away from any streetlight and to the extent reasonably feasible, be positioned at evenly spaced intervals.

b. *No tree lawns, attached sidewalks:*

- i. In limited cases attached sidewalks will be allowed.
 - ii. Trees installed along streets without a tree lawn shall include a mix of species, be generally aligned along the street frontage and may be placed outside of the public right-of-way.
 - iii. Trees shall be irrigated from the adjacent private property owner.
 - iv. Trees installed along streets that will be widened in the future shall take into account plans for future widening of streets so that established trees will not be disturbed during future construction.
 - v. Street trees along rural streets where there is no sidewalk may be planted to create irregular clusters to reinforce the design and character of the project and frame views.
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Downtown streets — The properties generally located within the boundary of Massachusetts Avenue, Welch Ave, 1st Street, and LCR 17 are encouraged to provide decorative hardscaping, window boxes, planters, tree boxes, benches and street art, in order to attract pedestrian activity. Trees planted within paved environments shall have a minimum four-foot wide square tree well with grate.

c. *General regulations for trees to be planted on public right-of-way:*

- i. All newly-planted street trees shall be planted midway between the sidewalk and the curb. Trees shall be spaced to allow for safe, healthy, attractive growth.
- ii. No trees will be planted closer than five feet to an driveway or alley, nor shall it be planted in such a manner that eventual growth cannot be reasonably maintained to avert interference with, or obstruction of, any improvements installed for the public benefit such as traffic and street signs and lights, fire hydrants, overhead utility wires, street lights, utility poles, etc.
- iii. At edges of streets where a space of less than five feet in width exists between the curb and the abutting private property line, no trees or woody plants shall be planted on the public area so involved.
- iv. Where an attached sidewalk has been installed, no tree plantings are to be made closer than five feet from the edge of any concrete installation.
- v. Trees are not to be planted within ten feet of either side of water, sewer, or storm drain main lines or within five feet of either side of water or sewer service lines.
- vi. No more than six of the same plant genus may be used consecutively in a row-type planting.

3. *Minimum species diversity.* To prevent uniform insect or disease susceptibility and eventual uniform senescence on a development site or in the adjacent area or the district, species diversity is required and extensive monocultures are prohibited. The following minimum requirements shall apply to any development plan.

Number of trees on site	Maximum percentage of any one species
10—19	50%
20—39	33%
40—59	20% species; 30% genus; 40% family
60 or more	15% species; 20% genus; 30% family

4. *Tree species and minimum sizes.* The Applicant shall provide a proposed recommended-list of trees from the Landscape Design Guidelines, to be reviewed by the Town Forester and Community Development Director-Department which shall be acceptable to satisfy the requirements for landscape plans, including approved canopy shade trees that may be used as street trees. The following minimum sizes shall be required except as provided in the section below regarding trees permitted within rights-of-way below. ~~(except as provided in subparagraph (5) below):~~

Type	Minimum Size
Canopy Shade Tree	2.0" caliper balled and burlapped or equivalent
Evergreen Tree	6.0' height balled and burlapped or equivalent
Ornamental Tree	1.5" caliper balled and burlapped or equivalent
Shrubs	5 gallon or adequate size consistent with design intent
Canopy Shade Tree as a street tree on a Residential Local Street Only	1.5" caliper container or equivalent

- i. Any tree plantings that are in addition to those that are made as part of the approved landscape plan are exempt from the foregoing size requirements.
 - ii. Ornamental trees shall be planted in substitution for the canopy shade trees required in subsection (7) above where overhead lines and fixtures prevent normal growth and maturity. Ornamental trees shall be placed at least 15 feet away from any streetlight.
 - iii. A permit issued by the Town Forester, will be required prior to the planting of any Street Tree (or tree on public land). Any violations will follow the provisions found in the Enforcement Section of this Chapter Article V, Section 30-5-101 of this code, and may result in the Town withholding permits and Certificates of Occupancy.
 - iv. The caliper shall be measured six inches above the tree-line.
5. *Trees permitted within rights-of-ways.*

- a. Refer to the Town of Berthoud Landscape Design Guidelines for the most current list of The following list identifies tree species allowed on public lands or within the public right-of-way (seven feet in width or larger) in the Town of Berthoud as of the adoption of this Code. Additional tree species may be permitted if approved by the Forestry Division as appropriate. Trees marked with an asterisk are drought tolerant.

- Oak (Quercus) Genus: Bur*, Chinkapin*, Chesnut*, English*, Shumard*, Texas Red*, Heritage*, Bur-gambel Hybrid*, Fastigate English*, Crimson Spire*.
- Elm (Ulmus) Genus: Choice City*, Prospector*, Accolade, Triumph, Discovery, Brandon, Regal. Make sure cultivar is resistant to Dutch Elm Disease and Elm Leaf Beetle.
- Legume (Fabaceae) Family: Shademaster Honeylocust*, Skyline Honeylocust, Imperial Honeylocust, Kentucky Coffeetree*, Kentucky Coffeetree Espresso*.
- Linden (Tilia) Genus: Redmond, Greenspire, American, Glenieven.
- Planetree (Platanus) Genus: Bloodgood, Exclamation, Northern Advance. Make sure cultivar is resistant to anthracnose.
- Chokecherry (Prunus Virginiana) Genus: Canada Red*, Sucker Punch*. (Height usually 20 to 25 feet)
- Maple (Acer) Genus: Bigtooth (single stem)*, State Street*, Caddo Sugar*, Columnare, Fairview.
- Buckeye (Aesculus) Genus: Ohio Buckeye*, Yellow Buckeye, Texas Buckeye*, Prairie Torch Hybrid Buckeye, Common Horsechestnut*.

Other trees allowed along right-of-way (by common name): Hackberry, Western Catalpa, Gingko, or any other tree species allowed approved by the Town Forester.

- b. *Trees in public lands:* Refer to the Town of Berthoud Landscape Design Guidelines for the most current list of The following tree species are permitted to be planted within parks, common areas, open spaces, and other public lands.:

i. *Deciduous Trees:*

Plant Name	Height/Spread		Plant Name	Height/Spread	
Toba Hawthorn	15'	15'	Goldenrain Tree*	20'	30'

Amur Chokecherry	25'	20'	Russian Hawthorn*	20'	15'
Washington Hawthorn	20'	15'	Cockspur Hawthorn*	20'	15'
Thornless Hawthorn*	25'	20'	Downy Hawthorn*	25'	25'
Japanese Tree Lilac*	20'	20'	Coralburst Crabapple	15'	15'
Coralburst Crabapple	15'	15'	Dolgo Crabapple	30'	30'
Spring-Snow Crabapple	25'	25'	Thunderchild Crabapple	15'	20'
Indian-Magic Crabapple	15'	20'	Radiant Crabapple	20'	25'
Red-Jewel Crabapple	10'	15'	Tina-Sargent Crabapple	8'	10'
Gambel-Oak*	8'	6'	Newport-Plum	25'	15'
Autumn-Blaze Pear	30'	25'	Cleveland-Select Pear	30'	25'
Royal-Star Magnolia	10'	15'	Hotwings-Maple	15'	20'
Autumn Brilliance			Wavyleaf-Oak*	20'	20'
Serviceberry	25'	15'	Callery-Pear	35'	25'
Red-Buckeye	20'	15'	Box-Elder		
			Sensation		

* Any Tree not on the list as approved by the Town Forester

ii. — Evergreen trees.

Plant-Name	Height/Spread	Plant-Name	Height/Spread		
Colorado-Blue Spruce	60'	30'	Pinyon-Pine*	20'	15'
Bristlecone Pine*	20'	20'	Concolor-Fir, White-Fir	50'	30'
Eastern-Red Cedar*	40'	15'	Austrian-Pine*	50'	40'
Rocky-Mountain Juniper*	30'	15'	Spartan-Juniper	15'	6'
One-Seed Juniper*	15'	13'	Colo-green Juniper*	15'	6'
Gray-Gleam	15'	6'	Skyrocket Juniper	15'	3'
Wichita-Blue Juniper*	15'	6'	Fastigate Norway-Spruce	15'	6'
Black-Hills Spruce	25'	20'	Vanderwolf's Pyramid-Pine	30'	20'

Bosnian Pine	20'	12'	Ponderosa Pine*	60'	30'
Scots Pine**	60'	30'	Siberian Larch	50'	25'
European Larch	60'	25'			

- c. Refer to the Town of Berthoud Landscape Design Guidelines for the most current list of The following trees are prohibited tree species for any new planting, within the Town of Berthoud right of way or on public lands.

