

ORDINANCE NO. 8
Series 2019

October 2, 2019: Introduced as Council Bill 7, Series 2019 by Councilor Al Blum, seconded by Councilor Randy Weil and considered in full text on first reading. Passed by a vote of 5 yes and 0 no.

October 15, 2019: Considered in full text on second reading. Passed by a vote of 4 yes and 0 no.

**A BILL FOR AN ORDINANCE OF THE CITY OF CHERRY HILLS VILLAGE,
REPEALING CHAPTER 17, SUBDIVISIONS, OF THE CHERRY HILLS VILLAGE
MUNICIPAL CODE AND REPLACING SUCH CHAPTER WITH AN UPDATED
CHAPTER 17, SUBDIVISIONS**

WHEREAS, the City of Cherry Hills Village is a home rule municipal corporation created and organized pursuant to Article 20 of the Colorado Constitution and the Home Rule Charter of the City of Cherry Hills Village ("Charter"); and

WHEREAS, in accordance with Article IV of the Charter, the City Council is authorized to adopt ordinances regarding the use and development of property, and provide for penalties for the violation thereof; and

WHEREAS, the City Council finds that the current Chapter 17 has become outdated, and that an updated Chapter 17 is desired in order to modernize the Chapter, resolve internal inconsistencies, make the Chapter more accessible, and resolve potential misunderstandings regarding its application; and

WHEREAS, at a duly noticed meeting held on September 10, 2019, the Cherry Hills Village Planning and Zoning Commission considered a proposed updated version of Chapter 17 and voted unanimously to recommend that the City Council adopt the updated Chapter 17; and

WHEREAS, the City Council finds and determines that the updated Chapter 17 advances the health, safety, and general welfare of the public.

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

Section 1. Chapter 17 Repealed and Replaced. Chapter 17 of the Cherry Hills Village Municipal Code is repealed in its entirety and replaced by a new Chapter 17, a copy of which is attached hereto as **Attachment A** and incorporated herein by reference.

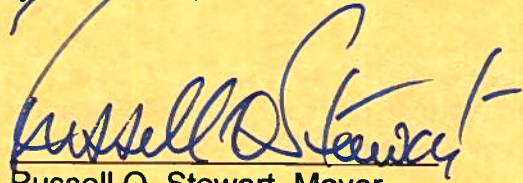
Section 2. Severability. If any provision of this ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this ordinance that can be given effect without the invalid portion, provided that such remaining 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 be declared invalid.

Section 3. Safety. This ordinance is deemed necessary for the protection of the health, welfare, and safety of the community.

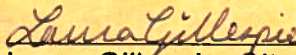
Section 4. Codification Amendments. The codifier of the City's Municipal Code, Municode, is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this ordinance within the Cherry Hills Village Municipal Code.

Section 5. Effective Date. This ordinance shall become effective ten (10) days after publication after second reading in accordance with Section 4.5 of the Charter for the City of Cherry Hills Village.


Adopted as Ordinance No. 8 Series 2019, by the City Council of the City of Cherry Hills Village, Colorado this 15th day of October, 2019.


Russell O. Stewart, Mayor

ATTEST:


Laura Gillespie, City Clerk

APPROVED AS TO FORM:


Kathie B. Guckenberger, City Attorney

Published in the Villager
Published: 10-24-19
Legal # 9303

**CITY OF CHERRY HILLS VIL-
LAGE
ADOPTION OF ORDINANCE
ORDINANCE 8, SERIES 2019**

A BILL FOR AN ORDINANCE OF
THE CITY OF CHERRY HILLS
VILLAGE, REPEALING CHAP-
TER 17, SUBDIVISIONS, OF
THE CHERRY HILLS VILLAGE
MUNICIPAL CODE AND REPLAC-
ING SUCH CHAPTER WITH AN
UPDATED CHAPTER 17, SUBDI-
VISIONS

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

Published in The Villager
Published: October 24, 2019
Legal # 9303

ATTACHMENT A

CHAPTER 17 – Subdivisions

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ARTICLE I - Master Plan

Sec. 17-1-10. - (Reserved)

ARTICLE II - General Subdivision Provisions

Sec. 17-2-10. - Short title.

