



Town of Berthoud Planning Commission  
Town Hall  
807 Mountain Avenue  
Thursday, December 14, 2023, at 6:00 p.m.

1. Call Meeting To Order
2. Pledge Of Allegiance
3. Roll Call
4. Approval Of Meeting Minutes

4.I. Meeting Minutes From 10/26/2023

Documents:

[2023 10 26\\_DRAFT MINUTES.PDF](#)

5. Public Hearing To Consider Proposed Amendments To The Following Sections Of Chapter 30 Of The Berthoud Municipal Code  
Public Hearing to consider proposed amendments to the following Sections of Chapter 30 of the Berthoud Municipal Code, specifically amending the definition section regarding marijuana businesses (also Sections 30-3-113, 30-3-112, 30-1-117, 30-3-104, and Table 3.10); and clarifying land use application processing requirements throughout Chapter 30 via Ordinance

Presenter: Anne Johnson

Documents:

[01 GENERERAL CODE INFORMATION FORM MARIJUANA.PDF](#)  
[02 REVISED\\_GENERAL MARIJUANA ORDINANCE ATTACHMENT\\_2023 12 07.PDF](#)  
[03 GENERAL MARIJUANA ORDINANCE ATTACHMENT \(002\).PDF](#)  
[04 LEGAL AD.PDF](#)

6. Report By Staff
7. Adjourn

Join Zoom Meeting <https://us02web.zoom.us/j/86049631362> Meeting ID: 860 4963 1362  
One tap mobile +17193594580,,86049631362# US

Individuals needing special accommodation may request assistance by contacting the Town Clerk at 807 Mountain Avenue, Berthoud, Colorado 80513, 970-532-2643 at least 24 hours in advance.



## **Planning Commission Minutes – October 26, 2023, at 6:00 p.m.**

1. **Call to Order** – The Planning Commission convened a regular meeting on. Commissioner Anderson called the meeting to order at 6:00 p.m.

2. **Pledge of Allegiance**

3. **Roll Call** – Members present: Karen Anderson (Chairperson)  
Jon Van Benthem (Secretary)  
Abigail Smith (Commissioner)  
Brett Wing (Commissioner)  
Nick Semedalas (Commissioner)

Staff present: Anne Johnson (Community Development Director)  
Teri Reger (Planning Technician)  
Erin Bagnall (Consultant, Sopher Sparr Architects)

4. **Approval of Minutes** – Minutes from October 12, 2023, Planning Commission Meeting.

**MOTION made by Commissioner Jon Van Benthem to APPROVE the Minutes for October 12, 2023.**

**SECONDED by Nick Semedalas.**

**With those all in favor, THE MOTION CARRIED.**

5. **Public Hearing: Landscape Design Guidelines**

Community Development Director Anne Johnson introduced a recommendation regarding adopting the Town of Berthoud Landscape Design Guidelines by reference. Erin Bagnall presented details of the plan.

***Public Comment was opened at 6:37 p.m.***

Lynn Larsen spoke in favor of the new Landscape Design Guidelines. As a member of the Tree Committee, they worked closely with the Town on this project.

***Public Comment was closed at 6:43 p.m.***

**MOTION made by Brett Wing to forward our recommendation of approval of the Town of Berthoud Landscape Design Guidelines to the Town Board of Trustees. The rationale for approval is that the proposed guidelines provide tips and tools for water conservation, stormwater management and offer homeowners and developers tools for their use in implementing successful landscapes in Berthoud.**

**SECONDED by Abigail Smith. With all in favor, THE MOTION CARRIED.**

**6. Public Hearing: Three-Mile Plan**

Community Development Director Anne Johnson introduced a recommendation to the Planning Commission regarding adoption of the Three Mile Plan for the Town of Berthoud

**Public Comment was opened at 7:09 p.m.**

Lynn Larsen gave his feedback regarding the Three-Mile Plan.

**Public Comment was closed at 7:15 p.m.**

**MOTION** was made by Jon Van Benthem to forward our recommendation of approval of the Town of Berthoud Three-Mile Plan to the Town Board of Trustees. The rationale for approval is that the proposed Plan is the same Future Land Use/Urban Growth Boundary Map prepared as part of the 2021 Comprehensive Plan Update.