1. Any of the ash species (Fraxinus spp.) including Green, White, Purple, Blue, or any other ash due to emerald ash borer.
2. Any of the poplar species (Populus spp.), including but not limited to Cottonwood, Aspen, Silver Poplar, Lombardy Poplar.
3. Any of the Willow species (Salix spp.)
4. Siberian (Chinese) Elm (Ulmus pumila)
5. Any weeping or pendulous type tree (i.e. Weeping Birch).
6. Any shrub or hedge which by its habit of growth would obstruct, restrict, or conflict with necessary and safe use of the public rights-of-way.
7. Conifers or evergreens which would eventually grow over the sidewalks or streets
8. Any Honeylocust (Gleditsia triacanthos) that bears either seed pods or thorns.
9. Purple Locust, Black Locust, Mulberry, Bradford Pear, Black Walnut, Russian Olive, Tree of Heaven, Tamarisk, Silver Maple, Birch.

- D. Business/commercial and industrial development landscaping standards shall meet the following standards in addition to those within the Town of Berthoud Landscape Guidelines.

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1. New buildings and paved areas. Provide trees, shrubs and groundcover plantings along front and sides of new buildings. The size and intensity of plantings shall be appropriate to the building or structure.
2. Integrate adjacent land uses of different intensities through a combination of berming, plantings and fencing. Use opaque screening only when necessary to mitigate the impact of noise, light, unattractive aesthetics and traffic. A fence shall not be the only screening material used.
3. Use landscaping to provide a transition from developed, managed landscape to more natural areas and vegetation.
4. Provide a tree canopy by installing shade trees within and adjacent to paved areas.

- E. Residential R-3, R-4 and Commercial and Industrial zone districts shall include landscaping standards to meet the Town of Berthoud Landscape Guidelines. Landscape improvements within the R-3, R4, C1, C2, M1 and M2 districts shall be designed to enhance the overall appearance of the development and to integrate the project with adjacent land uses and into the surrounding neighborhood. A minimum of 15 percent of the site (gross) shall be landscaped area.

1. The developer or assigns shall provide:
 - i. A minimum of 15 percent of the site (gross) shall be landscaped area.
 - ii. Site trees — plant a minimum of one tree per 1,000 square feet of landscaped area, distributed on the site, exclusive of right-of-way landscaping.

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- iii. *Shrubs* — plant a minimum of one shrub per 150 square feet of landscaped area, exclusive of right-of-way landscaping. Group shrubs and distribute throughout the site. Trees may be substituted for up to one-half of the required shrubs at the rate of one tree for six shrubs.
 - iv. *Groundcover* — establish irrigated grass turf maintained to appropriate standards for active recreation in areas that will function for active recreation. Where appropriate, use native grass for areas that will not function as active recreation areas. There shall be a minimum of 75 percent live materials between the building and the street unless otherwise approved by the Town.
 - iv. *Landscape setback to parking lots* — 15 feet from streets to provide a buffer between the street and parking areas.
 - vi. *Screen loading areas* — Loading areas (including vehicles being loaded), service and storage areas visible from the public right-of-way or adjacent property must be screened from view with an opaque screen that is an integral part of the building architecture, or by landscaping. Chain link fencing with or without slats, tires, or used building materials is not acceptable as screening material.
 - vii. Utility Boxes, loading docks, outside trash receptacles and dumpsters, storage areas, and any other outdoor storage areas shall be screened in the following manner:
 - 1. ~~vii.~~ Whenever plants are used as a screen the plants should be coniferous. They should provide an opaque screen within three years of the time they are planted.
 - 2. ~~viii.~~ Utility boxes, including, but not limited to, electric transformers, switch gear boxes, and telephone pedestals, and boxes should be screened on all sides not used for service access.
 - 3. ~~ix.~~ The materials and colors of the screen should blend with the site and the surroundings.
 - 4. ~~x.~~ Trash enclosures should be placed around dumpsters and any other proposed receptacles of trash. The dumpster should be screened entirely from view. The enclosure shall prevent trash from being scattered by wind or animals. The dumpster should be placed on a concrete pad, enclosed by an opaque wall at least six feet in height, with opaque gates. The enclosure should be sturdy and built quality wood and or/masonry materials. The trash enclosures should be sited so the garbage truck has convenient access to the enclosure and has room to maneuver without backing onto a public right-of-way.
 - 2. The property owner or occupant shall be responsible for ~~the area~~ landscaping ~~located~~ within adjacent road right-of-way ~~and tree lawns~~ in accordance with Town regulations, which includes the maintenance, removal, and replacement of trees, shrubs, and groundcover.
 - 3. Parking lot landscaping standards ~~shall meet the following standards in addition to those within the Town of Berthoud Landscape Guidelines.~~
 - i. ~~The developer or assigns shall provide:~~
 - 1. ~~At least five percent of the area of all parking lot are~~ shall be landscaped (this requirement is in addition to the overall 15 percent landscaping requirement for the site. Parking lot landscaping is intended break up large expanses of pavement, create shade, buffer views of parking lots from adjacent streets and development and enhance the overall appearance of each project. All parking lots with ten spaces or more shall be subject to these requirements. ~~The developer or assigns shall provide:~~
 - 2i. *Site trees* — a minimum of one tree per five parking spaces. Group trees together in islands which are a minimum of nine feet wide. Use the landscaping to break up large expanses of pavement and to create a tree canopy for summer shade.
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3.ii. *Shrubs* — a minimum of one shrub per 100 square feet of landscaped area. Group plantings in landscape islands.

4.iii. *Groundcover* — limit areas of irrigated turf. Grass is discouraged in areas less than ten feet wide. Install a grass buffer (native grass where possible) around the perimeter to filter runoff and improve water quality.

5.iv. *Landscape setback to parking lots* — 15 feet from all arterials, collectors, and other streets. The purpose of the setback is to provide a buffer between the street and parking areas and to screen the parking from the street.

6.v. *Provide a mechanism for long-term maintenance of landscaping* — all landscaping within and adjacent to parking lots shall be owned and maintained by the landowner.

7.vi. *Screening*: whenever there are more than three parking spaces on the property, the parking lot should be screened for at least two-thirds of the length of the parking lot, and shall satisfy the following standards:

- a. Berms, walls, fences, plants, planters or similar means should be used to create the parking lot screen. Whenever structures such as walls or fences are used to create a screen, plants should be located on the sides of the structure which can be seen from surrounding streets, walks, parks, trails and other properties which are used by the public.
- b. The screen around the parking area should be at least three feet higher than the surface area of the parking lot. Whenever plants are used to create a screen, the plants should create a three-foot screen within three years from the time planted.

8.vii. *Landscape islands*: Two feet at the end of each landscape island should remain unplanted, as the end points of islands are often run over by cars. The use of cobbles, patterned concrete, or brick pavers should be considered.

9.viii. Landscape areas in parking lots shall be no smaller than 80 square feet each, and shall contain at least one tree and five shrubs for each island. Islands larger than 80 square feet shall contain one additional shrub for each additional 20 square feet of area, and one additional tree for each additional 200 square feet of area.

10.ix. Pedestrian and/or vehicular access ways should be extended to the property line in order to interconnect with other adjacent commercial/industrial parking lots, sidewalks, and/or trails, with landscaping to enhance such connections.