This Chapter shall be known and may be cited as the *Subdivision Regulations of the City of Cherry Hills Village, Colorado*. For the purpose of this Chapter, *the Subdivision Regulations* or *these regulations* shall mean the Subdivision Regulations of the City of Cherry Hills Village, Colorado.

(Prior code 7-2-1; Ord. 9 §1, 2003)

Sec. 17-2-20. - Purpose.

- (a) **Generally.** The subdivision of land is the first step in the process of development. The arrangement of land parcels for residential and recreational uses, utilities and other public purposes will determine to a large degree the qualities of health, safety and the environment.
- (b) **Purposes.** These regulations are designed, intended, and should be administered in a manner to seek to:
 - (1) Implement the 'Master Plan.
 - (2) Establish adequate and accurate records of land subdivision.
 - (3) Relate harmoniously the development of the various tracts of land to the existing community and facilitate the future development of adjoining tracts as appropriate.
 - (4) Provide for adequate, safe, and efficient public utilities and improvements; and provide for other general community facilities and public places.
 - (5) Provide for light, air, parks, and other spaces for public use.
 - (6) Protect the health and safety of the residents and preserve the quality of the environment.
 - (7) Assist in providing for protection from fire, flood, and other dangers; and provide for proper design of storm water drainage and streets.
 - (8) Provide that the cost of improvements that primarily benefit the tract of land being developed be borne by the owners or developers of the tract, and the costs of improvements which primarily benefit the whole community be borne by the whole community.

(Prior code 7-2-2)

Sec. 17-2-30. - Jurisdiction.

These subdivision regulations shall apply to all land located in the City, and all land in the process of annexation or that may hereafter be annexed to the City.

(Prior code 7-2-3)

Sec. 17-2-40. - Interpretation.

In the interpretation and application of the provisions of this Chapter, the following shall govern:

- (1) *Provisions are minimum requirements.* In their interpretation and application, the provisions of this Chapter shall be regarded as the minimum requirements for the protection of the public health, safety, comfort, convenience, prosperity, and welfare. This Chapter shall be regarded as remedial and shall be liberally construed to further its underlying purposes.
- (2) *Application of overlapping regulations.* Whenever both a provision of this Chapter and any other provision of this Chapter or any provision of any other law, ordinance, resolution, rule, or regulation of any kind contains any restrictions covering any of the same subject matter, whichever restrictions are more restrictive or impose higher standards or requirements shall govern.
- (3) *Existing permits.* This Chapter is not intended to and shall not abrogate or annul any permits issued before the effective date of the initial ordinance codified herein.

(Prior code 7-2-4; Ord. 9 §1, 2003)

Sec. 17-2-50. - Definitions.

As used in this Chapter, the following terms shall have the meanings indicated:

Alley means a strip of land dedicated to public use, located at the side or rear of lots, and providing a secondary means of vehicular access to the lots.

Block means a parcel of land, intended to be used for development, which is entirely surrounded by public streets, highways, public walks, parks or green strips, rural or vacant land, or drainage channels, or a combination thereof.

City means the City of Cherry Hills Village, Colorado.

Council means the City Council of the City of Cherry Hills Village.

Cul-de-sac means a short street having only one end open to traffic, and being terminated at the other end by a vehicular turnaround.

Easement, Private means the right of a person or entity (but not the general public) to use the land of another for a special purpose not inconsistent with the general property rights retained by the owner.

Easement, Public means a right of any person or of a governmental entity to use the land of another for a special purpose not inconsistent with the general property rights retained by the owner.

Evidence means any map, table, chart, contract, or any other document or testimony prepared or certified by a qualified person to attest to a specific claim or condition, which evidence must be relevant and competent, such that it supports the proposition advanced.

Floodplain means the relatively flat or lowland area adjoining a river, stream, watercourse, lake, or other body of standing water which has been or may be covered temporarily by flood water. For the purpose of this Chapter, the *floodplain* is defined as the area that would be inundated by the base flood and is used interchangeably with the phrase *one-hundred-year flood* and the phrase *special flood hazard area*.

