

**TOWN OF BERTHOUD ORDINANCE
NUMBER 1343
(SERIES 2024)**

**AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE BERTHOUD MUNICIPAL
CODE CHAPTER 30, SPECIFICALLY SECTION 3 REGARDING LAND USES, PERMITS AND
ZONING CLASSIFICATIONS; SECTION 1 BY AMENDING DEFINITIONS; AND SECTION 2
REGARDING THE PROTECTION OF VIEWSHEDS**

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 June 13, 2024 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 June 25, 2024 and July 27, 2024; 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 1343 (Series 2024) 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 this 10th day of September, 2024.

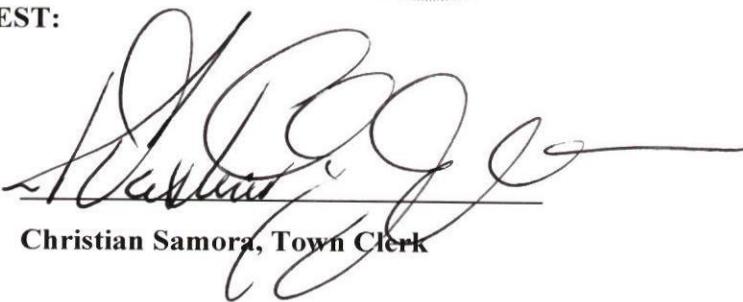
TOWN OF BERTHOUD



By


William Karspeck, Mayor

ATTEST:

By: 

Christian Samora, Town Clerk

Ordinance 1343 (2024) Attachment A

Note to the reader: This round of amendments to the Land Use Code are divided into "Items" for ease in discussion. The notes and item number are not to be codified and provide background information on why the proposed Code amendment is being made.

Item 1: The Land Use Table contains uses contemplated as being appropriate for the different zone districts in the Town of Berthoud. The Land Use Table presented for discussion combines separate tables, 3.3, 3.5, 3.7 and 3.10. Multiple tables are cumbersome and tables 3.5, 3.7 and 3.10 were difficult to navigate as the zone districts of Conservation, Urban and Suburban were arranged in a way that is not intuitive to the common reader. Staff has taken meaningful time to review each land use category and the zone district most appropriate for the use. In addition to the changes in these land use tables, the uses themselves should be defined so that future developers understand the expectations of development through clear definitions. New definitions and amendments to existing definitions are proposed for consideration.

The Town Code shall not include numbered definitions. MuniCode is instructed to remove all numbering of definitions. When a definition includes a lettered list, the numbered list may remain. Definitions shall be placed in alphabetical order.

Item 1, Part 1: 30-1-116 Definitions

Accessory dwelling means an apartment integrated within a single family dwelling, or located in a detached accessory building, such as carriage houses or agricultural type outbuildings, located on the same lot as a single family dwelling. Accessory dwellings shall be limited to 850 square feet in floor area. For purposes of calculating residential density, each accessory dwelling shall count as one third of a dwelling unit. There shall not be more than one accessory dwelling located on a lot in addition to the principal single family dwelling. An internal, attached, or detached residential dwelling less than 850 square feet that provides complete independent living facilities, including but not limited to provisions for sleeping, eating, cooking, and sanitation for one or more persons. The accessory dwelling is located on a lot with an existing primary dwelling unit and is secondary and subordinate to that primary residential dwelling. Mobile homes, manufactured homes and recreational vehicles shall not be included within the definition of the term Accessory Dwelling Unit.

Amphitheater, outdoor – An outdoor space with tiers of seats for spectators at events.

Appliance sales and service – A retail establishment for the sale and service of appliances including portable devices or instruments used for domestic functions such as vacuum cleaners, kitchen appliances, radios, ovens/ranges, dishwashers, washers, driers, refrigerators, freezers, for example.

Banks and financial institutions are open to the public and engaged in deposit banking, and that performs closely related functions such as making loans, investments, and fiduciary activities with or without drive through windows and/or an attached or stand-alone banking kiosk (Automated Teller Machine (ATM)).

Bus shelters – A small, roofed structure, usually having three walls and located near a street. The structure is designed primarily for the protection and convenience of bus passengers who are waiting to board transit.

Caretaker Dwelling means an accessory dwelling on a non-residential property, secondary to the non-residential use of the property, occupied by the person who oversees the non-residential operation 24 hours a day, and their family.

Car and motor vehicle sales – Storage and display of operational automobiles, motorcycles, RV's, boats and trucks in the open or in an enclosed space for sale or trade.

Car/motor vehicle washes – A building or portion of a building used for the washing of automobiles, light trucks and vans, but not commercial fleet, buses and heavy trucks. Operating functions are performed mechanically, manually (self-service), and some may include partial manual detailing by the operator/owner of the vehicle. Vacuum stations may be included.

Commercial and retail businesses, indoor sales and service – An establishment or place of business primarily engaged in selling merchandise or providing a service to individuals located indoors.