Figure 2.15: Small tree planting

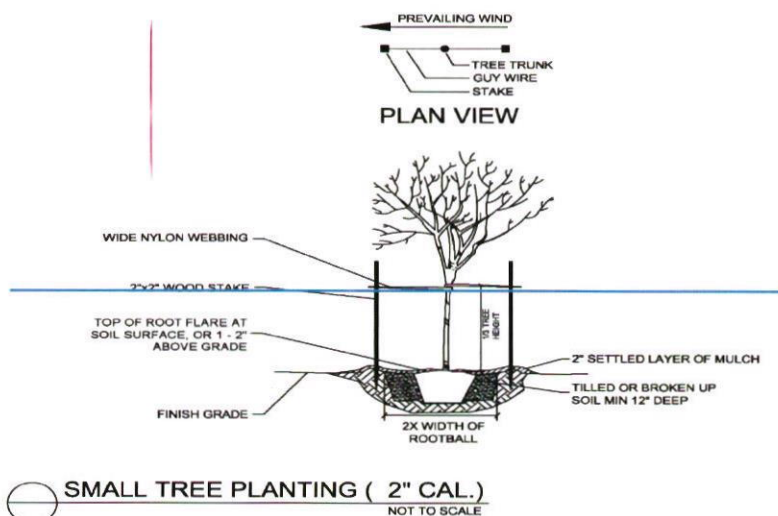


Figure 2.16: Evergreen planting

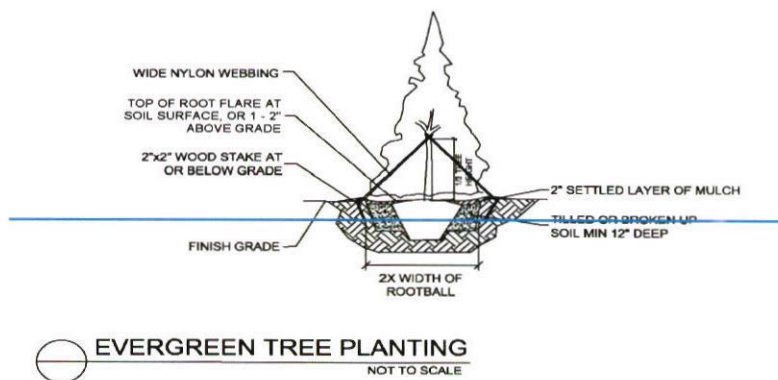
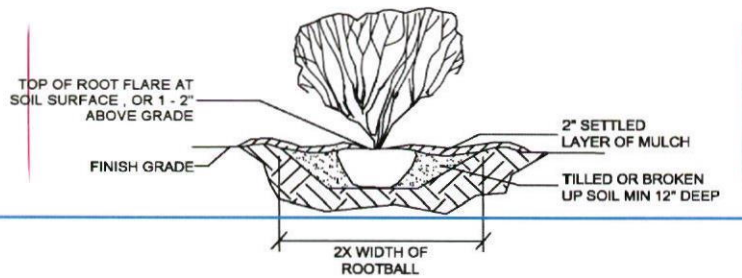


Figure 2.17: Shrub planting



TYP. SHRUB PLANTING: INDIVIDUAL PLANTING HOLE

NOT TO SCALE

4. Storm drainage facilities as public open space or park lands and shall follow the Town of Berthoud Landscape Design Guidelines. For drainage facilities proposed and accepted as open space or park lands the following requirements apply.
 - a. If a proposal is made to dedicate a Detention basin or Retention basin to the Town, the Town shall determine if it serves the public interest. Public interest shall be based on ease of maintenance, potential use of the area for open space or recreation uses by the public, whether the area would complement the Town's park or greenway system, and/or whether the applicant shall provide for ongoing maintenance of the facility.
 - b. If the Town accepts dedication of a Detention basin or Retention basin, or if the Detention basin or Retention basin is intended to be part of a pocket park or common open space area, regardless of ownership or maintenance, the following standards shall apply:
 - i. The bottom of the pond shall be planted with turf grass or similar, in order to provide an active playing field, and irrigated at 3 AF/Ac.
 - ii. Slopes shall comply with Town standards but in no case shall exceed a slope of 6:1. Slopes shall be planted with either native seed or turf and irrigated according to the Town's Engineering Specifications and Standards and provisions found in the Berthoud Development Code Chapter 10.
 - iii. Trees shall be planted at the top of the retention pond at a distance of one tree every 40 linear feet, and irrigated at 1.33 AF/ac. Ground cover may include native seed and shrubs.
 - iv. Adequate access in the form of sidewalks and/or trails shall be provided to the detention basin or Retention basin for pedestrians, the physically disabled and for maintenance equipment.
 - v. Drainage structures shall be designed and located to facilitate maximum use of the detention area for recreational use.
 - c. Amenities such as benches, play equipment, game courts and playing fields appropriate to the size and location of the detention pond shall be required and based upon proposed/existing adjacent uses unless the detention pond location or design does not reasonably accommodate

the amenities. On one acre or less, fewer amenities are required. The applicant shall be responsible for installing all amenities per Town standards.

F. Submittal standards for landscape plans. Land development applications listed below will be accompanied by the appropriate landscape plan;

d. Submittal standards for landscape plans. Land development applications listed below will be accompanied by the appropriate landscape plan;

Table 2.5: Submittals necessary for Landscape Plans

Type of Application	Preliminary Landscape Plan	Final Landscape Plan
Preliminary Plat/PDP	Yes	
Final Plat/FDP		Yes
Minor Subdivision		At-Town discretionYes
Conditional Use ReviewSpecial Use Permit		Yes
Site Plan		Yes

A1. Preliminary landscape plan: (submit with preliminary plat application). Intent: to illustrate the master landscape plan for the development.

- 1a. Describe the design intention and how the proposal is consistent with the purpose and intent of these regulations.
2. Preliminary water supply. Identify the source of raw water for dedication purposes.
3. Preliminary landscape maintenance plan inclusive of irrigation practices for different planting areas, weed control, replacement of diseased or dead materials, and mowing.
4. The preliminary location of all proposed meters and backflow devices shall be included.
- 5b. Information required on the plan is listed in Table 2.6 below.

B2. Final landscape plan: (submit with the after-final plat application). Intent: to ensure each phase of the final landscape plan is consistent with the master landscape plan for the development and to illustrate the specific landscaping details for each phase.

- 1a. Describe the design intention and how the proposal is consistent with the preliminary landscape plan.
2. Provide the source of water and provide the quantity of water being allocated toward irrigation purposes. Confirm the source of raw water for dedication purposes. Confirm the intended source of water for potable and non-potable uses.
3. Final landscape maintenance plan inclusive of irrigation practices for different planting areas, weed control, replacement of diseased or dead materials, and mowing.
4. The final location of all proposed meters and backflow devices shall be included.
5. Hydrozone Analysis. Provide an analysis of the proposed consumption of potable and non-potable water for both interior and exterior uses.

- 6b. The final landscape plan must be on a separate page from the final plat map and should be included with the final open space plan. The scale shall not greater than one inch equals 50 feet.

C3. Landscape plans submitted shall include:

- a. Accurate and clear identification of all applicable hydrozones using the following categories. Provide a table indicating areas, acreages and the associated Hydrozone.
 - i. High Hydrozone (bluegrass): Three acre feet.
 - ii. Moderate Hydrozone (trees and shrubs): One and thirty-three hundredths acre feet.
 - iii. Low Hydrozone (natural grasses): Eight tenths acre feet.
- b. Information required on the plan is listed in Table 2.6 below.