**SECONDED** by Nick Semedelas. With all in favor, **THE MOTION CARRIED.**

**7. Public Hearing: Proposed Amendments to Chapter 30 of the Town of Berthoud Municipal Code**

Community Development Director Anne Johnson proposed amendment to the follow Sections of Chapter 30 and in particular, Section 2 regarding Landscape Design, Section 9 regarding Historic Resources, Section 3 regarding Planning Unit Developments and Section 2 regarding outdoor lighting and dark sky standards.

*Public Comment was opened at 7:35 p.m.*

*Public Comment was closed at 7:35 p.m.*

**MOTION** made by Abigail Smith to forward our recommendation of approval of the amendments contained in Ordinance 1329 (Series2023) and Attachment A to the Town Board of Trustees. The rationale for approval is that the proposed guidelines provide transparent expectations for future development in the Town of Berthoud, supports the Towns community identity outlined in the 2021 update to the Comprehensive Plan, and consideration was offered to the Historic Preservation committee and the Tree Committee for input.

**SECONDED** by Brett Wing. With all in favor, **THE MOTION CARRIED.**

**8. Public Hearing: Continuance for Amendment Chapter 30 of Berthoud Municipal Code (Marijuana Code)**

**MOTION** made by Nick Semedelas to continue the Code Amendment associated with Marijuana Businesses indefinitely until all Staff have had time to provide input.

**SECONDED** by Brett Wing. With all in favor, **THE MOTION CARRIED.**

**9. Reports by Staff**

- Abigail Smith was voted as the new Vice Chair for the Planning Commission.
- Wave 1 of the Code Changes passed at the Town Board Meeting.
- Wave 2 of the Code will go before the Town Board of Trustees, minus the Marijuana verbiage, on November 14, 2023.
- Wave 3 of the Code changes will go before the Town Board of Trustees on November 28, 2023.
- Wave 4 of the Code changes will be brought to the Planning Commission in February 2024.
- There are no Planning Commission Meetings scheduled for November.
- Next Planning Commission Meeting is on December 14, 2023. There will be a dinner for the Planning Commission before the meeting begins. Information and the menu will be sent in November.
- We have a new Planning Commission member, Joe Donnelly, he will join us at the December 14<sup>th</sup> meeting.
- Melissa Feldbush has resigned from the Planning Commission.
- Staff will coordinate tours of downtowns and residential projects for Planning Commissioners to take in 2024.

**10. Adjournment –**

The meeting was adjourned at 7:57 p.m.

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CHAIRPERSON

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SECRETARY

# PLANNING COMMISSION INFORMATION

## COMMUNITY DEVELOPMENT DEPARTMENT



|                              |                                                                                                                                                                                                                                                                                                                                                                                   |
|------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Meeting Date:</b>         | <b>December 14, 2023</b>                                                                                                                                                                                                                                                                                                                                                          |
| <b>Agenda Title/Subject:</b> | <b>Public Hearing to consider proposed amendments to the following Sections of Chapter 30 of the Berthoud Municipal Code, specifically amending the definition section regarding marijuana businesses (also Sections 30-3-113, 30-3-112, 30-1-117, 30-3-104, and Table 3.10); and clarifying land use application processing requirements throughout Chapter 30 via Ordinance</b> |
| <b>Type of Item:</b>         | <b>Public Hearing</b>                                                                                                                                                                                                                                                                                                                                                             |
| <b>Purpose:</b>              | <b>Request for a recommendation to send to the Board of Trustees regarding the proposed amendments to the Land Development Code, Chapter 30 of the Berthoud Municipal Code</b>                                                                                                                                                                                                    |
| <b>Presented by:</b>         | <b>Anne Johnson, Community Development Director</b>                                                                                                                                                                                                                                                                                                                               |

### ATTACHMENTS:

- Ordinance Draft (2024)
- Exhibit A to Draft Ordinance (2024)
- Legal Publication

### BACKGROUND:

Amending the Land Development Code is necessary to keep pace with State regulations, to clarify intent and processing standards, and to identify opportunities to strengthen the requirements for land use development proposals to ensure the resulting development will adhere to the Town's 2021 Comprehensive Plan update.