Community garden – A private or public facility used for the cultivation of fruits, flowers, vegetables or ornamental plants by more than one person or family.

Contractor's office/shop – An establishment for the indoor repair, maintenance, or storage of contractor's vehicles, equipment or materials for use in the mechanical, plumbing, electrical, electronic repair, small engine, landscaping contracting industry, for example. A contractor's office/shop may include the business office.

Cremation facility – A business containing properly installed, certified apparatus intended for use in the act of cremation.

Farmer's Market – A temporary or occasional location for the outdoor retail sales of farm produce, art, fresh flowers, craft items, food and beverages from vehicles or temporary stands.

Fire station – A building used to store and maintain fire equipment and to house firefighters.

Family care, elderly day care center – A facility providing care for the elderly and/or functionally impaired adults in a protective setting for a portion of a 24-hour day. No overnight care is provided.

Fireworks sales – temporary – An establishment for the sale of fireworks on a temporary basis.

Kennel means a facility licensed to house dogs, cats or other household pets and/or where grooming, breeding, boarding or training or selling of animals is conducted as business. Outdoor runs may be allowed when screened from view of adjacent properties and where sound mitigation is established.

Live work buildings are used for both living and working. The particular building is officially designated to allow the occupant of the residential portion of the building to operate their business. An example is a professional or business office on the first floor and residential uses on the second floor.

Marina – A waterfront establishment where docking, moorings and dry storage is offered for boats and marine sporting equipment. Retail sales of supplies may be included.

Movie Theater: A structure that contains audience seating, on one or more screens and auditoriums, and a lobby with or without a refreshment station. If more than one auditorium/theater will be in one overall structure, they shall share a box office/ticket office, lobby areas, parking facilities, restrooms, concession areas, signs, and other service and maintenance facilities.

Museum – An institution devoted to the procurement, care, study, and display of objects of lasting interest or value.

Nursing facility means a facility, or a distinct part of a facility, which meets the state nursing home licensing standards, is maintained primarily for the care and treatment of inpatients under the direction of a physician, and meets the requirements in federal regulations for certification as a qualified provider of nursing facility services. "Nursing facility" includes private, nonprofit, or proprietary intermediate nursing facilities for the mentally ~~retarded~~ or developmentally disabled.

Places of ~~religious~~ assembly (neighborhood scale) means any structure or place wherein ~~religious~~ worship, ceremonies, rituals, and education are held ~~in space less than 25,000 square feet in size, for a congregation, and one that is not considered a community scale religious assembly.~~

Places of ~~religious~~ assembly (community scale) means any structure or building larger than 25,000 square feet in size wherein ~~religious~~-worship, ceremonies, rituals, and education are held.

Public utility means a common carrier supplying electricity, wire telephone service, natural gas, water, wastewater or storm water service or similar public services, but shall not include railroads or other forms of rail mass transit or depots or terminals supporting the same; or wireless telecommunication facilities. *A public utility includes main lines, transmission lines and substations.*

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

Research facilities – Research, development, testing, manufacturing, assembling, repair of goods and products. The facilities shall be free of dust, smoke, fumes, odors or unusual vibrations and noise. The waste shall meet the requirements of the appropriate health authority.

Roadside or temporary retail stand/tent – A temporary structure not permanently affixed to the ground and is readily removable in its entirety, which is used solely for the display or sale of farm products

produced on the premises upon which such roadside stand is located. There shall be no more than one roadside stand on any one property. A building permit is required as necessary.

Safe house for adults or children (up to 8 persons) – A facility providing temporary protective sanctuary for victims of crime or abuse, including emergency housing during crisis intervention for individuals, such as victims of a violent crime and abuse.

Sales of farm implements, heavy equipment, mobile/manufactured homes – An establishment for the sale of farm implements, heavy equipment or manufactured homes without repair facilities.

Schools, public and private (preschool – grade 12) – An institution for the teaching of children on a site that is operated as a school, and which contains all improvements required by local, state or federal regulations necessary for general academic instruction.

Schools, including colleges, vocational and technical training – An institution for the teaching of adults including colleges, professional schools, dance schools, business schools, trade schools, art schools, and similar facilities on a site that is operated as a school, and which contains all improvements required by local, state or federal regulations necessary for general academic instruction.

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

Storage facilities, outdoor – Property for use as storage for RV's, boats, trailers, etc. outdoors screened from adjacent properties. The facility shall be free of dust, smoke, fumes, odors or unusual vibrations and noise. There shall be no waste disposal on site.

Workshop and custom small industry means a facility wherein goods are produced or repaired by hand, using hand tools or small-scale equipment, including small engine repair, furniture making and restoring, upholstering, restoration of antiques and other art objects, or other similar uses, **with or without sales occurring on site.**

Item 1, Part 2: Tables 3.3, 3.5, 3.7 and 3.10 shall be deleted in their entirety and replaced with a new Table 3.3 which consolidates all tables into one master Land Use Table.