Improvements means street grading; paving and curbing; fire hydrants; water mains; sanitary sewers; storm sewers and drains; pedestrian ways; crosswalks; and such other construction of infrastructure as may be designated by the Commission or Council.

Lot means a block or other measured parcel that is shown on a plat and intended as a unit for the transfer of ownership or for development.

Lot Consolidation means any proposal and accompanying application that is determined by the City to meet all of the following criteria:

- (1) The proposal consolidates property owned by the applicant only;
- (2) The proposal consolidates or combines two or more contiguous lots into a fewer number of lots by the elimination of one or more lot lines;
- (3) The proposal does not relocate previously established lot lines;
- (4) The proposal does not consolidate or combine property into a lot that would be divided by a public street or road; and
- (5) The proposal, if approved, does not create, result in or leave a contiguous lot or parcel of land that would violate or fail to conform to any applicable zoning or other standard, including but not limited to minimum lot area, building height, setbacks, access standards or parking standards.

Lot, Corner means a lot that has frontage on two or more intersecting streets.

Lot, Double Frontage means a lot that runs through a block from street to street, such that two opposite property lines are bounded by streets. .

Master Plan means the 2008 Cherry Hills Village Master Plan, as amended or superseded.

Minor Amendment means 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; 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, 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.

Minor Lot Adjustment means any proposal and application that is determined by the City to meet all of the following criteria:

- (1) The proposal adjusts, reconfigures or otherwise relocates a lot line dividing properties owned by the applicant only;
- (2) The proposal does not alter or affect any public street, road, trail or other publicly owned property or publicly owned property interest; and
- (3) The proposal, if approved, will not create, result in or leave 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 minimum lot area, building height, setbacks, access standards or parking standards.

Minor Subdivision means any division of land that:

- (1) Divides a parcel of land held in single or common ownership into two lots or 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, 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.

National Cooperative Soil Survey means the soil survey conducted by the U.S. Department of Agriculture in cooperation with the State Agriculture Experiment Stations and other federal and state agencies.

Parcel, Unsubdivided means a parcel of land that is not identified as a lot, parcel, or tract on a recorded final plat, and therefore is described by metes and bounds or aliquot parts.

Parks and Trails Master Plan means a master plan for the development of parks and trails within the City, in general and on specific sites, however such plan is titled, as adopted and amended from time to time.

Planning and Zoning Commission means the City Planning and Zoning Commission, also referred to as the *Commission*.

Plat, Final means the map of a proposed subdivision and specific supporting material drawn and submitted in accordance with the requirements of adopted regulations as an instrument for recording of real estate interests with the County Clerk and Recorder.

Plat, Preliminary means the map of a proposed subdivision, drawn and submitted in accordance with the requirements of adopted regulations, to permit the evaluation of the proposal prior to detailed engineering and design.

Plat, Sketch means a map of a proposed subdivision, drawn and submitted in accordance with the requirements of the subdivision regulations, to evaluate feasibility and design characteristics at an early state in the planning.

Public Hearing means a meeting of the Commission or the Council for the purpose of hearing comments, testimony, recommendations, and other responses from the applicant, other interested parties and the general public regarding the applicant's proposal or appeal.

Regular Meeting means any meeting of the City Council or Planning and Zoning Commission that conforms with the requirements of state statutes and the City Charter for a legal meeting.

Resubdivision means the changing of any existing lot on any subdivision plat previously recorded with the County Clerk and Recorder.

Right-of-Way means all streets, roadways, sidewalks, alleys, and all other areas reserved for present or future use by the public as a matter of right, for the purpose of vehicular or pedestrian travel.

Street means a dedicated public right-of-way that provides vehicular and pedestrian access to adjacent properties. This definition shall include the terms *road, lane, place, avenue, drive*, and other similar descriptions.

Subdivider or Developer means any person, firm, partnership, joint venture, association, or corporation who participates as owner, promoter, developer, or sales agent in the planning, platting, development, promotion, sale, or lease of a subdivision, and who either owned the land or has written authorization from the owner of the land to proceed with the subdivision.

