

## ORDINANCE NO. 1146

AN ORDINANCE REPEALING SECTION 30-6-109 OF THE TOWN OF BERTHOUD DEVELOPMENT CODE IN ITS ENTIRETY AND READOPTING SECTION 30-6-109 BY REFERENCE, 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has determined that it is in the best interests of the Town that this Chapter 30, Development Code, Section 30-6-109 be repealed in its entirety and readopted by reference:

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 30-6-109 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 administrative subdivision or merger of real property within the Town. 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 30-6-109, 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 by reference and repeals all provisions of the Berthoud Development Code in conflict with this new Code, Chapter 30, Section 30-6-109.

### 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Upon adoption of this Ordinance, the previous Development Code Section 30-6-109 is repealed in its entirety.

Section 4: Certification.

This ordinance has been introduced and a notice describing the Code revision and has been published. The Town Clerk shall certify to the passage of this ordinance and make not less than three copies of the adopted Code section available for inspection by the public during regular business hours.

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 thirty (30) days after publication.

At its meeting on September 18, 2012 this Ordinance was introduced at First Reading and a public hearing was conducted by the Board of Trustees. At the regular meeting of the Board of Trustees on the 25<sup>th</sup> day of September, this Ordinance was considered on Second Reading, passed, and ordered published.

**ATTEST:**

**TOWN OF BERTHOUD**

  
Mary K. Cowdin - Town Clerk

  
Jan Dowker - Mayor Pro-Tem

Published: September 26, 2012

Approved as to form

  
Greg Bell, Attorney

## EXHIBIT A

### CHAPTER 30 – BERTHOUD DEVELOPMENT CODE

#### SECTION 6 – SUBDIVISION REGULATIONS

##### 30-6-109

##### Administrative adjustment to recorded plats

- A. Administrative Adjustment purpose. The purpose of the administrative adjustment is to allow adjustments to recorded final plats where there is anticipated to be no significant impact to the Town. The Town Administrator may determine that the Planning Commission should make the decision as to the adjustment of internal or external boundary lines if the adjustment would have a significant impact on the Town or the neighborhood.
- B. Administrative Adjustment allowed. The Town Administrator is authorized to approve, execute and record plats where the following occur:
- a. Merger of any number of lots into a single lot,
  - b. Division of any lot into multiple lots,
  - c. Modification or reduction of interior lot lines to reflect the generally recognized use of the property, or
  - d. Boundary line adjustments where they conform to the historic usage of the property and are agreed to in writing by all parties.
- C. Administrative Adjustment prohibited. The Town Administrator is not authorized to approve, execute and record plats where the following occurs:
- a. Where there is a change in land use or in the gross density of residential land use including for example:
    - i. From single-family to multi-family,
    - ii. From residential to commercial,
    - iii. From commercial to industrial, or
    - iv. Any other like change in land use.
  - b. Where lots are created that will require a zoning change or a zoning variance.
- D. Administrative Adjustment process. In order to process any request for an administrative adjustment, the following steps shall be completed:



- 1) Proof of ownership. All owners of the property shall provide evidence satisfactory to the Town Administrator that they are the holders of equitable title to the property. Evidence of ownership required by the Town may include, but not be limited to: the recorded deed, or the title policy to the property and a copy of the billing by Larimer or Weld Counties for real property taxes. It shall not be necessary to have the holders of the legal title to the property included as petitioners with those persons holding equitable title to the property.
  - 2) Petition for administrative adjustment. All owners of legal and equitable title shall execute before a Notary Public a petition stating they are the owners of equitable title to the property and that they wish to merge two or more adjoining lots into one lot. The petition shall also contain such additional information that the Town may deem appropriate.
  - 3) Procedure for administrative adjustment.
    - a. Upon compliance with the above requirements, the Town Administrator or his duly designated representative is authorized to execute the document merging any number of lots into one lot. The petition for an administrative adjustment shall specify the subdivision, lot and block numbers (where applicable) and the number of the lot created as a result of the proposed action.
- E. Additional measures. Any administrative adjustment shall be recorded with the Clerk and Recorder of the proper county, and the appropriate adjustment shall be made to the Final Plat retained at the Town of Berthoud. If additional documentation as to the authority of the Town Administrator is required by the Clerk and Recorder's office or by a title company, the Town Administrator is also authorized to execute these documents or such other documents as may be required to formalize the administrative adjustment.