

ORDINANCE NO. 934

AN ORDINANCE OF THE TOWN OF BERTHOUD, LARIMER AND WELD COUNTIES, COLORADO CREATING THE INTERSTATE 25/ COLORADO HIGHWAY 56 OVERLAY DISTRICT, AND IN CONNECTION THEREWITH, ADOPTING THE PROVISIONS OF RESOLUTION 24-01 AS LAND USE REGULATIONS

WHEREAS, the Board of Trustees of the Town of Berthoud adopted on October 16, 2001 Resolution 24-01, pertaining to development criteria for the Interstate 25 (I-25)/Colorado Highway 56 area; and

WHEREAS, on April 9, 2002, the Board of Trustees adopted Ordinance 929, Section 4 of which Ordinance expressed the Board's intention to require that future development within the I-25/Colorado Highway 56 area in the Town comply with the provisions specified in Resolution 24-01; and

WHEREAS, a public hearing on this proposed ordinance was held on May 14, 2002, public notice of which was given by publication in a newspaper of general circulation in the Town at least fifteen (15) days prior to the hearing.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, LARIMER AND WELD COUNTIES, COLORADO:

**Section 1. I-25/Colorado Highway 56 Development Overlay District Created; Area**

There is hereby created the I-25/Colorado Highway 56 Development Overlay District (hereinafter, the "25/56 Overlay District") extending throughout the area of the Town shown on the attached **Exhibit A**, which Exhibit is incorporated herein by this reference. This district includes the Town of Berthoud east of Weld County Road 7. The purpose of the 25/56 Overlay District is to impose development restrictions within the area covered by the District, in addition to existing requirements of the Town of Berthoud Development Code.

**Section 2. Purpose of District; Effect of District Restrictions**

It is the intent and purpose of this District to provide for an overall development plan for the I-25/Colorado Highway 56 area which is generally in compliance with the provisions of Section 3 of this ordinance. It is specifically understood that each parcel of real property, especially those of smaller size may not have this development mix. However, prior to significant development of the area master planning will be initiated by the Town in order to provide both predictability and flexibility in usage.

**Section 3. Development Mix Restrictions**

The following development restrictions shall apply within the 25/56 Overlay District to all developments including, but not limited to, the following: rezoning (under Section 30-5-103), final subdivision plat (under Section 30-6-109), minor subdivision plat (under Section 30-6-109), site plan (under Section 30-7),

Planned Unit Development (under Section 30-5-400) and use by special review (under Section 30-5-105).

- (a) A minimum of 30-40% open space, not including roads or rights of way;
- (b) A minimum of 25% commercially zoned area to ensure future revenue for the Town;
- (c) A maximum of 40% residentially zoned areas;
- (d) All development will meet the I-25 Design Regulations from the I-25 Corridor Study, as adopted or amended, by the Town of Berthoud;
- (e) All infrastructure layout will conform with the I-25 Corridor Study;
- (f) The number of dwelling units in the area of Berthoud east of Weld County Road 7 will never exceed the number of dwelling units in the area of Berthoud lying west of Weld County Road 7.

#### **Section 4. Conflicting Requirements**

In the event of conflict between the requirements of the Town of Berthoud Development Code and the requirements of the 25/56 Development Overlay District, the more stringent or restrictive requirement shall control.

#### **Section 5. Effective Date**

The Board of Trustees of the Town of Berthoud herewith finds, determines and designates that this Ordinance shall take effect and be in force 30 days after publication.

At its meeting of April 23, 2002, a public hearing was set by the Board of Trustees of the Town of Berthoud for its meeting held on the 14<sup>th</sup> day of May, 2002.

After the public hearing, this Ordinance was read, passed and ordered published by the Board of Trustees at its meeting this 14<sup>th</sup> day of May, 2002.

TOWN OF BERTHOUD

Milan Karspeck  
Milan Karspeck - Mayor

ATTEST:

By: Mary K. Cowdin  
Mary K. Cowdin - Town Clerk

Published: 5-16-02

## EXHIBIT "A"

## Town of Berthoud

Parks

- Developed
- Developed School
- Undeveloped
- Proposed
- Proposed HOA

Lakes and Wetlands

- Growth Management Area
- Existing Town Limits

N

0 1 Miles

- The trail locations are general in nature and meant to show the desire for interconnections.
- Trails and parks will be built in conjunction with development or purchases by the Town of Berthoud.

Potential Natural Areas (lakes and drainage ways)  
Proposed Major Bike Trails \*  
Highway 287 Bypass