### UPDATE/NEXT STEPS:

After the Planning Commission public hearing on December 14, 2023, the Board of Trustees will hear the request to amend the Code at their hearings on January 9, 2023, and January 23, 2023.

### FISCAL IMPACT AND FUND SOURCE:

There is no negative fiscal impact to the Town in consideration of this request.

### COMMUNITY TOUCHSTONES:

Consideration of this request does support the Touchstones of Resilience, Sustainability and Community Identity. Keeping pace with State regulations regarding Marijuana regulations and term definitions by updating the Town's Municipal Code is resilient and provides a sustainable path forward by having current regulations.

**RECOMMENDED ACTION(S):**

See suggested motions below and note that these are suggestions and may be amended by the Planning Commissioners.

Suggested Motion for Approval:

*I move to make a recommendation of approval to the Town Board of Trustees for the proposed Code amendments to Section Chapter 30 of the Berthoud Municipal Code as attached in the Draft Ordinance and attachment for the reasons outlined in the staff report.*

Suggested Motion for Denial:

*I move to make a recommendation of denial to the Town Board of Trustees for the proposed Code amendments to Section Chapter 30 of the Berthoud Municipal Code as attached in the Draft Ordinance and attachment for the following reasons:*

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# EXHIBIT A: Ordinance (2024)

*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:** Clarification on the allowance for business operations involving Medical and Retail Marijuana and growing operations to be consistent with Colorado Revised Statute.

## **30-1-116 – Definitions**

258. *Marijuana store, medical* means a person licensed pursuant to C.R.S. Title 44, Article 10, to operate a business as described in C.R.S. Section 44-10-501 that sells marijuana to registered patients or primary caregivers defined in section 14 of article XVIII of the state constitution.

258.1 *Marijuana store, retail* has the same meaning as defined in Section 16(2)(n) article XVIII of the state constitution.

259. *Marijuana products manufacturer, medical* means a person licensed pursuant to C.R.S. Title 44, Article 10 to operate a business as described in C.R.S. Section 44-10-503.

259.1 *Marijuana products manufacturer, retail* has same meaning as defined in section 16(2)(i) article XVIII of the state constitution.

260. *Marijuana cultivation facility, medical* means a person licensed pursuant to C.R.S. Title 12, Article 10 to operate a business as described in C.R.S. Section 44-10-502.

260.1 *Marijuana cultivation facility, retail* has the same meaning as defined in section 16(2)(h) article XVIII of the state constitution.

260.2 *Marijuana business, medical* has the same meaning as defined in C.R.S. Section 44-10-103(35).

260.3 *Marijuana business, retail* has the same meaning as defined in C.R.S. Section 44-10-103(58).

260.4 *Allowed marijuana business* as used in this Chapter 30 shall mean collectively and exclusively medical marijuana stores, retail marijuana stores, medical marijuana products manufacturers, retail marijuana manufacturers, medical marijuana cultivation facilities and retail marijuana cultivation facilities and excludes all other medical marijuana businesses and retail marijuana businesses.

## **30-3-113 – Marijuana Businesses**

A. *Allowed/Disallowed.* It shall be unlawful to operate a marijuana business in the Town of Berthoud unless it is an allowed marijuana business as defined in Section 30-1-116. Unless the context requires otherwise, the term “marijuana business” as used in Section 30-3-113 means an allowed marijuana business. It shall be unlawful to operate a retail marijuana cultivation facility or a retail marijuana products manufacturing business that is not co-located on the same parcel of land as a retail marijuana store. It shall be unlawful to operate a medical marijuana cultivation facility or a medical marijuana products manufacturing business that is not co-located on the same parcel of land as a medical marijuana store.

B. *Compliance with State laws.* This section applies to allowed marijuana businesses and terms not defined herein shall have the meaning set forth in Section 44-10-103 C.R.S., as amended.

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All marijuana businesses shall be comply with all applicable state statutes, as the same may be amended, and those regulations which are and will be adopted by the Colorado Department of Health and Environment and Colorado Department of Revenue.

