

**ORDINANCE NO. 1263**

**AN ORDINANCE AMENDING THE ZONING MAP OF THE TOWN OF BERTHOUD TO REZONE A PORTION OF PROPERTY KNOWN AS "HERON LAKES" FROM AGRICULTURAL (AG) TO LIMITED MULTI-FAMILY RESIDENTIAL (R-2); LIMITED MULTI-FAMILY RESIDENTIAL (R-2) TO AGRICULTURAL; AND AGRICULTURAL (AG) TO MULTIFAMILY (R-3).**

**WHEREAS**, certain property known as "Heron Lakes" has heretofore been zoned by the Town of Berthoud as Agricultural for 0.228 acres; 0.003 acres; 1.068 acres; as Limited Multi-Family as for 0.033 acres; 0.974 acres; and 0.048 acres; and

**WHEREAS**, the Planning Commission at its March 28<sup>th</sup>, 2019 meeting, has considered the rezoning request of the current owners and, after proper notice and hearing, has recommended that such property be rezoned from Agricultural (AG) to Limited Multi-family Residential (R-2); Limited Multi-family Residential (R-2) to Agricultural (AG); and Agricultural (AG) to Multifamily (R-3);

**WHEREAS**, notice was properly posted in the manner required by law and a public hearing was conducted on March 28, 2019, before the Berthoud Planning Commission and a public hearing was conducted on April 9, 2019 before the Board of Trustees as required by law; and

**WHEREAS**, after the public hearing, the Berthoud Planning Commission, on a five to zero vote, recommended approval of the zoning change sought by the applicant from Agricultural (AG) to Limited Multi-family Residential (R-2); Limited Multi-family Residential (R-2) to Agricultural (AG); and Agricultural (AG) to Multifamily (R-3);

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

**Section 1, Map Revision:** The official zoning map of the Town of Berthoud shall be amended hereinafter and which property is commonly known as "Heron Lakes" as described in Exhibit A shall be rezoned from Agricultural (AG) to Limited Multi-family Residential (R-2) for 9,920 square feet or 0.228 acres more or less;

**Section 2, Map Revision:** The official zoning map of the Town of Berthoud shall be amended hereinafter and which property is commonly known as "Heron Lakes" as described in Exhibit A shall be rezoned from Agricultural (AG) to Limited Multi-family Residential (R-2) for 117 square feet or 0.003 acres more or less;

**Section 3 Map Revision:** The official zoning map of the Town of Berthoud shall be amended hereinafter and which property is commonly known as "Heron Lakes" as described in Exhibit A shall be rezoned from Agricultural (AG) to Multi-family Residential (R-3) for 46,513 square feet or 1.068 acres more or less;

**Section 4 Map Revision:** The official zoning map of the Town of Berthoud shall be amended hereinafter and which property is commonly known as "Heron Lakes" as described in Exhibit A

shall be rezoned from Limited Multi-family Residential (R-2) to Agricultural (AG) for 1,436 square feet or 0.033 acres more or less.

**Section 5 Map Revision:** The official zoning map of the Town of Berthoud shall be amended hereinafter and which property is commonly known as "Heron Lakes" as described in Exhibit A shall be rezoned from Limited Multi-family Residential (R-2) to Agricultural (AG) for 42,441 square feet or 0.974 acres more or less;

**Section 6 Map Revision:** The official zoning map of the Town of Berthoud shall be amended hereinafter and which property is commonly known as "Heron Lakes" as described in Exhibit A shall be rezoned from Agricultural (AG) to Limited Multi-family Residential (R-2) for 2,104 square feet or 0.048 acres more or less.

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

**Publication:** The Town Clerk shall certify to the passage of this Ordinance and cause its contents to be published and shall cause the appropriate change to be made to the official Berthoud Zoning District Map.

**Effective Date:** This Ordinance shall take effect and be in force thirty (30) days after its publication as required by law.

**PASSED, ADOPTED, SIGNED AND APPROVED on this the 9<sup>th</sup> day of April, 2019.**



TOWN OF BERTHOUD

By William Karspeck

William Karspeck, Mayor

ATTEST:

By:

Christian Samora  
Christian Samora, Town Clerk