

ORDINANCE NO. 2
Series 2010

November 19, 2009: Introduced as Council Bill 19, Series 2009 by Mayor Pro Tem Russell Stewart, seconded by Councilor Scott Roswell, and considered by the title only on first reading. Passed by a vote of 6 yes and 0 no.

January 5, 2010: 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
AMENDING CHAPTER 17 OF THE CHERRY HILLS VILLAGE MUNICIPAL CODE,
CONCERNING SUBDIVISIONS, BY AMENDING ARTICLE III, DIVISION 4,
CREATING A PROCEDURE FOR AMENDMENT PLATS,
FOR THE PURPOSE OF REMOVAL OF R-3A ZONE DISTRICT BUFFERS**

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

WHEREAS, On March 5, 1996, the City Council for the City of Cherry Hills Village adopted Ordinance No. 1, Series 1996, establishing the R-3A zone district; and

WHEREAS, in establishing the R-3A zone district, the City Council established three categories of buffers in the R-3A zone district; and

WHEREAS, the City Council's intent in establishing the R-3A buffers was to mitigate the impacts of the R-3A zoning on the City of Cherry Hills Village community specifically as it relates to abutting larger lot subdivisions; and

WHEREAS, in the R-3A zone district a 50-foot buffer is required for all R-3A lots within 50 feet of unplatte residential zone districts that require a larger minimum lot size than R-3A; and

WHEREAS, the 50-foot buffer requirement has resulted in one or more internal subdivision buffers shown on subdivision plats; and

WHEREAS, the City Council has determined to amend the City's subdivision regulations to allow removal of 50-foot internal buffers from established subdivision plats, provided certain criteria are met.

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

Section 1. That Chapter 17 Article III, Division 4 of the City of Cherry Hills Village Municipal Code is hereby amended as follows:

Division 4
Minor Subdivisions and Amended Plats

Sec. 17-3-310. Purpose.

The purpose of this Division is to establish a subdivision process applicable to certain small and simple divisions of property as well as minor amendments to existing subdivision plats. This Division is intended to provide for the faster processing of final and amended subdivision plats without the need to pursue sketch plan or preliminary plan processing or approvals by the City.

Sec. 17-3-320. Definition of minor subdivision and minor amendment.

(a) A *minor subdivision* is any division of land that:

(1) Divides a parcel of land held in single or common ownership into two (2) parcels; and

(2) Does not create or result in the creation of a lot or parcel of land that would violate or fail to conform to any applicable zoning or other standard, including but not limited to lot area, building height, setback, public or private

road or private drive standards, parking, drainage requirements or access, or public amenities including public roads, easements, rights-of-way, parks, open spaces or trails.

(b) A minor amendment is any amendment to or modification of an existing subdivision plat that:

- (1) Does not relocate previously established lot lines;
- (2) Does not result in a lot consolidation or minor lot adjustment (as defined in Sec. 17-6-20); and
- (3) Does not create or result in the creation of a lot or parcel of land that would violate or fail to conform to any applicable zoning or other standard, including but not limited to lot area, building height, setback, public or private road or private drive standards, parking, drainage requirements or access, or public amenities including public roads, easements, rights-of-way, parks, open spaces or trails.

Sec. 17-3-330. Application fee.

To defray the costs and expenses of administrative procedures, the fee for a minor subdivision or amended plat application shall be one hundred fifty dollars (\$150.00). In addition to the application fee, applications for minor subdivisions or amended plats must comply with the escrow deposit requirements of Subsection 17-3-20(b) above and the land dedication or cash payment requirements of Section 17-3-30 above.

Sec. 17-3-340. Contents of plat and application.

(a) The contents of the minor subdivision plat or amended plat and the application for approval are the same as the contents and application for a final plat contained in Article IV of this Code, except that the title of the subdivision plat shall prominently identify the proposed name of the subdivision, together with the phrase Minor Subdivision or Minor Amendment. A minor amendment shall carry over from the existing subdivision plat all notations, easements and conditions that are not the subject of the amendment request. Also, the following information is required:

(b) Minor Subdivision – The following application materials must be submitted for any minor subdivision request:

(1) An application in a form approved by the City, which may be in the form of a letter signed by the owner or owners requesting approval of the minor subdivision pursuant to this Article.

(1) (2) Current commitment for title insurance required by Section 17-3-210(b)(1) above or, in the alternative where no dedication of property to the public is proposed by the plat, all of the following:

a. A copy of a recorded deed for all of the property described in the application evidencing that the applicant is the fee owner of the property;

b. A written, executed and notarized statement of the applicant representing to the City that he is the fee owner of the property; and

c. A certified copy of documentation from the County Assessor or Clerk and Recorder evidencing that the applicant is the owner of record of the property.

(2) (3) Topography for the entire property subject to subdivision expressed in one-foot contours in USGS datum.

(3) (4) A statement or tabulation reflecting the total acreage of the subdivision and breakdown as to land uses; such as building lots, streets, deeded public areas and easements.

(4) (5) A study by a professional engineer, licensed to practice in the State, detailing the method for moving storm water through the subdivision. The study shall include:

- a. Detailed description of existing ditches, culverts and irrigation facilities, including the condition or quality of such improvements;
- b. Calculations of projected quantity of storm water naturally entering the proposed subdivision;
- c. Quantities of flow from each pickup point;
- d. Location, size and grades of required culverts, drain inlets and storm drainage sewers;
- e. Elevations of any adjacent or on-site delineated floodplains;
- f. Projected impacts on any downstream property; and
- g. Details of on-site detention of storm water if required. Storm water detention is required unless no adverse impact is shown downstream to a delineated floodplain.

