

ORDINANCE NO. 9

Series 2017

July 18, 2017: Introduced as Council Bill 7, Series 2017 by Councilor Dan Sheldon, seconded by Councilor Al Blum and considered in full text on first reading. Passed by a vote of 6 yes and 0 no.

August 1, 2017: Considered in full text on second reading. Passed by a vote of 6 yes and 0 no.

**A BILL FOR AN ORDINANCE
OF THE CITY OF CHERRY HILLS VILLAGE
ADDING A NEW DIVISION 6 TO ARTICLE III OF CHAPTER 17
OF THE CHERRY HILLS VILLAGE MUNICIPAL CODE
CONCERNING SUBDIVISION PLAT RENAMING PROCEDURES**

WHEREAS, the City of Cherry Hills Village ("City") is a home rule municipal corporation organized in accordance with Article XX of the Colorado Constitution; and

WHEREAS, pursuant to its home rule authority and Article 23, Title 31 of the Colorado Revised Statutes, the City has authority to regulate the development and subdivision of land within the City for the purposes of promoting the public health, safety, convenience, and the general welfare of the community; and

WHEREAS, the City has adopted subdivision regulations codified in Chapter 17 of the Municipal Code; and

WHEREAS, the City has determined that it is necessary to add a process for changing the names of platted subdivisions as none currently exists; and

WHEREAS, the City Council finds the regulations set forth in this ordinance further the health, safety and welfare of the community and are in furtherance of the City's police powers.

NOW, THEREFORE, THE CITY COUNCIL FOR THE CITY OF CHERRY HILLS VILLAGE, COLORADO, ORDAINS:

Section 1. Article III, titled Subdivision Procedures of Chapter 17 of the Cherry Hills Village Municipal Code, is hereby amended to add a new Division 6 to read in full as follows:

ARTICLE III – SUBDIVISION PROCEDURES

Division 6. Subdivision Renaming Process.

Sec. 17-3-510. Purpose, intent.

The purpose and intent of this Section is to create a process for a subdivision name change.

Sec. 17-3-520. Process.

(a) Application. A request to obtain City Council approval of a subdivision name change may be initiated by the property owners within the subdivision as provided in this Article. The applicant must submit a written application and petition on forms provided by the city, which application shall contain at a minimum the following information:

- (1) Existing subdivision name;
- (2) Proposed subdivision name;
- (3) Reason for request to change subdivision name;
- (4) A list of all property owners within the subdivision identified by lot and block number and street address;
- (5) Legible copy of the recorded subdivision plat;
- (6) Petition supporting the name change signed by property owners owning at least fifty-one percent (51%) of the lots. Each lot counts as only one vote, regardless of the number of property owners signing the petition. All record owners of a lot must sign the petition in order to count towards the fifty-one percent (51%) requirement. The completed petition must be signed by the

applicant and returned to the City's community development department with the application; and

(7) Payment of application fee determined by resolution of the City Council.

(8) Payment of recording fees to be held by the City in a non-interest-bearing account. Recording fees will be determined by City staff based on the number of lots involved in the proposed subdivision name change and current recording fees imposed by Arapahoe County.

(b) Review for completeness. Within fifteen (15) days of submittal of an application, the community development department will review the application for completeness and verify the owners' signatures against Arapahoe County Assessor's tax records to ensure that it meets all requirements. Incomplete applications will not be processed and will be returned to the applicant. Upon deeming the application complete, the community development department will refer the application to the City Council for a final determination.

(c) Public Hearing. The City Council shall consider the proposed subdivision name change at a duly noticed public hearing. Notice of the date, time, place and purpose of the public hearing shall be published at least once in a newspaper of general circulation in the City at least fifteen (15) calendar days prior to the public hearing and posted at each major entrance to the subdivision from public streets bordering the subdivision, on sign(s) at least two (2) feet by three (3) feet for a period of fifteen (15) days prior to the public hearing. The Community Development Director shall determine the location of signs and the required number of signs in his or her discretion to provide adequate notice to the public. The applicant shall be responsible for all public hearing costs and for posting in accordance with this Section.

Sec. 17-3-530. Criteria of Approval.

The application shall not be approved unless the City Council finds that the application meets each of the following standards:

- (1) The application is complete and the supporting petition is signed by property owners owning at least fifty-one percent (51%) of the lots within the subdivision; and
- (2) The proposed subdivision name is not duplicated anywhere else in the City; and
- (3) No other changes to the subdivision plat are proposed.

Sec. 17-3-540. City Decision.

(a) Upon a finding that the application meets the standards for approval set forth in Section 17-3-530 above, the City Council shall adopt a resolution and cause the same to be recorded with the Arapahoe County Clerk and Recorder at the applicant's expense per Section 17-3-520(a)(8) above against each and every property impacted by the plat renaming.

(b) The City Council shall deny an application for failure to meet the standards set forth in Section 17-3-530 above. Any decision to deny an application shall be set forth in a resolution stating the specific reasons for denial, and the decision shall be promptly mailed or delivered to the applicant.

Section 2. Severability. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this ordinance that can be given effect without the invalid portion, provided that such remaining portions or applications of this ordinance are not determined by the court to be inoperable. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, despite the fact that any one or more section, subsection, sentence, clause, phrase, or portion would be declared invalid.

Section 3. Effective Date. This Ordinance shall become effective ten (10) days after publication on second reading in accordance with Section 4.5 of the Charter for the City of Cherry Hills Village.

Adopted as Ordinance No. 9 Series 2017, by the City Council of the City of Cherry Hills Village, Colorado this 1st day of August, 2017.

(SEAL)



Laura Christman, Mayor

ATTEST:



Laura Smith, City Clerk

Approved as to form:



Linda C. Michow, City Attorney

MNB050

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CITY OF CHERRY HILLS
VILLAGE
ADOPTION OF ORDINANCE
ORDINANCE 9, SERIES 2017

A BILL FOR AN ORDINANCE OF
THE CITY OF CHERRY HILLS
VILLAGE ADDING A NEW DIVI-
SION 6 TO ARTICLE III OF CHAP-
TER 17 OF THE CHERRY HILLS
VILLAGE MUNICIPAL CODE
CONCERNING SUBDIVISION
PLAT RENAMING PROCEDURES

Copies of the Ordinances are on
file at the office of the City Clerk
and may be inspected during
regular business hours.

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