Table 3.3: Principal and conditional uses by zone district

	AG	TN	R1	R2	R3	R4	R5	C1	C2	M1	M2
■ Principal Use By Right											
□ Use by Special Review											
Residential land uses											
-Accessory dwelling (incl. "carriage units") assoc. with a permitted use	■	■	■	■	■	■		■	□	□	□
-Bed and breakfast establishments	■	□	□	□	□	□		■	■		
-Boarding and rooming houses					□				■		
-Child care home (up to 12 persons)	■	■	■	■	■	■		■			
-Class A Recreational vehicles						□	■				
-Family care, elderly day care homes	■	■	■	■	■	■		■			
-Flex buildings (start as residential and shift to commercial over time)						□		□	■		
-Group homes	■			■	■	■		■	■		
-Long term care facilities		■	■	■	■	■		■	■		
-Manufactured/mobile home and park							■				
-Multifamily dwellings (4 or more units)					■	■		■	□		
-Multifamily dwellings (less than 4 units)				■	■	■		■	□		
-Safe house for adults or children up to 8 persons				■	■						
-Senior housing					■	■	■	■	■		
-Single family detached dwellings	■	■	■	■	■	■	■	■	□		
-Single room occupancy boarding house		□	□	□	□	□	□	■	■		
-Two-family (duplex) dwellings				■	■	■		■			
-Zero lot line single or 2 family dwellings				■	■	■		■			
Mixed land uses											
-Live/work units and buildings						■		■	■	□	
-Mixed use buildings (residential, commercial, office, workshops, etc.)						■		■	■	□	□
Commercial, retail or service land uses											
-Administrative, office and research facilities					■			■	■	■	■

Mini-storage facilities—enclosed							□	□	□	□
Movie theater							■	■	■	■
Office building							■	■	■	■
Parking lots and parking garages (as principal use)							□	□	■	■
Passenger terminal or park-n-ride							■	■	■	■
Personal and business service shops							■	■	■	■
Professional offices							■	■	■	■
Push cart (sidewalk vending)							■	■	■	■
Recycling facilities (including biofuel) processing and sales									□	□
Restaurant not including drive-through							■	■	■	■
Restaurant with drive-through							□	□	■	■
Retail sales—general							■	■	■	■
Retail sales building/center \leq 50,000 gross s.f.							■	■	■	■
Retail sales building/center \geq 50,000 gross s.f.							□	□	■	■
Retail and supply yard establishments with outdoor storage										□
Roadside or temporary retail stand/tent	■						□	■	■	■
Sales of farm implements, heavy equipment, mobile/manufactured homes										■
Storage facilities, outdoor storage for RV's, boats, trailers, etc.									□	□
Truck depot								□	■	■
Truck maintenance								□	■	■
Vehicle sales including automobiles, motorcycles, RV's, boats and trucks								■	■	■
Veterinary clinic for small animals with no outside kennels	■						■	■	■	■
Veterinary hospitals—large animals	■								□	■
Public, quasi-public, other land uses										
Accessory buildings and uses incidental to the principal use	■	■	■	■	■	■	■	■	■	■
Alternative power generation facilities	□		□	□	□	□	□	□	□	□
Bus shelters	■	■	■	■	■	■	■	■	■	■
Cemetery	■	□	□	□	□	□				

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

Table 3.5 Conservation District Uses

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

Table 3.7 Suburban Uses

	Suburban House	Duplex/ Paired Home	Townhomes	Suburban Commercial
■ Principal Use By Right				
□ Conditional Use				
<i>Residential land uses</i>				
-Accessory dwelling (incl. "carriage units") assoc. with a permitted use	■	□	□	
Bed and breakfast establishments	□	□	□	
Child care home (up to 6 persons)	■	■	■	
Child care home, large	■	□	□	
Class A Recreational vehicles				
Family care, elderly day care homes	■			
Group Homes	□			
Safe house for adults or children up to 8 persons	□			
<i>Commercial land uses</i>				
Administrative, office and research facilities				■
Agricultural uses: ranching, farming, grazing, etc.	■	■	■	■
Appliance sales and service				■
Automobile service and repair — minor				■
Automobile service and repair — major				□
Banks and financial institutions				■
Bars/taverns/micro-breweries				■
Business offices (contractors, electronic repair, small engine, motorcycle)				■
Car/motor vehicle washes				■
Child care center	□			■
Commercial and retail businesses, indoor sales and service				■
Distillery including tasting room and retail sales				■
Entertainment facilities, comm. theaters, etc.				■
Equipment (small) rental establishments without outdoor sales				■
Equipment rental (heavy) establishments with outdoor sales				□