- C. *Review process.* Applications for a Use by Special Review permit for any allowed marijuana business must be submitted in conformance with the Use by Special Review Permit application process and provisions of this Code including the procedures found in Table 3.10.
- D. This includes applications for allowed marijuana businesses whether co-located or not.
  - 1. Notice shall be given in accordance with the public hearing and general notice provisions found in this Chapter.
  - 2. Unless otherwise provided in the resolution approving it, a the allowed marijuana business shall be commenced within six months of the date of such approval; otherwise the allowed marijuana business Special Use Permit shall be null and void.
- E. *Permitted zoning districts.* Applications for all uses identified above shall only be accepted for properties located in the M1: Limited Industrial and M2: Industrial zone districts as designated north of Mountain Avenue, south of Bunyan Avenue, east of the rail line, and west of 1<sup>st</sup> Street. Allowed marijuana businesses shall not be permitted on properties located on Mountain Avenue.
- F. *Use by Special Review permit criteria.* In their review of applications for any premises or facility, the Planning Commission and Board of Trustees shall consider, at a minimum, the following factors:
  - a. The number, type, and availability of allowed marijuana businesses located in or near the location under consideration;
  - b. That the location must be over 1,000 feet away from established schools, rehabilitation facilities, licensed daycare centers and non-profit centers for the care of minors with such distance measured in a linear (straight line) manner from edge of property to edge of property;
  - c. That any allowedmarijuana business may be no closer than 1,000 feet from any other marijuana business with such distance to be measured in a linear (straight line) manner from edge of property to edge of property;
  - d. The size of the building housing the marijuana business;
  - e. The proposed security plans;
  - f. The character, experience and criminal history of all persons involved as management, employees and owners;
  - g. Sanitary issues, health safety issues, fire safety issues, building code issues and waste water effluent issues;
  - h. The needs and desires of the community with respect to the requested Use by Special Review permit and specifically, why those needs are not and cannot be met by the existing facility(ies) in the Town of Berthoud at that time. It shall be incumbent upon all applicants to document how the needs of the Berthoud community are not being met by existing premises and/or facilities and to provide data to adequately address this issue.

### **30-3-112 Home occupations**

- A. *Purpose:* The purpose of this section 30-3-112 is to regulate the conduct of operating business activity in a residence or other structure on the same property as a residence.

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B. Home occupations must meet the following standards:

7. The following uses because of their tendency to go beyond the limits permitted for home occupations and thereby impair the use and value of the residential area shall not be permitted as home occupations:
  - a. Marijuana businesses including allowed marijuana business as defined in Section 30-1-116
  - b.
  - c. Auto repair or motorized implement repair
  - d. Dance, music or other types of instruction (if more than four students being instructed at one time)
  - e. The painting of vehicles, trailers or boats
  - f. Private schools with organized classes
  - g. Welding shops
  - h. Nursing facility(ies)
  - i. Any retail or wholesale sales to consumers upon the premises not incidental to the home occupation (e.g. hair care products at a hair stylist are incidental sales).
10. A Home Occupation must maintain a Town of Berthoud Business License.

**30-1-117 - Public hearing and general notice provisions**

*A portion of this table is being revised to reflect the correct terminology for Marijuana businesses. The remainder of the table shall remain the same.*

Table 1.1 Hearing and notification requirements

|                                                                      | Hearing                        | Publication                           | Mailed notice                                                                                              | Post sign                                             |
|----------------------------------------------------------------------|--------------------------------|---------------------------------------|------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|
| Use by Special Review:<br>Allowed Marijuana Business<br>/Oil and Gas | Before Town Board as a hearing | No less than 15 days prior to hearing | Yes, to property owners within 500 feet, and referral agencies no less than 15 days prior to Board meeting | Yes, no less than 15 days prior to Town Board meeting |

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

Amend Table 3.3: Principal and conditional uses by zone district to reflect the following changes only. No other changes to these tables are being requested at this time. The location of an allowed marijuana business can occur in the area of Town specified in Section 30-2-113.C and only in the Industrial M-1 and M2- Districts.

|                                                            |
|------------------------------------------------------------|
| <input checked="" type="checkbox"/> Principal Use By Right |
| <input type="checkbox"/> Use by Special Review             |
| <i>Commercial, retail or service land uses</i>             |
| Allowed Marijuana business                                 |
|                                                            |
|                                                            |

Amend Table 3.7 Suburban Use Table to remove Marijuana establishments from this Zone District. It was not the intent to allow this land use in the Suburban Zone District as the location of a marijuana