Subdivision means the division of a lot, tract or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale or of building development; the adjustment of lot lines; and the consolidation of lots. It includes resubdivisions and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.

Subdivision Improvements Agreement means one or more security arrangements which may be accepted by the City to secure the construction of such public improvements as are required by the subdivision regulations within the subdivision, and shall include collateral such as, but not limited to, performance or property bonds, irrevocable standby letters of credit, private or public escrow agreements, loan commitments, assignments of receivables, liens on property, deposit of certified funds or other similar surety agreements.

(Ord. 2, 1979; prior code 7-2-5; Ord. 4, 1993; Ord. 9 §1, 2003)

Sec. 17-2-60. - Appeal.

In the event any plat of a subdivision is not recommended for approval by the Commission, the applicant may petition the Council for a hearing. The petition for a public hearing must be made in writing to the Council within 10 days of the Commission's action and notification to the applicant. After public hearing, the Council, upon favorable majority vote of its entire membership, may approve the plat of the subdivision or approve the plat of the subdivision with conditions that are consistent with the provisions of this Chapter.

(Prior code 7-2-6)

Sec. 17-2-70. - Separability.

It is hereby declared to be the legislative intent of the Council that the provisions of this Chapter shall be severable in accordance with the provisions set forth below:

- (1) If any provision is declared invalid by a decision of any court of competent jurisdiction, it is hereby declared to be the legislative intent that:
 - a. The effect of such decision shall be limited to that provision or those provisions which are expressly stated in the decision to be invalid; and
 - b. Such decision shall not affect, impair or nullify this Chapter as a whole, or any other part thereof, but the rest of this Chapter shall continue in full force and effect.

- (2) If the application of this Chapter to any tract of land is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared to be the legislative intent that:
 - a. The effect of such decision shall be limited to that tract of land immediately involved in the controversy, action or proceeding in which the judgment or decree of invalidity was rendered; and
 - b. Such decision shall not affect, impair or nullify this Chapter as a whole or the application of any provision thereof to any other tract of land.

(Prior code 7-2-7)

Sec. 17-2-80. - Enforcement and penalties.

- (a) **Generally.** It is unlawful for any person, being the owner or agent of the owner of any land located within the City, to transfer, sell, agree to sell, or offer to sell any land which would constitute a subdivision as described herein, or to refer to, exhibit, or use a plat of a proposed subdivision, before such plat has been approved by the Council and recorded or filed in the office of the County Clerk and Recorder. The penalties for a violation of this Section shall be as described in subsection (c) hereof. The description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction.
- (b) **Relationship to Permits.** All departments, officials and public employees of the City vested with the duty or authority to issue permits shall conform to the conditions of these regulations and shall issue no permits or certificates for the use or construction of buildings or other improvements requiring a permit, upon any land for which a plat is required by this Chapter, unless and until the requirements thereof have been duly complied with. It shall be the duty of the Council, the City Manager, the City Attorney and the Building Inspector to enforce the provisions of these regulations.
- (c) **Penalties.**
 - (1) It is a misdemeanor for any person to violate any of the provisions stated or adopted in this Chapter. Every person convicted of a violation of any provision stated or adopted in this Chapter shall be punished as set forth in Section 1-4-20 of this Code for each lot or parcel so transferred or sold, agreed or negotiated to be sold, or offered to be sold.
 - (2) The City may further enjoin such transfer or sale or agreement by appropriate action brought in any court of competent jurisdiction and may recover therein all penalties provided for herein and all reasonable costs, expenses and attorney's fees incurred therein.

(Ord. 2, 1979; prior code 7-2-8; Ord. 9 §1, 2003)

ARTICLE III - Subdivision Procedures

Division 1 - General Provisions

Sec. 17-3-10. - General procedure.