Table 2.6: Information required on Landscape Plans

Information Required	Preliminary	Final
Scale, north arrow, site boundary.	Y	Y
Existing and proposed streets.	Y	Y
Existing and proposed utilities and easements.		Y
Existing and proposed contours (2' intervals).		Y
General grading concepts for improvements, typical cross-sections of streets and special treatment areas.	Y	
Existing site features including ditches, trees, shrubs and groundcovers and any drainage ways, wetlands or wildlife habitat present on the site. Indicate which plants will be preserved, the method of preservation and which will be removed.	Y	Y
General location of proposed trees, shrubs, groundcover, walks, and fences.	Y	
Indicate areas to be irrigated, the irrigation method, and zones of water usage (in Acre-feet).		Y
Typical detail drawings at 1"=20' to illustrate perimeter treatment, buffering, typical front yard, and any special treatment areas on the site.		Y
Define areas to be considered open space and if public or private. Indicate how open space will be maintained including: erosion control, revegetation, and weed management during and after construction.	Y	Y
Detailed planting plan indicating location, species, size, quantity, and ratio (percentage of total) of all proposed trees, shrubs, and groundcover.		Y
Improvements shall be shown in their final location and mature size. Include a plant list in chart form and description of the type and location of groundcover, walks, fences, and mulches. Include a cost estimate (separate sheet) for improvements.		Y

F. *Street Tree Work Permit.*

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1. *Intent.* The Town of Berthoud Street Tree Work Permit is intended to promote a more overall healthy and sustainable urban forest by allowing Forestry Staff to develop a greater understanding of management needs and maintenance being performed on trees that are located within Tree Lawns as that term is defined in [Definitions Section of this Code Section 30-1-116\(A\)](#). This program is intended only for trees located within Tree Lawns for which property owners/occupants are responsible for maintaining, removing, and replacing pursuant to [the Development review deposit and reimbursement of Town costs Section as well as this Street Tree Work Permit Section after developments are out of warranty Code Section 30-2-112\(B\)\(5\)](#); not trees located on private property.
 2. *Definitions.* As used in this [Section and in the Development review deposit and reimbursement of Town costs Section, section 30-2-112\(F\)](#) the following words will have the meanings indicated:
 - a. *Applicant* means an individual who is a natural person who owns a Property, and by virtue of said ownership is required to maintain, remove, and replace trees located within the Tree Lawn adjacent to Applicant's Property.
 - b. *Property* means a parcel of real estate within the Town of Berthoud, Colorado, which is adjacent to a Tree Lawn.
 - c. *Tree Lawn* shall have the same meaning as defined in Berthoud Code section 30-1-116(A).
 - d. *Right-of-Way*, as defined in [the Definition Section of the Berthoud Development Code 30-1-116\(A\)\(352\)](#), is a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, irrigation ditch or for another special use.
 - e. *Street Tree Work Permit* means a permit for performing maintenance on a tree that is located within a Tree Lawn.
 - f. *Maintenance* includes pruning, chemical treatments of pesticides, fungicides, or fertilizers, replacement, removal or any other actions that may affect the health of a tree.
 3. *Procedure.* The following procedure shall apply when an Applicant desires to apply for a Street Tree Work Permit:
 - a. Any Applicant may apply by filling out a Street Tree Work Permit Application ("Street Tree Work Permit Application") and submitting the Street Tree Work Permit Application to the Forestry Department. The Street Tree Work Permit Application shall be created and approved by the Town's Forestry Department, and may be amended from time to time in the sole discretion of the Forestry Department. There shall be no cost for obtaining a Work Permit Application.
 - b. Town Staff is authorized to review and either approve or disapprove Applicant's Street Tree Work Permit Application, and may contact Applicant if any additional information is required. Town Staff will review each Street Tree Work Permit Application for conformance with standards set by the Town Forestry Department, and which standards may be amended from time to time.
 - c. If Applicant's Street Tree Work Permit Application is approved, the Applicant will be contacted for further instructions. Street Tree Work Permit Applications are valid for 60 days after approval date. A follow-up site evaluation may be conducted and recorded after tree maintenance has been performed.
 4. *Requirements.* The following requirements, in addition to any other requirements imposed by Town staff in their discretion, must be met prior to Applicant being granted a Street Tree Work Permit:
 - a. Tree maintenance, removal, and replacement must be performed by a Town of Berthoud Licensed Tree Service, or Applicant.
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- b. Applicant shall be responsible for all costs associated with maintenance, removal, and replacement of the tree(s) within Tree Lawns.
 - c. Tree pruning shall consist of crown raising, crown reduction, crown thinning (no more than 25 percent of live crown), crown cleaning, and root reduction.
 - d. Chemical treatments shall identify tree species and size, targeted insect/disease/deficiency, and product applied/application rate/application method.
 - e. Trees must be removed with good cause. Good cause, as used in this section, shall mean the subject tree is dead, dying, hazardous, in poor health, incorrectly planted, is of a prohibited species, or per part of a management plan.
 - f. After removal, stumps must be properly removed six to eight inches below ground level and all wood material must be removed from the work site within 48 hours.
 - g. New trees to be planted within Tree Lawns shall comply with the Town's Tree Planting Standards. The Town's Tree Planting Standards are attached to this Ordinance, and may be amended from time to time in the sole discretion of the Town.
 - h. New trees to be planted within Tree Lawns shall meet species, size, diversity, and spacing requirements per [the Development review deposit and reimbursement of Town costs Section of the Berthoud Development Town Code Section 30-2-112](#).
- 5. A Street Tree Work Permit must be acquired prior to performing any maintenance, removal, or planting of any tree located in a Tree Lawn.
 - 6. Town Staff is hereby authorized and directed to develop an appropriate Street Tree Work Permit Application form to be submitted by an Applicant when such Applicant wishes to obtain a Street Tree Work Permit.
 - 7. Town Staff is hereby authorized to inspect, conduct surveys, and perform maintenance as needed on any tree within Tree Lawns.
 - 8. Any violation of any provision contained in this section shall be punishable by a fine up to \$2,500.00.
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Section 2: Clarification on the difference between minor and major alterations to clarify Staff's ability to be efficient with applications for minor alterations. This section proposes to repeal all of the existing Section 30-9 and replace with the following. The entire section of 30-9 is provided so the reader can see the entire proposed amendments as they relate to the section.

SECTION 9 HISTORIC RESOURCES¹

30-9-101 Intent

The Town of Berthoud recognizes that certain significant historic resources located within its boundaries contribute to the unique character of the community and are irreplaceable, and as such, merit preservation. Ordinance #920 established a Historic Preservation Commission; a program for the identification, evaluation, and designation of Local Historic Landmarks and Districts; providing information on public incentives for the preservation of Local Historic Landmarks; and land use regulations regarding the alternation, moving or demolition of Local Historic Landmarks and properties on the State or National Register of Historic Places. In 2011, the title of the Historic Preservation Commission was changed to the Berthoud Historic Preservation Advisory Committee by Resolution 4-11. Resolution 4-11 also identified procedures and operations for the Historic Preservation Advisory Committee.

30-9-102 Definitions

The following definitions apply to terms used in this Section. Terms not defined have their commonly construed meaning.

Alteration — An addition, removal, change, or reconfiguration which alters the exterior character of a Local Historic Landmark including new construction in Historic Districts.

- i. *Minor alterations* shall include painting, repair or replacement of roof using the same or similar materials as the existing roof, or foundation repair.
- ii. *Major alterations* shall include window or door replacement, additions, and removal of architectural elements, [for example](#).

Building — Construction for purposes of shelter or habitation, e.g. house, barn, store, theater, train station, garage, school and other similar structures.

Contributing Property — a building or object adding to the historic significance of a District.

Demolition — The razing, destruction, or dismantling of a resource to the degree that its historic character is substantially obliterated.

Designated Local Historic Landmark — A property officially recognized by the Town of Berthoud, Colorado, as important to its history.

State or National Register of Historic Places — Buildings, structures, objects, sites, and districts which are listed on the State Register of Historic Properties or National Register of Historic Places.

District — A significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.

¹Editor's note(s)—Adopted March 8, 2016

Historic Context — An organizing structure for interpreting history that groups information about historic properties which share a common theme; common geographical location, and common time period. The development of historic contexts is a foundation for decisions about the planning, identification, evaluation, registration, and treatment of historic properties based upon comparative significance.

Historic Integrity — The authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during the property's prehistoric or historic period and the composite of its location, design, setting, materials, workmanship, feeling and association.

Historic Significance — The importance of a property to the history, architecture, archaeology, engineering, or culture of a community, achieved by meeting one or more standards of 30-9-105.4.

Listing of Historic Resources — The record of information in the form of surveys about resources potentially significant to the history of the Town of Berthoud, Colorado, but have not been designated as a local landmark.

Local Historic Landmarks (LHL's) — are locally significant historic places designated by the Town of Berthoud because they possess exceptional value or quality in illustrating or interpreting the heritage of Berthoud, Colorado.