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facility can occur in the area of Town specified in Section 30-2-113.C and only in the Industrial M-1 and M2- Districts as reflected in Table 3.3.

|                                                                      |
|----------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Principal Use By Right           |
| <input type="checkbox"/> Use by Special Review                       |
| <i>Commercial, retail or service land uses</i>                       |
| <del>Medical Marijuana center</del>                                  |
| <del>Medical marijuana infused product manufacturing</del>           |
| <del>Medical marijuana optional premises cultivation operation</del> |

A portion of Table 3.10 is being revised to reflect the correct terminology for Marijuana businesses. The remainder of the table shall remain the same.

Table 3.10

| Application Process                                  | Required pre-application meeting | Application Submittal | Certification of Completeness | Notice to Surrounding Property Owners; Hearing Date publication; Sign Posting requirements       | Mineral Notice | Referral Period | Administrative Option | Planning Commission | Town Board of Trustees | Criteria for Approval | Ordinance/Resolution | Conditions of Approval Addressed including Development Agreement | Record documents |
|------------------------------------------------------|----------------------------------|-----------------------|-------------------------------|--------------------------------------------------------------------------------------------------|----------------|-----------------|-----------------------|---------------------|------------------------|-----------------------|----------------------|------------------------------------------------------------------|------------------|
| Application Type                                     |                                  |                       |                               |                                                                                                  |                |                 |                       |                     |                        |                       |                      |                                                                  |                  |
| Use by Special Review for Allowed Marijuana Business | Yes                              | Yes                   | Yes                           | Refer to the Hearing and Notification requirements Section of this Chapter of the Municipal Code | Yes            | Yes             | No                    | Yes                 | Yes                    | Yes                   | Resolution           | Yes                                                              | Yes              |

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## EXHIBIT A: Ordinance (2024)

*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:** Clarification on the allowance for business operations involving Medical and Retail Marijuana and growing operations to be consistent with Colorado Revised Statute.

### 30-1-116 – Definitions

258. *Marijuana store, medical* means a person licensed pursuant to C.R.S. Title 44, Article 10, to operate a business as described in C.R.S. [Section 44-10-501](#) that sells marijuana to registered patients or primary caregivers defined in section 14 of article XVIII of the state constitution.

258.1 *Marijuana store, retail* has the same meaning as defined in Section 16(2)(n) article XVIII of the state constitution.

259. *Marijuana products manufacturer, medical* means a person licensed pursuant to C.R.S. Title 44, Article 10 to operate a business as described in C.R.S. [Section 44-10-503](#).

259.1 *Marijuana products manufacturer, retail* has same meaning as defined in section 16(2)(i) article XVIII of the state constitution.

260. ~~*Marijuana cultivation facility, medical*~~~~*retail*~~ means a person licensed pursuant to C.R.S. Title 12, Article 10 to operate a business as described in C.R.S. [Section 44-10-502](#).

260.1 *Marijuana cultivation facility, retail* has the same meaning as defined in section 16(2)(h) article XVIII of the state constitution.

~~260.2 *Marijuana business, medical* has the same meaning as defined in C.R.S. Section 44-10-103(35).~~

~~260.3 *Marijuana business, retail* has the same meaning as defined in C.R.S. Section 44-10-103(58).~~

~~260.4 *Allowed marijuana business* as used in this Chapter 30 shall mean collectively and exclusively medical marijuana stores, retail marijuana stores, medical marijuana products manufacturers, retail marijuana manufacturers, medical marijuana cultivation facilities and retail marijuana cultivation facilities and excludes all other medical marijuana businesses and retail marijuana businesses.~~

### 30-3-113 ~~30-3-113~~ – Retail Marijuana Businesses

- A. ~~*Allowed/Disallowed.* It shall be unlawful to operate a marijuana business in the Town of Berthoud unless it is an allowed marijuana business as defined in Section 30-1-116. Unless the context requires otherwise, the term “marijuana business” as used in Section 30-3-113 means an allowed marijuana business. It shall be unlawful to operate a retail marijuana cultivation facility or a retail marijuana products manufacturing business that is not co-located on the same parcel of land as a retail marijuana store. It shall be unlawful to operate a medical marijuana cultivation facility or a medical marijuana products manufacturing business that is not co-located on the same parcel of land as a medical marijuana store.~~