- (a) The subdivision of land within the City shall be accomplished by the combined actions of the subdivider, the Commission, and the Council. The function of the Commission is advisory to the Council. Only the Council has authority to accept a plat for filing, thereby permitting the subdivision.
- (b) The first step in the process is for the subdivider to submit a sketch plat to the Commission. The Commission shall review the submittal and advise the subdivider of whatever comments or recommendations it deems appropriate to ensure compliance with this Code and other applicable City Codes.
- (c) The second step is for the subdivider to submit the preliminary plat to the Commission. After proper notice is given to neighboring property owners and referrals made to appropriate agencies, the Commission will review the submittal at a public hearing. The Commission shall then advise the Council of its recommendations. The Council, following a public hearing, shall approve, approve conditionally, or disapprove the plat. Approval shall be valid for 12 months from the date of the Council decision.
- (d) The last step is for the subdivider to submit the final plat for Council review. The final plat must correspond in every significant respect with the preliminary plat as previously approved. The Council shall approve, disapprove, or approve conditionally the final plat by action taken at a regular meeting.

(Ord. 2, 1979; prior code 7-3-1; Ord. 9 §1, 2003)

Sec. 17-3-20. - Fees , Escrows, and Costs.

- (a) **Generally.** Fees shall be charged to offset the cost of application processing (including any application for amendments of existing approvals), reviews, public notices, hearings, and recordkeeping. Application fees to be charged by the City shall be established, from time to time, by resolution adopted by the City Council.
- (b) **Recording Fees.** Recording fees of the Arapahoe County Clerk and Recorder's Office shall be paid to the County by the Applicant at the time of any required recording.
- (c) **Referral Agency Fees.** The Applicant may be required to pay any fees assessed by referral agencies in advance of their review and comment. Failure to obtain comments from referral agencies due to failure to pay review fees may result in delay or denial of an application.
- (d) **Escrow for Consultant Review.**
 - (1) *Consultant Review Authorized.*

- a. The Director is authorized to retain professional consultants at the Applicant's expense to assist in the review of applications or petitions submitted pursuant to this Chapter, Chapter 15, Chapter 16, Chapter 18, Chapter 19, or Chapter 20.
 - b. The Director may make an initial determination as to the use of consultants at the time of the pre-application meeting, and may revise the determination at the time of application if new or changed information in the application materials justifies the revision.
- (2) *Initial Escrow Payment.*
- a. If the Director determines that an application will require review by professional consultants, then the Director shall execute an escrow agreement in a form approved by the City Attorney, and make an initial escrow payment in an amount sufficient to cover the estimated review costs. A schedule of minimum required escrows for different application types may be attached to the fee resolution described in subsection (a), above.
 - b. The Director shall provide the Applicant with a preliminary estimate of professional consultant review fees at a time established during the pre-application meeting by agreement with the Applicant. Alternatively, the Director may advise the Applicant regarding the amount of a fixed-fee that has been established in advance for the type of application presented.
- (3) *Use of Escrow Payment.* The City may draw upon the escrow, in the City's discretion, to pay the fees and expenses of professional consultants retained by the City to review the application.
- (4) *Additional Escrow Funds.*
- a. The Director may require additional escrow funds to be paid for additional services related to the application, should they become necessary. Failure of the applicant to timely provide additional escrow funds may result in delays in application processing.
 - b. If a balance is due at the time an application is approved, it shall be paid by the applicant as a condition of approval.
 - c. If a balance is due at the time an application is denied, it shall be paid by the applicant within 30 days after delivery of an invoice to the applicant.
- (5) *Return of Escrow Funds.* Escrow funds shall be returned to the Applicant as follows:
- a. If the Director decides not to use consultants, then escrow funds shall be returned to the Applicant within 30 days of said decision.
 - b. If the Applicant withdraws the application, then the Director shall notify the consultants to stop work within one business day after the withdrawal. Promptly after receipt of a final invoice from the consultants, the Director shall return the escrow to the Applicant, less the amount required to pay the consultants for work actually performed.