Fireworks sales — temporary				■
Gasoline/fueling station				■
Greenhouses, whether public or private	■			■
Grocery store of less than 25,000 sq. ft. of floor area				■
Grocery store of more than 25,000 sq. ft. of floor area				■
Home occupations	■			
Hospital				■
Hotel/motel (no room limit)				■
Inn (up to 12 rooms)				■
Laundromat and dry cleaning retail outlets				□
Marina				□
Medical and dental offices and clinics				■
Medical marijuana center				□
Medical marijuana infused product manufacturing				□
Medical marijuana optional premises cultivation operation				□
Mixed Use Building				■
Movie theater				■
Office building				■
Parking lots and parking garages (as principal use)				■
Passenger terminal or park-n-ride				■
Personal and business service shops				■
Professional offices				■
Restaurant not including drive through				■
Restaurant with drive through				■
Retail sales — general				■
Retail sales building/center \leq 50,000 gross s.f.				■
Retail sales building/center \geq 50,000 gross s.f.				■
Retail and supply yard establishments with outdoor storage				□
Roadside or temporary retail stand/tent				□
Truck depot				□
Truck maintenance				□
Vehicle sales including automobiles, motorcycles, RV's, boats and trucks				□
Veterinary clinic for small animals with no outside kennels				■
Veterinary hospitals — large animals				□

Table 3.10 Urban Residential/Commercial Uses

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

Table 3.3: Land Use Table

Land uses contemplated in the Town's Zone Districts are found in the table below. Those uses listed on the table with a "P" require approval of a Site Plan Permit; with a "S" require approval of a Use by Special Review permit; and with a "B" require approval of a Building Permit following land use approval, as may be required. Those Land uses not specifically listed on the Table shall be presumed to be prohibited. A change in land use may necessitate a land use permit as listed below.

Land Use	Zone District														
	AG	CD	SR	SC	UR	UC	R1	R2	R3	R4	R5	C1	C2	M1	M2
Residential Land Uses															
Dwelling, single-family detached															
Single-family detached dwelling	B	B	B		B		B	B	B	B S	B S	B	S		
Dwelling, Urban House, Single-family detached					B										
Dwelling, Suburban House, Single-family detached					B										
Dwelling, two family; and Dwelling, single-family attached; Duplex/Paried Home					B	B		B S	B P	B P	B P	B P			
Dwelling, Garden House, Single-family detached or attached					B	B									
Dwelling, Townhome, Multi-family dwelling (3-4 or more units)				P	P			PS	P	P	P	P	S		
Multi-family dwelling (4 or more units)									P	P	P	P	S		
Multi-family dwellings (fewer than 4 units)									P	P	P	P	S		
Dwelling, Apartment/Condo, Multi-family dwelling (4 or more units)				P	P			S	S P	S P	S P	S P	S		
Manufactured/mobile home and park												P			
Zero lot line single or two-family dwellings								P	P	P	P	P			
Accessory dwelling unit (including carriage units) associated with a permitted use, See Section 30-1-116.A.2	P B	P B	B, Dwelling, single family detached		B, Dwelling, single family detached; S with a duplex or townhome		P B	P B, Primary dwelling needs to be single-family	P	P	P	P	S	S	S

Mixed Land Uses	AG	CD	SR	SC	UR	UC	R1	R2	R3	R4	R5	C1	C2	M1	M2
Bed and breakfast establishments	P		S		S; prohibited in Apartment/ Condo		S	S	S	S		P	P		
Boarding and rooming houses								S	S	S		S	P		
Single-room occupancy boarding house							S	S	S	S		P	P		
Caretaker dwelling												S	S		
Child care home (up to 12 persons)	B	B	B		B		B	B	B	B		P			
Class A Recreational vehicles									S	P					
Family care, elderly day care homes	P	S		P, Dwelling, single family detached		P, Dwelling, single family detached		P	P	P	P	P			
Flex buildings (start as residential and shift to commercial over time)										S		S	P		
Group homes	P			S, Dwelling, single family detached		S, Dwelling, single family detached		P	P	P		P	P		
Live-work units and buildings					P	P			P			P	P	S	S
Long-term care facilities							P	P	P	P		P	P		
Mixed use buildings (residential, commercial, office, workshops, etc.)					P		P			P		P	P	S	S
Safe house for adults or children (up to 8 persons)		S		S, Dwelling, single family detached		S, Dwelling, single family detached		P	P						
Senior housing			S		S			S	P	P	P	S	P	S	
Nursing facility			S		S			S	P	P	S	P	S		

Created: 2023-07-27 09:56:50 [EST]

(Supp. No. 13)