Object — Construction which is primarily artistic or commemorative in nature and not normally movable, or part of a building or structure, e.g. statue, fountain, milepost, monument, sign.

Preservation — focuses on the maintenance and repair of existing historic materials and retention of a property's form as it has evolved over time (see minor alterations).

Relocation — The removal of a resource from its historic context or site to another location.

Rehabilitation — The process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values.

Resource — any building, structure, site, or object that is part of or constitutes a historic property.

Site — location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing ruined, or vanished, where the location itself possesses historic, cultural, or archaeological value regardless of the value of any existing structure which may include underground features, e.g. battlefield, campsite; or natural features, food-gathering areas, etc.

Structure — Construction made for functions other than shelter or habitation, e.g. bridge, windmill, dam, highway, silo, kiln.

Survey — The process of identifying, documenting and evaluating or re-evaluating properties to determine their potential for eligibility and designation as a Local Historic Landmark.

30-9-103 Authority and Duties

1. The Historic Preservation Advisory Committee shall conduct all activities necessary and appropriate to maintain Berthoud's Certified Local Government status with the State of Colorado and History Colorado.
 2. The Historic Preservation Advisory Committee shall also make recommendations to Town staff and the Town Board of Trustees concerning:
 - (a) Criteria for review of historic resources and for review of proposals to demolish designated resources.
 - (b) Resources to be nominated for designation as either a historic structure or historic district and designation of those resources qualifying for such designation.
 - (c) Application for alterations to the exterior of designated historic structures or elements of historic districts.
 - (d) Application for moving or demolishing a Designated Local Historic Landmark.
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- (e) Matters related to preserving the historic character of the Town.
 - (f) Support or financial assistance for preservation-related programs.
 - (g) Removal of properties from the register for reasons including, but not limited to, acts of God, undue hardship and public health/safety concerns.
 - (h) Application fees for applications made by citizens applying for historic designation or who are applying to alter or demolish a historically designated property.
- 3. Advise and assist owners of historic properties on physical and financial aspects of reservation, renovation, rehabilitation, and reuse, including nominations to the Local, State or National Registers of Historic Places within the Town limits.
 - 4. Initiate Public education programs including, but not limited to, walking tours, brochures, marker programs for historic properties, lectures and conferences within both the Town and the greater Berthoud area.
 - 5. Survey historic properties for the purpose of defining those of historic significance, and to prioritize the importance of identified historic properties and areas.

30-9-104 Listing Standards

A. *Listing.*

- 1. The Committee shall determine and periodically revise priorities for the identification and evaluation of historic resources.
- 2. Unless the Committee finds extraordinary historic importance, only properties over 50 years of age shall be considered for inclusion in the Register of Local Historic Landmarks.
- 3. The Committee shall apply criteria based on historic integrity and significance, for evaluating historic resources. The criteria shall be used to identify historic resources as eligible, potentially eligible, or ineligible for listing on the Designated Local Historic Landmarks Register. Owners of surveyed properties will be notified of these findings.
- 4. Documentation of properties in the Listing of Historic Resources shall be in a format compatible with forms developed by History Colorado, and upon completion, copies of the forms shall be supplied to History Colorado.
- 5. Records concerning the locations of any archaeological sites shall be filed with History Colorado to insure the safety and security of an archaeological site.

30-9-105 Designated Local Historic Landmark register

- 1. Properties listed on the State Register of Historic Properties and National Register of Historic Places, including all properties within State or National Register Historic District boundaries, are eligible for automatic listing on the Designated Local Historic Landmark Register.
 - 2. No property shall be designated without the written consent of the owner. In the case of the formation of a Historic District where there are multiple ownerships, a majority of the owners within the area of the proposed District may form the District but the regulations of that District shall only apply to properties that are identified as contributing within the District at the time of formation, or later as approved by the Town Board of Trustees on a case by case basis.
 - 3. Upon acceptance of a completed application, the Town Staff shall schedule two public hearings; one before the Committee for a recommendation, and one before the Town Board of Trustees pursuant to applicable state laws.
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In order to be included or maintained on the Local Historic Landmark Register, the Committee may recommend and the Town Board of Trustees must find that:

The quality of significance in Berthoud history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- A. That are associated with events that have made a significant contribution to the broad patterns of our history; or
 - B. That are associated with the lives of significant persons in Berthoud's past; or
 - C. That embody the distinctive characteristics of a type, period, or method of construction; represent the work of a master; or possess high artistic values; or represent a significant and distinguishable entity whose components may lack individual distinction; or
 - D. That yielded or may be likely to yield, information important in history or prehistory.
5. The Committee in making a recommendation and the Town Board of Trustees in making a decision shall develop findings based upon the criteria set forth in this Code, to support its recommendation and decision. These findings shall indicate those elements of a property, including any landscape, and archaeological features that are included in the designation and subject to regulation under the provisions of this ordinance.

30-9-106 Designation of Local Historic Landmarks

- A. Recommendations for designation of Local Historic Landmarks. Pursuant to the procedures set forth in this Section, the Committee shall make written recommendation to the Board of Trustees that a site, building, structure, object, or district be designated as a Local Historic Landmark for preservation, meeting the criteria set forth in this Section. Each such recommendation shall include a description of the characteristics of the site, building, structure, object, or district's historic significance and integrity, which justify its designation and shall include a legal description of the property. The recommendation shall indicate alterations that would have a significant impact on, or be potentially detrimental to, the historic features of the site, building, structure, object, or district. Any such designation shall be in furtherance of and in conformance with the purposes and standards of this Section.
- B. Procedures for designating Local Historic Landmarks.
 - 1. *Applications.* Applications for designation of Local Historic Landmarks must be made to the Town Staff on forms provided by the Town. Applications shall be made only by the owners of 100 percent of the property for which the application is submitted, except as provided in Section 30-9-105.2.
 - 2. *Staff review.* The Town Staff shall review applications for designation of Local Historic Landmarks for content and for completeness. The Staff shall, within a reasonable time of receipt, forward complete applications and Staff recommendations to the Committee.
 - 3. *Committee review.* The Committee shall consider and make recommendations upon applications at regularly scheduled or special meetings within a reasonable time of receipt of staff recommendations. The Committee shall recommend approval, approval with conditions, or disapproval of applications, and shall immediately forward written notice of their recommendations to the Town Board of Trustees. In the event of failure of the Committee to act in a timely manner, the Town Board may proceed without a Committee recommendation.
 - 4. *Town Board of Trustees action.* After a recommendation by the Committee, and with public notice given as provided in [the Notice and Publication Section of the Land Development Code 30-1-117](#), the Town Board of Trustees shall by resolution approve, approve with conditions, or shall deny the proposed Local Historic Landmark designation.

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5. *Withdrawal of applications.* Prior to action on an application by the Town Board of Trustees, an Applicant may withdraw the application by submitting a written request to the Town Clerk.
 6. *Recording.* The resolution designating a site, building, structure, object, or district as a Local Historic Landmark shall be recorded in the records of the Larimer or Weld County Clerk as appropriate.

30-9-107 Limitation on Resubmission and Reconsideration

Whenever the Town Board of Trustees denies an application for Local Historic Landmark designation, or whenever an owner withdraws an application, no application for the same site property may be submitted within one year of the disapproval or withdrawal.

30-9-108 Amendment of Designation

The designation of a Local Historic Landmark may be amended to add additional features to the property according to the application process described in Section 30-9-106 for new designations.

30-9-109 Alteration of a Designated Local Historic Landmark

All modifications to designated Local Historic Landmarks shall be done in conformance with the Secretary of the Interior's Standards for Rehabilitation as published by the U.S. Department of the Interior, National Park Service.

30-9-110 Notification of intent to alter a Designated Local Historic Landmark

The owner of a Local Historic Landmark agrees to notify the Town Staff of the owner's intention to alter (any defined minor or major alteration), demolish, move or remove the Landmark and provide plans for the work at least 30 days prior to beginning such work. This notification requirement shall run with the land and shall bind successors and assigns. The Town Staff shall, upon receipt, forward the notification and plans to the Committee for review and recommendation. The Committee shall review the plans and may advise the owner on the potential effect of the plans on the Local Landmark designation. The Committee may forward a recommendation to the Town Board that, based on the plans, the historic designation be modified or revoked.