- c. When the application is decided, any positive escrow balance shall be returned to the Applicant within 60 days.
- (6) *Account Reports.* Applicants shall be provided with a monthly accounting of the use of escrow funds.
- (7) *Delinquent Payments.*
- a. If the Applicant does not pay additional escrow funds required by subsection (d)(4), above within 10 days after written notice from the City, then, in addition to the other remedies the City may have, the City shall be entitled to a lien on the subject property, or the City may elect to certify the assessed costs and expenses to the office of the County Treasurer for collection in the same manner as general property taxes are collected. Such lien shall be perfected and may be foreclosed upon in accordance with applicable state laws.
 - b. Nothing herein shall authorize the City to charge the applicant for costs and expenses the City incurs as a result of litigating a matter against the applicant or against a third party, unless such charges are otherwise authorized by law.
- (8) *Fixed-Fee Consultant Review.* The Director is authorized to establish:
- a. A roster of consultants that are pre-qualified to conduct reviews of various types; and
 - b. For routine application types with predictable review fees, a schedule of fixed-fees for consultant review.

(Prior code 7-3-2; Ord. 3, 1985; Ord. 1, 1994; Ord. 8, 1998; Ord. 9 §1, 2003; Ord. 7 §29, 2004; Ord. 15 §6, 2010)

Sec. 17-3-30. - Land dedication or cash payment in lieu thereof.

- (a) In addition to provisions for roads and easements for drainage and utilities, every subdivider, in order to facilitate the acquisition and development of open space, parks, and trails as contemplated by the Master Plan and Parks and Trails Master Plan, and other community recreational, cultural, educational, and civic amenities and facilities, shall convey to the City an area of land from within the subdivision that is not less than seven and one-half percent of the gross area of all land being subdivided. The City may, in its discretion, accept in lieu of such land dedication either land located outside of the land being subdivided or a payment equivalent to the fair market value of the land required for dedication hereunder, or some combination thereof. In the event the City elects to require the dedication of land from the land being developed, the City and the subdivider shall determine what land shall be dedicated and whether in fee simple or by easement, taking into account the existing and anticipated parks, trails, and other recreational amenities as provided in the Master Plan and Parks and Trails Master Plan, provided that the City's reasonable determination of what land shall be dedicated shall control in the event the City and the subdivider do not agree. Land dedications and cash payments in lieu thereof under

this subsection shall be used to provide and improve open space, parks, trails, and other recreational amenities for the benefit of all residents of the City.

- (b) Such development fees shall be devoted to the development of open space, parks, and trails as contemplated by the Master Plan and Parks and Trails Master Plan and other community recreational, cultural, educational, and civic amenities and facilities. The amount of such fee may be adjusted as appropriate from time to time by resolution of the Council.
- (c) All cash fees payable to the City under this Section shall be due to the City prior to the recording of the plat or pursuant to a subdivision improvements agreement. They shall be placed in the Land Dedication Fund of the City for future disbursement by the City Council.

(Ord. 2, 1979; prior code 7-3-3; Ord. 7, 1996; Ord. 7 §30, 2004; Ord. 8 §1, 2004)

Sec. 17-3-40. - Sketch plat and submittal.

- (a) The subdivider shall submit to the Commission the sketch plat reflecting such information and in the form as required by Section 17-4-40, and the dated sketch plat shall be retained by the City.
- (b) The subdivider may submit such additional material or information which the subdivider or the Commission deems supportive of the proposed subdivision.
- (c) The Commission shall review the sketch plat submittal to determine if it is consistent with the standards set forth in this Chapter, and will suggest to the subdivider whatever changes, if any, are recommended in order to achieve such consistency.

(Ord. 2, 1979; prior code 7-3-4; Ord. 9 §1, 2003)

Division 2 - Preliminary Plat and Submittal

Sec. 17-3-110. - Requirements for Subdivider.

- (a) The subdivider shall submit to the Director the preliminary plat reflecting such information and in the form required by Section 17-4-40 of this Chapter. The preliminary plat shall comply with the principles, standards, and criteria of Section 17-4-30 and Article V of this Chapter. All plats shall be dated when they are received to avoid confusion at a later time.
- (b) The subdivider shall furnish a letter addressing the land dedication requirement of Section 17-3-30 above and outlining in preliminary fashion how he or she proposes to satisfy this requirement.
- (c) The subdivider shall furnish documentary evidence of at least a preliminary nature, indicating the manner in which the following essential items will be provided to the subdivision. The essential items are:
 - (1) Water supply.
 - (2) Sewage disposal.
 - (3) Electricity.