Commercial, retail or service land uses	AG	CD	SR	SC	UR	UC	R1	R2	R3	R4	R5	C1	C2	M1	M2
Suburban Commercial				P											
Urban Commercial						P									
Administrative, office and research facilities				P						P	P	P	P	P	
Adult entertainment															S
Agricultural activity uses: ranching, farming, grazing, etc.	P	P		P											
Appliance sales and service				P						S	P	P	P	P	
Automotive obile service and repair - minor				P S						S	S	P	P	P	
Automotive obile service and repair - major				P S								S	P	P	
Banks and financial institutions with our without drive through and/or ATM kiosks				P		P				P	P	P	P	P	
Bars/taverns/micro-breweries				P		P				P	P	P	P	P	
Business / Professional offices (professional offices for attorneys, realtors, service contractors, administrative services, and similar service providers)				P		P				P	P	P	P	P	
Car/motor vehicle washes				P								P	P	P	
Child care center	S			P			S	S	S	P		P	P	P	
Cremation facility												S	S		
Commercial and retail businesses, indoor sales and service				P		P				P	P	P	P	P	
Contractor's office/shop (electronic repair, small engine, motorcycle,)				P S						P	P	P	P	P	
Distillery including tasting room and retail sales				P						P	P	P	P	P	
Entertainment facilities, commercial theatres, etc.				P						P	P	P			
Equipment rental (small) establishments without outdoor				P						S	P	P	P		
Equipment rental (heavy) establishments with outdoor sales				S							S	P			
Fireworks sales - temporary				P						P	P	P			
Gasoline/fueling station				P		S				S	S	P	P	P	
Gas, oil and other hydrocarbon well drilling and production, See Section 11	P S			P									S	S	
Plant nursery and Greenhouses, public or private	P	P		P						P	P	P	P	P	
Grocery store less than 25,000 square feet of floor area				P		P				P	P	P	S	S	
Grocery store greater than 25,000 square feet of floor area				P		P				S	S	P	S	S	
Home Occupations, See Section 30-3-112, "P" in this line item represents a Home Occupaion Permit is needed	P	P	P	P		P	P	P	P	P	P				
Hospital				P		P	S	S	S	S		P	P	P	S
Hotel/motel (no room limit)				P		P				S		S	P	P	
Inn (up to 12 rooms)				P		P				P		P	P	P	
Kennel - small animal	P			P		P				P	P	P	PS	S	
Laundry omat and dry cleaning retail outlets				S						S	P	P	P		

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Marina	P	S			P	S	S	S	P	P	P	
Medical and dental offices/clinics			P		P	S	S	S	P	P	S	S
Allowed Marijuana Business, See Section 30-3-113											S	S
Mixed Use Building (Building with a variety of uses including Commercial and Residential)			P		P							
Movie theater			P						P	P	P	
Office building				P					P	P	P	P
Parking lots and parking garages (as principal use)		P						S	S	P	P	P
Passenger terminal or park-n-ride		P						P	P	P	P	P
Personal and business service shops		P						P	P	P	P	P
Professional offices				P				P	P	P	P	P
Push cart (sidewalk /mobile vending)				P				P	P	P	P	
Recycling facilities (including biofuel) processing and sales										S	S	
Administrative, office and Research facilities		P						P	P	P	P	P
Restaurant not including drive-through		P		P				P	P	P	P	P
Restaurant with drive-through		P		S				S	S	P	P	P
Retail sales - general		P		P				P	P	P	P	P
Retail sales building/center <=50,000 gross square feet		P		P				P	P	P	P	P
Retail sales building/center >= 50,000 gross square feet		P		P				S	S	P	P	P
Retail and supply yard establishmets with outdoor storage			S								S	
Roadside or temporary retail stand/tent	P		S					S	P	P	P	P
Sales of farm implements, heavy equipment, mobile/manufactured homes											P	
Short-term Rental (max. 10 guests), See Section 30-3-113		P	P	P	P	P	P	P	P			
Storage facilities, outdoor storage for RV's, boats, trailers, etc.											S	S
Storage facilities - enclosed										S	S	S
Truck depot			S							S	P	P
Truck maintenance			S							S	P	P
Vehicle sales including automobiles, motorcycles, RV's, boats and trucks			S							P	P	P
Veterinary facilities, clinic for small animal clinic with no outside kennels	P		P		P			P	P	P	P	P
Veterinary facilities, small animal clinic with outside kennels	P		S		S			S	S	S	S	S
Veterinary hospitals - small animals	P		P		P			P	P	P	P	P
Veterinary hospitals - large animals	P		S					S	S	S	P	S