30-9-111 Alterations, relocations or demolitions

1. No exterior, landscape, or archaeological element of a designation Local Historic Landmark which is specified as significant in its designation shall be altered, removed, or demolished without authorization issued by the Town Staff pursuant to this Section and a building permit issued, if required under the currently adopted building code.
 2. No ~~minor~~ ~~major~~ exterior alteration, relocation, or demolition of a designated Local Historic Landmark or a Contributing Structure in an approved Historic District shall be allowed without authorization issued by the Town Staff pursuant to this Section.
 3. No ~~authorization for~~ major exterior alternations, relocation, or demolition of a designated Local Historic Landmark ~~or a Contributing Structure in an approved Historic District~~ shall be allowed without authorization issued given by the Town Board of Trustees with a recommendation by the Committee.
 4. Prior to submitting an application for a permit pursuant to this section, the Applicant(s) is encouraged to request a pre-application conference with Town Staff and/or the Committee to review concepts and proposals. The Committee may form ad-hoc sub-committees for this purpose. Committee members participating in pre-application conferences shall disclose their ex-parte contact at the time of any public hearing on the proposal.
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5. In cases requiring a public hearing for the relocation or demolition of a Designated Local Historic Landmark, or a Contributing Structure in an approved Historic District, the Committee shall review and recommend to the Town Board of Trustees and the Board shall take action upon such applications. The burden of proof, as per the factors found in Section 30-9-111 6, lies with the Applicant. Applications may be approved, approved with conditions, or denied by the Town Board of Trustees. The Town Staff shall include any conditions imposed by the Town Board of Trustees in permits issued pursuant to this section.
6. Minor ~~or Major~~ Alterations: Authorization from the Town Staff is required for work identified as minor alterations ~~as defined in this Section. To the exterior including repainting, roof replacement, and foundation repair~~ as defined in this Section. ~~Authorization from the Town Board of Trustees with a recommendation from the Committee is required for work identified as major alterations to the exterior as defined in this Section.~~ In order to approve an application for ~~an the minor~~ an alteration of a Local Historic Landmark, or a Contributing Structure in an approved Historic District, ~~the approving authority the Committee~~ shall find that the proposal meets the following standards:
- a. A property shall be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
 - b. The historic character of a property shall be retained and preserved. The relocation of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property shall be avoided.
 - c. A property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, shall be discouraged.
 - d. Changes to a property that have acquired historic significance in their own right shall be retained and preserved.
 - e. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
 - f. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and, where possible, materials. Replacement of missing features shall be substantiated by documentary and physical evidence.
 - g. Chemical and physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used unless otherwise approved by the Town Staff.
 - h. Archaeological resources should be protected and preserved in place. If such resources must be disturbed, mitigation measures should be encouraged.
 - i. New additions, exterior alterations, or related new construction shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportions, and massing to protect the integrity of the property and its environment.
 - j. New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
7. In order to approve an application for the relocation or demolition of a Local Historic Landmark, or a Contributing Structure in an Historic District, the Committee and the Town Board of Trustees must find that:
- a. No prudent and feasible alternative exists, or
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- b. The designated property is deteriorated beyond repair, or
 - c. The value to the community of the proposed use of the property outweighs the value of retaining the Local Historic Landmark.
8. At the public hearing of an application to relocate or demolish a Local Historic Landmark, or a Contributing Structure in an Historic District the Town Board of Trustees, upon recommendation by the Committee, may, in the interest of exploring reasonable alternatives, delay issuance of a permit for up to 90 days from the date of the hearing. If, ten days prior to the expiration of the delay period the Committee finds that there are still reasonable alternatives to explore, it may recommend to the Board of Trustees a delay for an additional period of up to 90 days.
9. In approving an application for the demolition of a Local Historic Landmark, or a Contributing Structure in an Historic District the Committee may recommend to the Town Board of Trustees and the Board may impose the following conditions:
- a. Photographic, video, or drawn recordation of the property to be demolished, and/or
 - b. Salvage and curation of significant elements, and/or
 - c. Other reasonable mitigation measures.
10. No provision of this Section shall be construed to prevent the ordinary repair or maintenance of a Local Historic Landmark, or a Contributing Structure in an Historic District, when such action does not involve a change in design, materials or appearance.
11. No provision in this Section shall be construed to prevent the alteration, demolition or relocation of a Designated Local Historic Landmark, or a Contributing Structure in an approved Historic District when the Building Official certifies that such action is required for the public safety.

30-9-112 Revocation of Local Historic Landmark designation

The Town Board of Trustees may, by resolution, revoke or modify the designation of a Local Historic Landmark, after ten days' notice to the owner and after public hearing, and with a recommendation by the Committee if any of the following conditions exist:

- [A]. If any owner of a Local Historic Landmark fails to provide notification as required in this Section, or if alterations to the Landmark will significantly alter the historic character and/or integrity of the Landmark;
- [B]. If an owner of a Local Historic Landmark submits a written request to the Town for revocation of a designation;
- [C]. If the Committee makes a recommendation to the Town Board of Trustees for modification or revocation based on an owner's written intent to alter a Local Historic Landmark; or
- [D]. If modifications are made to a Local Historic Landmark that are found by the Committee and the Town Board of Trustees to not be in accordance with the standards specified in this Section.

Section 3: The Planned Unit Development (PUD) is a land planning tool that is often mis-used and is difficult to regulate over time. It was the intent of the Town to eliminate this tool and portions of the Code were previously amended to reflect removal of the PUD option including removing the process for approval however, additional sections of the Code need to be amended to remove the PUD option entirely to avoid confusion. The Town has recently adopted new zoning classifications of Urban Residential/Commercial, Suburban Residential/Commercial and Conservation District. These three zoning districts allow for flexibility and a combination of land uses including residential and commercial uses.

30-3-103 - Zoning districts and boundaries

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

A-T No change

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

Intent. ~~The~~ is Planned Unit Development (PUD) Overlay District ~~was is intended to be used~~ as an overlay zone to ~~hat~~ supplements one or more underlying standard zone districts as found in this Code. The PUD Overlay District ~~is no longer available as an option to zoning. Previously-approved PUDs are recognized. Any unimproved property with an approved PUD is encouraged to rezone their property to a zone district recognized in the Town's Zoning Chapter of the Development Code.~~ is intended to permit greater flexibility in the application of specific zoning standards and greater freedom in the allowable range of land use types. Amendments to an existing PUD Overlay District will require the applicant to rezone the property and provide a Neighborhood Master Plan. Further subdivision processes may be required.

- ~~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.

Section 4: The Town has made a commitment to adhere to the International Dark Sky Standards. As with all standards, they are amended from time to time. Staff has collaborated with the International Dark Sky Association and present the proposed amendments to this Section of the Code to be reflective of the most current standards. This section proposes to repeal all of the existing Section 30-2-118 and replace with the following. The entire section of 30-2-118 is provided so the reader can see the entire proposed amendments as they relate to the section.

30-2-118 Outdoor lighting and dark sky standards

A. *Intent.* The purpose of this ordinance is to provide regulations for outdoor lighting that will:

1. Permit the use of outdoor lighting that does not exceed the levels specified in International Engineering Society (IES) recommended practices for night-time safety, utility, security, productivity, enjoyment and commerce.
2. Minimize adverse offsite impacts of lighting such as light trespass, and obtrusive light.
3. Curtail light pollution, reduce skyglow and improve the nighttime environment for astronomy, intended to support the continued use, enjoyment and success of Berthoud's Little Thompson Observatory and Bunyan Observatory at the Pioneer Museum and their operations.
4. Help protect the natural environment from the adverse effects of night lighting from gas and oil extraction activities or electric services.
5. Conserve energy and resources to the greatest extent possible.
6. These standards should result in exterior lighting that is functional, aesthetically pleasing, and complementary to the architectural style of buildings or setting.

B. *Definitions.* For the purposes of this Section, the following definitions shall apply:

Absolute Photometry: Photometric measurements (usually of a solid-state luminaire) that directly measures the footprint of the luminaire. Reference Standard IES LM-79.

