

**ORDINANCE 2**  
**SERIES 2002**

November 20, 2001: Introduced as Council Bill 17 Series of 2001 by Doug Tisdale, seconded by Bonnie Blum, and considered by the title only on first reading. Passed unanimously.

January 15, 2002: Considered in full text on second reading. Passed unanimously. Designated as Ordinance No. 2, Series 2002.

**A BILL FOR AN ORDINANCE OF THE CITY OF CHERRY HILLS VILLAGE REPEALING SECTION 7-3-9 (EXEMPTIONS) OF THE MUNICIPAL CODE AND ENACTING A MINOR SUBDIVISION PROCESS**

WHEREAS, the City Council for the City of Cherry Hills Village, Colorado, is authorized pursuant to C.R.S. § 31-23-214 to adopt procedures for subdivision and to provide for waivers and exemptions to the City's regular subdivision processes; and

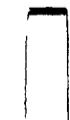
WHEREAS, the City Council desires to permit flexibility in the subdivision of land for proposed developments that are less complex or present minor impacts relative to larger subdivisions and to simplify the subdivision procedures for certain divisions of property.

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

Section 1. Section 7-3-9 of the City Code for the City of Cherry Hills Village is hereby repealed and reenacted in its entirety as follows:

**7—3—9 MINOR SUBDIVISIONS**

- A. Purpose. The purpose of this Chapter is to establish a subdivision process applicable to certain small and simple divisions of property. This Chapter is intended to provide for the faster processing of final subdivision plats without the need to pursue sketch plan or preliminary plan processing or approvals by the City of Cherry Hills Village.
- B. Definition of Minor Subdivision. 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; and
- C. Application Fee. To defray the costs and expenses of administrative procedures the fee for a minor subdivision application shall be one hundred and fifty dollars (\$150). In addition to the application fee, applications for minor subdivisions must comply with the escrow deposit requirements of Section 7-3-2(B) and the land dedication or cash payment requirements of Sections 7-3-3 (A) & (B).
- D. Contents of a Minor Subdivision Plat Application For Approval. The contents of the minor subdivision plat and the application for approval are the same as the contents and application for a final plat contained in Title 7, Chapter 4 of the Cherry Hills Village Municipal Code, except that the title of the subdivision plat shall prominently identify the proposed name of the subdivision together with the phrase "Minor Subdivision." Also, the following information is required:
  - 1. Current commitment for title insurance required by Section 7-3-6-1(B)(1) 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; and
    - b. A written, executed, and notarized statement of the applicant representing to the City of Cherry Hills Village that he or she is the fee owner of the property; and
    - c. A certified copy of documentation from the Arapahoe County Assessor or Clerk and Recorder evidencing that the applicant is the owner of record of the property.



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- 2. Topography for the entire property subject to subdivision expressed in 1' contours in USGS datum,
- 3. 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. A study by a professional engineer, licensed to practice in the State of Colorado, 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 flood plains,
  - f. Projected impacts on any down-stream property,
  - 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. Construction details for any public improvements,
- 6. An agreement relating to public improvements as required by Sections 7-4-1 and 7-4-2,
- 7. Documentary evidence of water supply, sewage disposal, electricity, gas and telephone,
- 8. Flood Plain Development plan consisting of map and supporting data if property is in flood plain,
- 9. Letter addressing land dedication requirements outlining how subdivider proposes to meet the land dedication requirements of Section 7-3-3-A.

E. Minor Subdivision Approval Procedure. The Planning and Zoning Commission shall hold a public hearing to consider the subdivision's conformance with the requirements of the City Code and this Chapter. The Planning and Zoning Commission shall render a decision to recommend approval, conditional approval or denial of the minor subdivision. Following the Planning Commission's review, the City Council shall consider minor subdivision applications at a public hearing. Notice shall be given of the public hearings pursuant to the requirements of subsection 6-2-4(C) of the Cherry Hills Village Municipal Code.

F. Standard for Minor Plat Approval. The recommendation of approval or conditional approval of any minor plat by the Planning Commission, and any approval or conditional approval by the City 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" contained in this Chapter; and
- 2. The proposed subdivision fully conforms to all applicable requirements for the zone district(s) in which the property is located including, but not limited to, requirements for setbacks and minimum lot sizes; and
- 3. The proposed subdivision meets or satisfies all other applicable requirements of the City of Cherry Hills Village Municipal Code; and
- 4. The streets whether public or private, and all public improvements necessary to serve the subdivision meet or exceed the requirements of the City of Cherry Hills Village; and
- 5. Adequate utility easements are established within the affected property to provide service to the lots created by or illustrated upon the minor plat; and
- 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; and

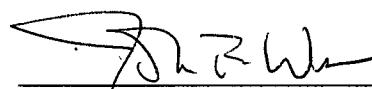


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- 7. The proposed configuration, shape, arrangement, and layout of the lots and any streets do not, in the opinion of the City, create a lot or street that is inconsistent or incompatible with other lots or streets within the neighborhood or the vicinity, or do not substantially and adversely affect adjacent properties; and
- 8. The proposed subdivision substantially conforms to the goals and policies of the City of Cherry Hills Village Master Plan to the extent that such goals and policies establish requirements that are sufficiently specific to permit the Planning Commission or City Council to decide that the application and subdivision plat meets or fails to meet such goal or policy.

G. Conditions for Approval. The City Council may impose reasonable conditions upon any approval of a minor subdivision that are necessary to ensure continued conformance with these standards of approval, the City of Cherry Hills Village Municipal Code, or other conditions deemed necessary based on the evidence presented to the Planning Commission or the City Council to protect the health, safety, and welfare of the City of Cherry Hills Village and its residents.

Adopted as Ordinance No. 2, Series 2002, by the City Council of the City of Cherry Hills Village, Colorado, the 15<sup>th</sup> day of January, 2002.



John F. Welborn, Mayor

ATTEST:



Jennifer Pettinger, City Clerk



Robert Widner, City Attorney

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