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Public, quasi-public, other land uses	AG	CD	SR	SC	UR	UC	R1	R2	R3	R4	R5	C1	C2	M1	M2
Accessory buildings and uses incidental to the principal use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Alternative power generation facilities	S						S	S	S	S	S	S	S	S	S
Bus shelters	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Cemetery	P						S	S	S						
Clubs and lodges										P		P	P	P	
Community Garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Conference / convention center, <i>see Places of Assembly</i>										P		S	P	P	
Farmer's market					P		P			S		P	P	P	S P
Fire station	P			P		P	S	S	S			P	P	P	P
Municipal uses without equipment yards									S			P	P	P	P
Municipal uses with equipment yards													P	P	
Museum	P			P		P	P	P	P	P		P	P	P	
Parks and open space	P		P	P	P	P	P	P	P	P	P	P	P	P	P
Parks and playgrounds - neighborhood			P	P	P	P	P	P	P	P	P	P	P	P	
Outdoor a Amphitheater, outdoor	P		S	S	S	S				P		PS	PS	PS	
Public or other non-profit recreational uses	P		P	P	P	P	P	P	P	P	P	P	P	P	P
Public utility main lines and substations	P		P	P	P	P	P	P	P	P	P	P	P	P	P
Places of Religious assembly (neighborhood scale)	P				P	P	P	P	P	P	P	P	P	P	P
Places of Religious assembly (community scale)					P	P						P	P	P	P
Rest stop	P									P		P	P		
Schools, public and private (preschool - grade 12)	P			P		P	P	P	P	P		P	P	P	
Schools, including colleges, vocational and technical training				P		P						S	P	P	P
Wireless telecommunications facility, <i>see Section 30-3-111</i>	P		S	P	S	P			S		S	P	P	P	
Industrial land uses	AG	CD	SR	SC	UR	UC	R1	R2	R3	R4	R5	C1	C2	M1	M2
Laboratory and/or research facility											S		S	P	P
Light Industrial facility, light										S		P	P	P	
Heavy Industrial facility, heavy															P
Manufacturing plants <i>including</i> assembly, sales and service of commodities														P	P
Warehouse <i>and</i> , distribution <i>and</i> wholesale uses												S	P	P	
Workshops and custom small industry <i>including</i> art studio <i>with/without sales</i>	S		S			P			P		P	P	P	P	

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Item 2: Reference to the consolidated Land Use Table, Table 3.3 can now be referenced in the Use by Special Review and Site Plan purpose statements and in the zoning district introduction statement.

30-3-106 Use by Special Review

30-3-106.A Purpose. In order to provide flexibility and to help diversify uses within a zoning district, specified uses are permitted in certain districts subject to granting of a Use by Special Review permit. [Refer to Table 3.3 for uses that may be contemplated through the Use by Special Review permit process.](#) Because of their unusual or special characteristics, the proposed use requires review and evaluation so that they may be located properly with respect to their effects on surrounding properties. The review process prescribed in this Section is intended to assure compatibility and harmonious development between adjacent land uses, surrounding properties, the vision of the Comprehensive Plan for the property and surrounding area, applicable overlay districts, and the Town at large. The Use by Special Review permits may be permitted, denied or permitted subject to conditions of approval and limitations as the town may prescribe to ensure that the location and operation of the uses proposed in the permit application will be in accordance with the Use by Special Review criteria. The scope and elements of any Use by Special Review may be limited or qualified by the conditions applicable to the specific property. Where conditions cannot be devised to achieve these objectives, applications for a Use by Special Review Permit shall be denied.

30-6-112.A - Site plan purpose

Site Plan Purpose. The site plan is a prerequisite to a building permit for all multi-family (excluding duplexes), commercial, and industrial developments. The site plan shows how the lot will be developed so that the Town can ensure that the site design will be in compliance with all Town regulations and this Code. [Refer to Table 3.3 for uses that may be contemplated through the Site Plan permit process.](#)

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

A. *General application of uses.* [Uses contemplated in the Town's Zone Districts can be found in Table 3.3. Those uses listed on the table with a "P" require approval of a Site Plan Permit; with a "S" require approval of a Use by Special Review Permit; and with a "B" require approval of a Building Permit following land use approval, as may be required. Those land uses not specifically listed on the Table shall be presumed to be prohibited. A change in land use may necessitate a land use permit as found in Table 3.3. Uses designated as "principal uses" are allowed in a zone district as a matter of right. Uses classified as a Use by Special Review are permitted upon approval of a conditional use permit per this Code. Unless a use is designated as a "principal use" or "Use by Special Review" or is classified as a legal "non-conforming" structure or use, it is not permitted.](#)

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

Item 3: The Traditional Neighborhood District was developed without zoning properties to this District. The new Districts of Suburban and Commercial reflect the intent of the Traditional Neighborhood District and are an outcome of the 2021 Comprehensive Plan update. There are properties that have changed zones to these new Districts vs. requesting Traditional Neighborhood zoning.

SECTION 3 ZONING¹

30-3-103 Zoning districts and boundaries

A. *Zoning Districts.* In order to carry out the provisions of this Code, the Town is divided into the following zoning districts:

1. URC – Urban Residential/Commercial District
2. SRC – Suburban Residential/Commercial District
3. CD – Conservation District
4. AG – Agricultural District
5. TN – Traditional Neighborhood District
6. R1 – Single Family District
7. R2 – Limited Multi-Family District
8. R3 – Multi-Family District
9. R4 – Mixed Use District
10. R5 – Manufactured/Mobile Home District
11. C1 – Neighborhood Commercial District
12. C2 – General Commercial District
13. M1 – Light Industrial District
14. M2 – Industrial District
15. T – Transitional District
16. PUD – Planned Unit Development Overlay District