Architectural Lighting: Lighting designed to reveal architectural beauty, shape and/or form and for which lighting for any other purpose is incidental.

Authority: The Town of Berthoud.

Astronomic Time Switch: An automatic lighting control device that switches outdoor lighting relative to time of solar day with time of year correction.

Backlight: For an exterior luminaire, lumens emitted in the quarter sphere below horizontal and in the opposite direction of the intended orientation of the luminaire. For luminaires with symmetric distribution, backlight will be the same as front light.

BUG: The acronym, "BUG" (Backlight, Uplight, and Glare) was developed by the Illuminating Engineering Society (IES) and the International Dark Sky Association in order to calculate the light escaping in unwanted directions from an outdoor light fixture. —Forward light (Glare), Backlight, and Uplight.

Canopy: A covered, unconditional structure with at least one side open for pedestrian and/or vehicular access. An unconditioned structure is one that may be open to the elements and has no heat or air conditioning.

Common Outdoor Areas: One or more of the following: a parking lot, a parking structure or covered vehicular entrance; a common entrance or public space shared by all occupants of the domiciles.

Curfew: A time defined by the authority when outdoor lighting is reduced or extinguished.

Emergency conditions: Generally, lighting that is only energized during an emergency; lighting fed from a backup power source; or lighting for illuminating the path of egress solely during a fire or other emergency situation; or, lighting for security purposes used solely during an alarm.

Foot-candle: The unit of measure expressing the quantity of light received on a surface. One foot-candle is the illuminance produced by a candle on a surface one square foot from a distance of one foot.

Forward light: For an exterior luminaire, lumens emitted in the quarter sphere below horizontal and in the direction of the intended orientation of the luminaire.

Fully shielded luminaire: A luminaire constructed and installed in such a manner that all light emitted by the luminaire, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal plane through the luminaire's lowest light-emitting part.

Glare: Lighting entering the eye directly from luminaires or indirectly from reflective surfaces that causes visual discomfort or reduced visibility.

Hardscape: Permanent hardscape improvements to the site including parking lots, drives, entrances, curbs, ramps, stairs, steps, medians, walkways and non-vegetated landscaping that is ten (10) feet or less in width. Materials may include concrete, asphalt, stone, gravel, or other material approved by the Town through the site-specific land development process or through another approval process.

Hardscape Area: The area measured in square feet of all hard-scape. It is used to calculate the Total Site Lumen Limit in both the Prescriptive Method and Performance Methods. Refer to Hardscape definition.

Hardscape Perimeter: The perimeter measured in linear feet is used to calculate the Total Site Lumen Limit in the Performance Method. Refer to Hardscape definition.

IDA: International Dark Sky Association.

IESNA: Illuminating Engineering Society of North America.

Impervious Material: Sealed to severely restrict water entry and movement.

Industry Standard Lighting Software: Lighting software that calculates point-by-point illuminance that includes reflected light using either ray-tracing or radiosity materials.

Lamp: A generic term for a source of optical radiation (i.e. light) often called a "bulb" or "tube". Examples include incandescent, fluorescent, high-intensity discharge (HID) lamps, and low pressure sodium (LPS) lamps, as well as light-emitting diodes (LED) modules and arrays.

Landscape lighting: Lighting of trees, shrubs, or other plant material, as well as ponds and other landscape features.

LED: Light Emitting Diode.

Light Pollution: Any adverse effect of artificial light including, but not limited to, glare, light trespass, sky-glow, energy waste, compromised safety and security, and impacts on the nocturnal environment.

Light trespass: Light that falls beyond the property it is intended to illuminate.

Lighting: "Electric" or "man-made" or "artificial" lighting. See the definition of Lighting Equipment.

Lighting Equipment: Equipment specifically intended to provide gas or electric illumination, including but not limited to, lamp(s), luminaire(s), ballast(s), poles, posts, lens(s), and related structures, electrical wiring, and other necessary or auxiliary components.

Lighting Zone: An overlay zoning system establishing legal limits for lighting for particular parcels, areas, or districts in a community.

Low voltage landscape lighting: Landscape lighting powered at less than 15 24volts and limited to luminaires having an initial lumen output of 525 lumens or less.

Lumen: the unit of measurement used to quantify the amount of light produced by a lamp or emitted from a luminaire (as distinct from a "watt" a measure of power consumption).

Luminaire: The complete lighting unit (fixture), consisting of a lamp, or lamps and ballast(s), together with the parts designed to distribute the light (reflector, lens, diffuser) to position and connect the lamps to the power supply.

Luminaire Lumens: For luminaires with relative photometry per IES, it is calculated as the sum of the initial lamp lumens for all lamps within an individual luminaire, multiplied by the luminaire efficiency. If the efficiency is not known for a residential luminaire, assume 70%. For luminaires with absolute photometry per IES LM-70, it is the total luminaire lumens. The lumen rating of a luminaire assumes the lamp or luminaire is new and has not depreciated in light output.

Lux: The SI unit of illuminance. One (1) Lux is one (1) lumen per square meter. One (1) Lux is a unit of incident illuminance approximately equal to 1/10 footcandle.

Mounting height: The height of the photometric center of a luminaire above grade level. The horizontal spacing of poles is often measured in units of Mounting height. For example, "The luminaires can be spaced up to four (4) mounting heights apart."

New Lighting: Lighting for areas not previously illuminated; newly installed lighting of any type except for replacement lighting or lighting repairs.

Object: A permanent structure located on a site. Objects may include statues or artwork, garages or canopies, outbuilding, etc.

Object height: The highest point of an entity but shall not include antennas or similar structures.

Ornamental lighting: Lighting that does not impact the function and safety of an area but is purely decorative, or used to illuminate architecture and/or landscaping, and installed for aesthetic effect.

Ornamental street lighting: A luminaire intended for illuminating streets that serves a decorative function in addition to providing optics that effectively deliver street lighting. It has a historical period appearance or decorative appearance, and has the following design characteristics:

- a. Designed to mount on a pole using an arm, pendant, or vertical tenon;
- b. Opaque or translucent top and/or sides;
- c. An optical aperture that is either open or enclosed with a flat, sag or drop lens;
- d. Mounted in a fixed position; and
- e. With its photometric output measured using Type C photometry per IESNA LM-75-01.

Outdoor lighting: Lighting equipment installed within the property line and outside the building envelopes, whether attached to poles, building structures, the earth, or any other location; and any associated lighting control equipment.

Partially shielded luminaire: A luminaire with opaque top and translucent or perforated sides, designed to emit most light downward.

Pedestrian hardscape: Stone, brick, concrete, asphalt or other similar finished surfaces intended primarily for walking, such as sidewalks and pathways.

Photoelectric switch: A control device employing a photocell or photodiode to detect daylight and automatically switch lights off when sufficient daylight is available.

Property line: The edges of the legally defined extent of privately-owned property.

Relative photometry: Photometric measurements made of the lamp plus luminaire and adjusted to allow for light loss due to reflection or absorption within the luminaire. Reference standard: IES LM-63.

Repairs: The reconstruction or renewal of any part of an existing luminaire for the purpose of its on-going operation, other than relamping or replacement of components including capacitor, ballast or photocell. Note that retrofitting a luminaire with new lamp and/or ballast technology is not considered a repair and for the purposes of this Section the luminaire shall be treated as if new. The term, Repair does not include normal relamping or replacement of components including capacitor, ballast or photocell.

Replacement lighting: Lighting installed specifically to replace existing lighting that is sufficiently broken to be beyond repair.

Sales area: Uncovered area used for sales of retail goods and materials, including but not limited to automobiles, boats, tractors and other farm equipment, building supplies, and gardening and nursery products.

Seasonal lighting: Temporary lighting installed and operated in connection with holidays or traditions.

Shielded Directional Luminaire: A luminaire that includes an adjustable mounting device allowing aiming in any direction and contains a shield, louver, or baffle to reduce direct view of the lamp.

Sign: See term defined in the definition Section of Chapter 30.

