

ORDINANCE NO. 1148

AN ORDINANCE REPEALING SECTION 30-6-110.B.7 OF THE TOWN OF BERTHOUD DEVELOPMENT CODE IN ITS ENTIRETY AND READOPTING SECTION 30-6-110.B.7, TOWN OF BERTHOUD, LARIMER AND WELD COUNTIES, COLORADO.

WHEREAS, the Board of Trustees, after reviewing these documents in a public hearing and having adopted this Section, has determined that it is in the best interests of the Town that this Chapter 30, Development Code, Section 30-6-110.B.7 be repealed in its entirety and readopted:

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

Section 1: Adoption.

Pursuant to part 2 of Article 16 of Title 31, C.R.S., there is hereby adopted by reference Section 30-6-110.B.7 of the Town of Berthoud Development Code, hereinafter, "the Code". The subject matter of this Section attached as Exhibit A, adopted herein is to establish regulations regarding the approval process for Site Plan applications within the Town of Berthoud. Three (3) copies of the Code, adopted herein are now filed in the office of the Town Clerk of Berthoud, Colorado and may be inspected during regular business hours.

The Board of Trustees determines that adoption of Section 30-6-110.B.7, as an ordinance amending a portion of the current subdivision regulations set forth in the *Development Code of the Town of Berthoud* is in the best interests of the Berthoud community, and

The Board of Trustees hereby adopts such code and repeals all provisions of the Berthoud Development Code in conflict with this new Code, Chapter 30, Section 30-6-110.B.7.

Section 2: Validity.

If any part or parts of this ordinance are for any reason held to be invalid such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Trustees hereby declares that it would have passed this ordinance and each part or parts thereof, irrespective of the fact that any one part or parts be declared invalid.

Section 3: Repeal.

Upon adoption of this Ordinance, the previous Development Code Section 30-6-110.B.7 is repealed in its entirety.

**EXHIBIT A**

**CHAPTER 30 – BERTHOUD DEVELOPMENT CODE**

**SECTION 6 – SUBDIVISION REGULATIONS**

<b>30-6-110</b>	<b>Site Plan</b>
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Section 30-6-110.B

7. Review and action. The Town Administrator and Planner shall be responsible for processing all applications for Site Plan Reviews within the Town of Berthoud. The Town Administrator and Planner shall also have the responsibility of ensuring that all applications and submittal requirements are met prior to initiating any official action as listed above. The authority and responsibility for making the decision to approve, disapprove or approve with conditions all requests for a site plan review will rest with the Town Administrator.

The Town Administrator may refer a site plan application to the Planning Commission for the Commission's review and action, based on a determination that the proposed development's complexity, projected impacts, or proximity to conflicting land uses merits such action. The application and notice of the referral shall be sent to the Planning Commission for its review within a Public Hearing and action. Appeals of any Planning Commission final decision may be made to the Town Board acting as the Board of Appeals using the appeal procedures found in Section 30-3-108 B and C.

Section 4: 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 thirty (30) days after publication.

At the regular meeting of the Board of Trustees on the 27<sup>th</sup> day of November, 2012 this Ordinance was considered, passed, and ordered published.

ATTEST:

TOWN OF BERTHOUD

  
Mary K. Cowdin - Town Clerk

  
David Gregg - Mayor

Published: Nov. 28, 2012

Approved as to form

  
Greg Bell, Attorney