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

F. TN Traditional Neighborhood District.

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

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

30-3-104 - Principal and conditional uses permitted by zoning district, Table 3.1

Dimensions®	R-1	R-2	R-3	R-4	R-5 **	Traditional Neighborhood	AG
Maximum Density Per Gross Acre	8 Dwelling units	16 dwelling units	20 dwelling units	24 dwelling units	12 dwelling units	24 dwelling units	1 dwelling unit (unless on septic)
Maximum building height	40	40	40	50③	16	50③	40
Minimum lot width ① :	30	20②	16②	16②		16②	150
Minimum setback:							
Front yard Front loaded (with garage)	20*	20*	20*	20*	25 (entire park)	N/A	25
Front Yard Rear loaded (rear, or no garage)	15	10	10	10⑦	25 (entire park)	0⑦	25
Rear yard With front loaded garage	20⑧⑩	10⑧	10⑧	10⑦⑧	15 (entire park)	10⑦⑧	25
Rear yard With rear loaded garage	5-8⑧⑨	5-8⑧⑨	5-8⑧⑨	5-8⑧⑨	15 (entire park)	5-8⑧⑨	25
Side: MF: 3 Storeys	5⑧	5④⑧	5④⑧ 10	5④⑥⑧ 10	15 (entire park)	3④⑥⑧	15
Corner Side	10	10	10	10	15 (entire Park)	10	15
Minimum lot area:	3,500	2,000	1,400	1,200	3,000	1,200	1 acre

Table 3.1, Footnote 4:

On building lots in R-2, R-3 and R-4, [and Traditional Neighborhood](#), dwelling units may be located on the lot at zero feet from one side lot line, if there is a maintenance agreement agreed to by the owner of the lot adjacent to that zero-lot line. Off-setting setbacks, setbacks of 0 ft. and 10 ft. are allowed in each district.

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

30-2-117 - Commercial and industrial standards

- A. *Intent*. The Town has distinctly different downtown, commercial and industrial types of development contemplated within the community.
- B. *General provisions for commercial and industrial proposals*.
 1. *Connections*. Commercial developments must be linked with surrounding areas by extending Town streets, sidewalks, and/or paths directly into and through the development, thereby providing convenient, direct pedestrian, bicycle and vehicle access to and from all sides of the development.
 2. *Accessibility*. Developments must be accessible to pedestrians and bicyclists as well as motorists and the emphasis must not be placed solely on parking and drive-thru functions. Site plans shall equally emphasize the following:
 - a. pedestrian access to the site and buildings;
 - b. gathering areas for people; and
 - c. auto access and parking lots.
 3. *Walkways*. Walkways must be located and aligned to directly and continuously connect areas or points of pedestrian origin and destination, and not be located and aligned solely based on the outline of a parking lot configuration that does not provide such direct pedestrian access.
 4. *On-street parking*. Streets and other elements of the site plan shall be designed so that on-street parking is a functional part of the development (except along arterial streets, or within the exempt Downtown parking areas as defined in [Section 30-2-106](#)).
 5. *Building orientation*. Buildings in the C1 [and](#), R-4 [and Traditional Neighborhood](#) Zone District shall be at the front property/built-to line as required in [Section 30-2-117 C](#).; buildings within the R-4 Mixed-Use district [and Traditional Neighborhood District](#) are strongly encouraged to place the building and facades at the front property line, to form a continuous street façade. Building setbacks from local and collector streets should be minimized in order to establish a visually continuous, pedestrian-oriented street frontage.

Item 4: The 2021 Comprehensive Plan update provided an action plan to guide staff in implementing the vision of the comprehensive plan into the land use code. The Comprehensive Plan is the vision document which guides development. The land use code represents regulatory framework for development. In order to achieve the vision of the Comprehensive Plan, updates to the land use code are required. Several updates were presented in 2023 and the following are some of the last items to be brought into the land use code and are listed below followed by the proposed amendments.

- *Update the land use code to protect views of lake shorelines and other key viewsheds*
- *Update the land use code to support (and define) the transect-based planning approach*
- *Update the land use code to support affordable housing. Note that the More Housing Now grant received from DOLA will address many housing items raised in the 2021 Comprehensive Plan update, provisions regarding Accessory Dwelling Units have been proposed with this amendment proposal.*

Update the land use code to protect views of lake shorelines and other key viewsheds

Section 30-3-104, Table 3.1 Revision:

Dimensions 	R-1	R-2	R-3	R-4	R-5  	Traditional Neighborhood	AG
Maximum building height	40 35	40 35	40	50③	16	50③	40

30-2-109 Parks, trails and open space

C. *General provisions.*

2. *Buffering.* ~~Appropriate buffering~~ Buffering and setbacks shall be used between ~~environmental resources~~ ~~environmentally sensitive areas (including but not limited to shorelines, wetlands, river and riparian corridors)~~ and proposed development to ensure that the proposed development does not degrade the existing habitat. Developers shall provide an open space buffer zone of ~~at least~~ 150 feet around all natural areas, ~~natural preserved open lands, and/or environmentally sensitive open lands, as defined in the definitions section of this Chapter,~~ unless otherwise authorized by the Town.