Sky glow: The brightening of the nighttime sky that results from scattering and reflection of artificial light by moisture and dust particles in the atmosphere. Skyglow is caused by light directed or reflected upwards or sideways and reduces one's ability to view the night sky.

Temporary lighting: Lighting installed and operated for periods not to exceed sixty (60) days, completely removed and not operated again for at least thirty (30) days.

Third party: A party contracted to provide lighting, such as a utility company.

Time switch: An automatic lighting control device that switches lights according to time of day.

Translucent: Allowing light to pass through, diffusing it so that objects beyond cannot be seen clearly (not transparent or clear).

Unshielded Luminaire: A luminaire capable of emitting light in any direction including downwards.

Uplight: For an exterior luminaire, flux radiated in the hemisphere above the horizontal plane.

Vertical illuminance: Illuminance measure or calculated in a plane perpendicular to the site boundary or property line.

C. *General Provisions.*

1. Evaluation of exterior lighting. Exterior lighting shall be evaluated in the development review process to ensure that the functional and security needs of the project are met in a way that does not adversely affect the adjacent properties or neighborhood. The degree to which exterior night lighting affects a property owner or neighborhood will be examined by considering the light source, level of illumination, hours of illumination, and need for illumination in relation to the effects of the lighting on the adjacent property owners and the neighborhood.
2. Light style. The style of lights shall be consistent with the style and character of architecture proposed on the site. Light fixtures that illuminate signage shall be compatible with the architecture of the building on which they are placed.
3. Concealed light source. Light sources shall be concealed or shielded to the maximum extent feasible to minimize the potential for glare or unnecessary diffusion on adjacent property. All lights shall be directed downward and the light source shall be equipped with "cut-off" devices so that they do not negatively impact any adjacent property and to ensure that ambient skyward light is eliminated.
4. Excessive illumination. Lighting within any lot that unnecessarily illuminates any other lot and substantially interferes with the use or enjoyment of such other lot is prohibited. Lighting unnecessarily

illuminates another lot if it clearly exceeds the standards set forth in this Section, if the light shines directly into or toward a residence, or if the standards set forth in this Section could reasonably be achieved in a manner that would not substantially interfere with the use or enjoyment of neighboring properties.

D. *Applicability.*

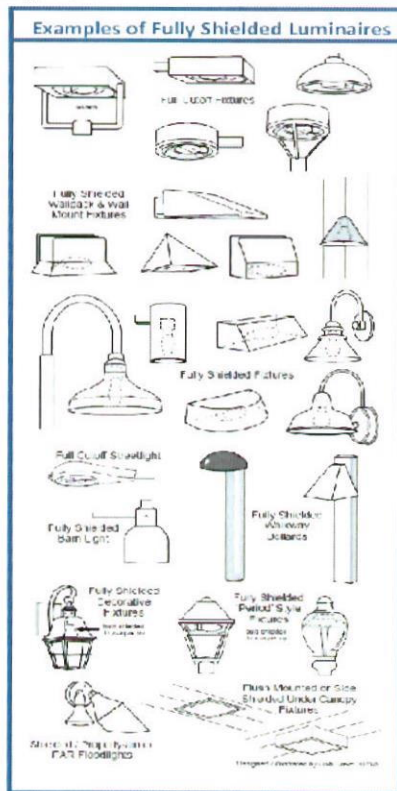
1. The lighting standards of this Chapter shall be applicable to all exterior lighting within the Town. All exterior lighting installed after the effective date of this ordinance codified herein shall conform to the standards established by this Chapter.
2. Exemptions:
 - i. Exemption for outdoor recreational uses. Because of their limited hours of operation and their unique requirements for nighttime visibility, ball diamonds, playing fields, tennis courts, and other similar outdoor recreational uses (both public and private, unless otherwise restricted by the Town) shall be exempt from the general provisions of this section. However, exterior lighting for such uses shall be extinguished no later than an hour after activity concludes.
 - ii. Full cutoff street lighting as part of a federal, state, or municipal installation.
 - iii. Holiday lighting before and after the holiday.
 - iv. Specialized lighting necessary for safety, such as temporary lighting associated with emergency operations, road hazard warnings, etc.
 - v. Traffic control signals and devices.
 - vi. Sensor activated luminaries, provided that:
 - a. It is located in such a manner as to prevent glare and lighting onto properties of others or into the public right-of-way.
 - b. The luminaire is set to only go on when activated by motion, and to go off within five minutes after activation has ceased.
 - c. The luminaire shall not be triggered by activity off the property.
 - vii. Floodlights with external shielding can be deflected up to 25 degrees from a vertical plane as measured through the central axis of the light beam from the luminaire, only if the luminaire does not cause glare or light to shine on adjacent property or public rights-of-way.
 - viii. Federally funded and state funded roadway construction projects are exempted from the requirements of this division only to the extent it is necessary to comply with federal and state requirements.
 - ix. Exterior Residential fixtures which consist of lamp types with an output of 800 lumens or less (approximate to a 60-watt incandescent bulb or nine-watt LED) are exempt from these regulations, provided the fixture types are compliant with those allowed in this Chapter.
 - x. Landscape Lighting: up-lighting for flags, address markers, trees, architectural features and low-voltage landscape lighting, provided that the luminaire is located, aimed and shielded so that direct illumination is focused exclusively on the object and away from adjoining properties and the public street right-of-way. Architectural features may be illuminated by up-lighting provided that the light is effectively contained by the structure. In all cases, up-lighting must not cause glare or light trespass. The landscape lighting must be low voltage (24 volts or less), and it must be controlled by a photocell and timer set to extinguish no later than 12:00 a.m.
 - xi. Fossil fuel light produced directly or indirectly by the combustion of natural gas or other utility-type fossil fuels are exempt from these standards.

E. *Standards.*

1. *Area and Roadway Lights.*

- i. All area lights, including street lights and parking area lighting, shall have a maximum BUG rating of B2-U0-G1 according to the guidelines set forth by the Illuminating Engineering Society (IES) TM15-11. Examples of these luminaires can be found in Diagram 30-1.

Diagram 30-1



2. *Illumination Levels.* Illumination levels and uniformity shall be in accordance with currently recommended practices of the Illuminating Engineering Society (IES), which requires Kelvin temperatures that do not exceed 3,000 Kelvin, and those recommended standards shall not be exceeded.
3. *Temporary Lighting.* Temporary lighting that conforms to the requirements of this Chapter shall be allowed. Nonconforming temporary exterior lighting will be permitted by the Town staff only after

considering 1) the public and/or private benefits which will result from the temporary lighting; 2) any annoyance or safety problems that may result from the use of the temporary lighting; and, 3) the duration of the temporary nonconforming lighting. The applicant shall submit a detailed description of the proposed temporary nonconforming lighting to the Town for review and authorization.

4. *Light Spillover.*

- a. *Residential:* All outdoor lighting systems shall be designed and operated so that the area ten feet beyond the property line of the premises receives no more than one-quarter of a foot-candle of light from the premises lighting system.
- b. *Commercial:* All outdoor lighting systems shall be designed and operated so that the area ten feet beyond the property line of the premises receives no more than one foot-candle in commercially zoned areas, and one quarter of a foot-candle for properties adjoining residential districts.

5. *Towers.* All radio, communication, and navigation towers that require lights shall have dual lighting capabilities. For daytime, the white strobe light will be used, and for nighttime, only red lights shall be used.

F. *Submittals.*

1. All applications for building permits or land use planning review which include installation of outdoor lighting fixtures shall include lighting plans conforming to the provisions of this Section. Town staff has the authority to request additional information in order to achieve the purposes and intent of this Section.
- a. The submittal shall contain the following information and be submitted as part of the site plan to the Planning and Building departments for approval.
 1. Plans indicating the location, type, intensity, and height of luminaries including both building and ground-mounted fixtures;
 2. A description of the luminaries, including lamps, poles or other supports and shielding devices, which may be provided as catalogue illustrations from the manufacturer;
 3. Photometric data, such as that furnished by the manufacturer, showing the angle of light emission and the foot-candles on the ground. Area and roadway lighting requires compliance with the BUG rating with this data; and
 4. Additional information as may be required by the Town in order to determine compliance with this Chapter.