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- B. ~~*Compliance with State laws*~~*Defined.* This section applies to ~~retail~~ allowed marijuana businesses ~~that are allowed within the Town of Berthoud and terms not defined herein shall have the meaning incorporates the definitions set forth in Section 44-10-103 C.R.S., as amended. All marijuana businesses shall be comply with all applicable state statutes, as the same may be amended, and~~ Those regulations which are and will be adopted by the Colorado Department of Health and Environment and Colorado Department of Revenue ~~are incorporated herein by this reference.~~
- C. *Review process.* Applications for a Use by Special Review permit for any allowed marijuana business ~~facility, operation or premises for the cultivation, manufacture, processing, distribution and/or sale of marijuana , marijuana products or related activities~~ must be submitted in conformance with the Use by Special Review Permit application process and provisions of this Code including the procedures found in Table 3.10.
- D. ~~This includes applications for~~ allowed marijuana ~~businesses~~ ~~stores, retail cultivation facilities, marijuana products manufacturing whether co-located or not, and marijuana growing operations as long as the growing operation is located on the same parcel of land where retail sales occur.~~
1. Notice shall be given in accordance with the public hearing and general notice provisions found in this Chapter.
  2. Unless otherwise ~~provided in the resolution approving it, as stated in the Resolution, the~~ allowed marijuana business ~~Special Use Permit~~ shall be commenced within six months of the ~~date of such approval~~ time such Special Use Permit is granted; otherwise the allowed marijuana business ~~Special Use Permit~~ shall be null and void.
- E. *Permitted zoning districts.* Applications for all uses identified above shall only be accepted for properties located in the M1: Limited Industrial and M2: Industrial zone districts as designated north of Mountain Avenue, south of Bunyan Avenue, east of the rail line, and west of 1<sup>st</sup> Street. ~~Allowed m~~ Allowed marijuana businesses ~~establishments~~ shall not be permitted on properties located on Mountain Avenue.
- F. *Use by Special Review permit criteria.* In their review of applications for any premises or facility, the Planning Commission and Board of Trustees shall consider, at a minimum, the following factors:
- a. The number, type, and availability of ~~retail~~ allowed marijuana businesses located in or near the location under consideration;
  - b. That the location must be over 1,000 feet away from established schools, rehabilitation facilities, licensed daycare centers and non-profit centers for the care of minors with such distance measured in a linear (straight line) manner from edge of property to edge of property;
  - c. That any ~~retail~~ allowed marijuana business may be no closer than 1,000 feet from any other marijuana business with such distance to be measured in a linear (straight line) manner from edge of property to edge of property;
  - d. The size of the building housing the marijuana business;
  - e. The proposed security plans;
  - f. The character, experience and criminal history of all persons involved as management, employees and owners;
  - g. Sanitary issues, health safety issues, fire safety issues, building code issues and waste water effluent issues;
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- h. The needs and desires of the community with respect to the requested Use by Special Review permit and specifically, why those needs are not and cannot be met by the existing facility(ies) in the Town of Berthoud at that time. It shall be incumbent upon all applicants to document how the needs of the Berthoud community are not being met by existing premises and/or facilities and to provide data to adequately address this issue.

### 30-3-112 Home occupations

- A. Purpose: The purpose of ~~this section 30-3-112e Home Occupation Section~~ is to regulate the conduct of operating ~~provide parameters to guide residents who wish to conduct an occupation or business activity in the residencea residence or other in an approved structure on the same property as attheir residence.~~
- B. Home occupations must meet the following standards:
7. The following uses because of their tendency to go beyond the limits permitted for home occupations and thereby impair the use and value of the residential area shall not be permitted as home occupations:
    - a. Marijuana businesses including allowed marijuana business as defined in Section 30-1-116  
~~Medical marijuana businesses~~
    - b. ~~Retail marijuana businesses~~
    - c. Auto repair or motorized implement repair
    - d. Dance, music or other types of instruction (if more than four students being instructed at one time)
    - e. The painting of vehicles, trailers or boats
    - f. Private schools with organized classes
    - g. Welding shops
    - h. Nursing facility(ies)
    - i. Any retail or wholesale sales to consumers upon the premises not incidental to the home occupation (e.g. hair care products at a hair stylist are incidental sales).
  10. A Home Occupation must maintain a Town of Berthoud Business License.