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

B. *General provisions.*

3. Buffering of up to 100 feet of non-buildable area may be required between any development and adjacent ~~natural or environmentally sensitive areas~~ or different uses. ~~A minimum of 150 feet of non-buildable area may be required between any development and adjacent natural or environmentally sensitive areas.~~ The actual amount of any buffer area will be determined on a [site-specific basis by the Community Development Director or the Town Administrator](#) ~~case by case basis~~.

30-2-119 Environmental considerations

B. *General provisions.*

1. *Protection of wildlife and natural areas.* Development shall be designed to ensure that disturbances which occur to any Natural Area as a result of development shall be minimized through the use of natural buffer zones. If any development materially disturbs a Natural Area, the development project shall mitigate such lost natural resource either on — or off-site and any such mitigation shall be roughly proportional to the loss suffered as a result of the disturbance. The Town shall encumber Natural Areas accepted by the Town with conservation easements.
 - a. *Natural Areas* ~~are defined to include~~: floodplains and floodways, natural drainage and water ways, ~~lakes and water bodies~~, significant native trees and vegetation, wildlife travel corridors and habitats, special habitat features such as raptor nest sites, key nesting, breeding or feeding areas for birds; fox and coyote dens, remnant native habitat, cottonwood galleries, and any wetland greater than one-quarter acre in size ~~as identified on the 1975 National Wetland Inventory~~.

- b. The natural areaA buffer zone shall be usedrequired between natural areas including but not limited to shorelines, wetlands, river and riparian corridors, and proposed development to ensure that the proposed development does not degrade the natural area. The size of the buffer zone shall be a minimum of 150 feet, or as determined by the Town which may choose to consult with other agencies or individuals. The Town may decrease this buffer when strict application of this subsection can be proven to impose an exceptional hardship upon the property owner and appropriate mitigation measures approved by the Town are taken.
- d. *Ecological characterization.* If the Town determines that the site likely includes areas with wildlife, plant life, and/or other natural characteristics in need of protection, the Town may require the developer to provide a report prepared by a professional qualified in the areas of ecology, wildlife biology, or other relevant discipline. The ecological characterization report should be included with the open space plan and describe the following:
 - i. The wildlife use of the natural area showing the species of the wildlife using the area, the times or seasons the areas is used by those species and the "value" (meaning feeding, watering, cover, nesting, roosting, perching) that the area provides for such wildlife species;
 - ii. The boundary of wetlands in the area and a description of the ecological functions and characteristics provided by those wetlands;
 - iii. Any prominent mountain or lake views from or across the site;
 - iv. The pattern, species, and location of any significant native trees and other native site vegetation;
 - v. The bank, shoreline and high water mark of any perennial stream or body of water on the site;
 - vi. The boundary of any floodplain and floodway and a description of the ecological and flood control functions and characteristics provided by these designations.
 - vii. Wildlife travel corridors, and
 - viii. The general ecological functions provided by the site and its features.

Update the land use code to support (and define) the transect-based planning approach

30-1-105 Purpose

A. The purpose of this Code is to create a vital, cohesive, well-designed community in order to enhance the Town's character and further the citizens' vision, goals and objectives as identified in the Town of Berthoud Comprehensive Plan (Comprehensive Plan). This Code is designed to:

1. Encourage the most appropriate uses of land in the Town;
2. Encourage innovative, quality site design, architecture and landscaping;
3. Encourage new development to relate to the Town's historic development pattern;
4. Incorporate transect development place types and character districts for guiding Berthoud's physical development. (Transect development is a multi-tiered approach to plan for the community at various scales, starting from the Town-wide macro scale down to the block level micro scale).
45. Promote compact, well-defined, sustainable neighborhoods that enhance the Town's character;
56. Create livable neighborhoods that foster a sense of community and reduce dependency on private vehicles;
67. Encourage the proper arrangement of streets in relation to existing and planned streets and ensure that streets facilitate safe, efficient and pleasant walking, biking and driving;
78. Protect agricultural lands, sensitive natural and historic areas and the Town of Berthoud's environmental quality;
89. Integrate a high quality natural environment into the developed portions of the community;
910. Facilitate adequate and efficient provision of transportation, water, waste water treatment, schools, parks and other public requirements;
1011. Provide protection from geologic, flood and fire hazards and other dangers; and
1112. Promote the health, safety, morals and general welfare of Town of Berthoud and its residents.

Update the land use code regarding Accessory Dwelling Units

30-2-116 Residential design standards

D. 2. G.

1. Accessibility:

- 50 percent or more of homes are built with a ground-floor master bedroom and full bath.
- 10 percent of homes in the block diversity plan have built in accessory living quarters/mother-in-law suite—dwelling unit, with separate entry and garage.