(5) (6) Construction details for any public improvements.

(6) (7) An agreement relating to public improvements as required by Sections 17-4-10 and 17-4-20 below.

(7) (8) Documentary evidence of water supply, sewage disposal, electricity, gas and telephone.

(8) (9) Floodplain development plan consisting of map and supporting data if the property is in a floodplain.

(9) (10) Letter addressing land dedication requirements outlining how the subdivider proposes to meet the land dedication requirements of Section 17-3-30(a) above.

(11) Additional information deemed necessary the City to evaluate the proposed application or plat.

(c) Minor Amendment – The following application materials must be submitted for any minor amendment request:

(1) An application in a form approved by the City, which may be in the form of a letter signed by the owner or owners requesting approval of the minor amendment pursuant to this Article.

(2) Current commitment for title insurance required by Section 17-3-210(b)(1) above or, in the alternative where no dedication of property to the public is proposed by the plat, all of the following:

a. A copy of a recorded deed for all of the property described in the application evidencing that the applicant is the fee owner of the property;

b. A written, executed and notarized statement of the applicant representing to the City that he is the fee owner of the property; and

c. A certified copy of documentation from the County Assessor or Clerk and Recorder evidencing that the applicant is the owner of record of the property.

(3) The following additional items shall be required for buffer removal requests pursuant to Section 16-8-80 of the Municipal Code:

a. Written approval of the request by all property owners contiguous to the entire length of the buffer being removed; and

b. A current commitment for title insurance, or other documentation outlined in Subsection 2 above, for all property owners contiguous to the entire length of the buffer being removed.

(4) Additional information deemed necessary for the City to evaluate the proposed application or plat.

Sec. 17-3-350. Minor subdivision and minor amendment approval procedure.

The Commission shall hold a public hearing to consider the subdivision's conformance with the requirements of this Code and this Article. The Commission shall render a decision to recommend approval, conditional approval or denial of the minor subdivision or minor amendment. Following the Commission's review, the Council shall consider minor subdivision and minor amendment applications at a public hearing. Notice shall be given of the public hearings pursuant to the requirements of Subsection 16-2-40(c) of this Code.

Sec. 17-3-360. Standard for minor plat subdivision and minor amendment approval.

The recommendation of approval or conditional approval of any minor plat subdivision or minor amendment by the Commission and any approval or conditional approval by the Council shall require a finding that the applicant established each of the following by competent and sufficient evidence:

- (1) The proposed subdivision meets the definition of a *minor subdivision or minor amendment* contained in this Article;
- (2) The proposed subdivision fully conforms to all applicable requirements for the zone district in which the property is located including, but not limited to, requirements for setbacks and minimum lot sizes;
- (3) The proposed subdivision meets or satisfies all other applicable requirements of this Code;
- (4) The streets, whether public or private, and all public improvements necessary to serve the subdivision meet or exceed the requirements of the City;
- (5) Adequate utility easements are established within the affected property to provide service to the lots created by or illustrated upon the minor plat;
- (6) Existing public trails located within the lots illustrated upon the minor plat are preserved or new trails are dedicated by the plat that will provide, in the opinion of the City, a substantially similar or improved trail system in terms of route, grade, access, surface quality, ease of maintenance and safety;
- (7) The proposed configuration, shape, arrangement and layout of the lots, conditions placed on the lots, and any streets do not, in the opinion of the City, create a lot or street that is inconsistent or incompatible with other lots or streets within the neighborhood or the vicinity, or do not substantially and adversely affect adjacent properties; and
- (8) The proposed subdivision substantially conforms to the goals and policies of the City's Master Plan to the extent that such goals and policies establish requirements that are sufficiently specific to permit the Commission or Council to decide that the application and subdivision plat meets or fails to meet such goal or policy. (Ord. 2, 2002; Ord. 9 §1, 2003)

Sec. 17-3-370. Conditions for approval.

The Council may impose reasonable conditions upon any approval of a minor subdivision or minor amendment that are necessary to ensure continued conformance with these standards of approval, this Code or other conditions deemed necessary based on the evidence presented to the Commission or the Council to protect the health, safety and welfare of the City and its residents. (Ord. 2, 2002)

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. 2, Series 2010, by the City Council of the City of Cherry Hills Village, Colorado this 5th day of January, 2010.


Michael J. Wozniak, Mayor

ATTEST:


Laura Smith, City Clerk

APPROVED AS TO FORM:


Kenneth S. Fellman, City Attorney

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**CITY OF CHERRY HILLS VILLAGE
ADOPTION OF ORDINANCE
ORDINANCE 2, SERIES 2010**

A BILL FOR AN ORDINANCE OF THE CITY OF CHERRY HILLS VILLAGE AMENDING CHAPTER 17 OF THE CHERRY HILLS VILLAGE MUNICIPAL CODE, CONCERNING SUBDIVISIONS, BY AMENDING ARTICLE III, DIVISION 4, CREATING A PROCEDURE FOR AMENDING PLANTS, FOR THE PURPOSE OF REMOVAL OF R-3A ZONE DISTRICT BUFFERS

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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