### 30-1-117 - Public hearing and general notice provisions

*A portion of this table is being revised to reflect the correct terminology for Marijuana businesses. The remainder of the table shall remain the same.*

Table 1.1 Hearing and notification requirements

|                                                                             | Hearing                        | Publication                           | Mailed notice                                                                                              | Post sign                                             |
|-----------------------------------------------------------------------------|--------------------------------|---------------------------------------|------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|
| Use by Special Review:<br><u>Allowed Marijuana Business</u><br>/Oil and Gas | Before Town Board as a hearing | No less than 15 days prior to hearing | Yes, to property owners within 500 feet, and referral agencies no less than 15 days prior to Board meeting | Yes, no less than 15 days prior to Town Board meeting |

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

Amend Table 3.3: Principal and conditional uses by zone district to reflect the following changes only. No other changes to these tables are being requested at this time. The location of an allowed marijuana ~~business~~facility can occur in the area of Town specified in Section 30-2-113.C and only in the Industrial M-1 and M2- Districts.

|                                                            |
|------------------------------------------------------------|
| <input checked="" type="checkbox"/> Principal Use By Right |
| <input type="checkbox"/> Use by Special Review             |
| <i>Commercial, retail or service land uses</i>             |
| <u>Allowed</u> Marijuana <del>business</del> <u>store</u>  |
| <del>Marijuana product manufacturing</del>                 |
| <del>Marijuana cultivation facility</del>                  |

Amend Table 3.7 Suburban Use Table to remove Marijuana establishments from this Zone District. It was not the intent to allow this land use in the Suburban Zone District as the location of a marijuana facility can occur in the area of Town specified in Section 30-2-113.C and only in the Industrial M-1 and M2- Districts as reflected in Table 3.3.

|                                                            |
|------------------------------------------------------------|
| <input checked="" type="checkbox"/> Principal Use By Right |
| <input type="checkbox"/> Use by Special Review             |
| <i>Commercial, retail or service land uses</i>             |
|                                                            |
|                                                            |

A portion of Table 3.10 is being revised to reflect the correct terminology for Marijuana businesses. The remainder of the table shall remain the same.

Table 3.10

| Application Process                                  | Required pre-application meeting | Application Submittal | Certification of Completeness | Notice to Surrounding Property Owners; Hearing Date publication; Sign Posting requirements       | Mineral Notice | Referral Period | Administrative Option | Planning Commission | Town Board of Trustees | Criteria for Approval | Ordinance/Resolution | Conditions of Approval Addressed including Development Agreement | Record documents |
|------------------------------------------------------|----------------------------------|-----------------------|-------------------------------|--------------------------------------------------------------------------------------------------|----------------|-----------------|-----------------------|---------------------|------------------------|-----------------------|----------------------|------------------------------------------------------------------|------------------|
| Application Type                                     |                                  |                       |                               |                                                                                                  |                |                 |                       |                     |                        |                       |                      |                                                                  |                  |
| Use by Special Review for Allowed Marijuana Business | Yes                              | Yes                   | Yes                           | Refer to the Hearing and Notification requirements Section of this Chapter of the Municipal Code | Yes            | Yes             | No                    | Yes                 | Yes                    | Yes                   | Resolution           | Yes                                                              | Yes              |

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**TOWN OF BERTHOUD, COLORADO**

**NOTICE OF PUBLIC HEARING**

Amendments to the Berthoud Development Code

PUBLIC NOTICE IS HEREBY GIVEN of a public hearing before the Berthoud Planning Commission on Thursday, December 14, 2023 at 6:00 p.m. to consider amendments to Chapter 30 of the Berthoud Municipal Code, specifically amending the definition section regarding marijuana businesses (also Section 30-3-113, 30-3-112, 30-1-117, 30-3-104 and Table 3.10), and clarifying land use application processing requirements throughout Chapter 30 of the Berthoud Municipal Code. The public hearing will be held at Town Hall 807 Mountain Avenue Berthoud 80513.

Given and Posted on this 1<sup>st</sup> day of December, 2023.