- (4) Gas.
 - (5) Storm drainage.
 - (6) Communications.
- (d) The subdivider shall submit, at least in summary or outline form, any agreements as may be required by Sections 17-4-10 and 17-4-20 of this Chapter relating to improvements.
- (e) In the event any portion of the land to be subdivided lies within the boundary of the one-hundred-year frequency floodplain, the subdivider shall submit a floodplain development plan consisting of a map and supporting data.
- (1) The map shall show:
 - a. All lots in the subdivision, any part of which lies within the one-hundred-year floodplain.
 - b. All lands adjacent to the above-described lots for a distance of 200 feet in all directions.
 - c. Location of all reasonably anticipated structures on lots in the subdivision, when any part of the lot lies within the 100-year floodplain.
 - (2) The floodplain development plan must show that all lots, any part of which falls within the 100-year floodplain, do provide or can be improved to provide for the structures reasonably anticipated for the lot and that such structures can be constructed in compliance with existing ordinances and regulations.
- (f) In the event that the preliminary plat covers only a portion of the subdivider's entire holding, a sketch plat of the prospective street systems and the approved zoning for the entire holding shall accompany said plat. Filing fees will not be paid on the additional area until such time that a preliminary plat is actually submitted for such area.

Sec. 17-3-115. - Notice of Hearing.

- (a) **Mailed Notice.**
- (1) Written notice of the public hearing at which the plat will be considered shall be given at least 10 days in advance by the subdivider by receipted personal service or receipted certified mail to the owners of all property (exclusive of streets, alleys and easements) within 500 feet of any portion of the proposed subdivision, and a certificate of mailing shall be filed with the City Clerk.
 - (2) Such written notice shall specify that the proposed plat may be inspected at the City offices during normal working hours prior to the hearing and that any person may appear at said meeting to protest such subdivision.
 - (3) If a variance is requested by the subdivider in accordance with Section 17-3-420 of this Chapter, the written notice shall make specific reference thereto.

- (b) **Published Notice.** 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 15 calendar days prior to the public hearing.
- (c) **Posted Notice.**
 - (1) Notice shall be posted on the subject property, if practical, on a sign at least two feet by three feet in dimension, for a period of 15 days prior to the public hearing, and posted in a conspicuous location at the Village Center approved by the Council.
 - (2) The Director shall determine the location of signs and the required number of signs on the subject property in his or her discretion to provide adequate notice to the public.
 - (3) All required signs shall be removed no later than one week following the hearing or continued hearing.
- (d) **Cost of Notice.** Publication costs shall be paid by the City (and included in the application fee) and posting costs shall be paid by the applicant.

(Prior code 7-3-5-1; Ord. 9 §1, 2003)

Sec. 17-3-120. - Referrals; Action Required by Commission.

- (a) **Referrals.**
 - (1) The Director shall submit the preliminary plat to such of the following agencies, and to other agencies as he or she deems appropriate, with a request for prompt return of comments and recommendations.
 - a. Public Works Director.
 - b. Fire District.
 - c. Park and Recreation District.
 - d. Arapahoe County.
 - e. Denver County.
 - f. Adjacent municipalities.
 - g. Water and/or Sanitation District.
 - h. Telecommunications companies.
 - i. Gas and electric company.
 - j. Ditch company.
 - k. Tri-County Health.
 - l. Colorado Department of Public Health and Environment.
 - m. State Engineer (as to water wells).
 - n. Colorado Department of Transportation.
 - o. City Police Department.

- p. School district.
 - q. Parks, Trails and Recreation Commission.
- (2) Failure of a reviewing agency to forward its comments to the City within 20 calendar days after receiving a plat may be interpreted to indicate there are no objections to said plat.

(b) Public Hearing.

- (1) The Chairman of the Commission shall schedule a public hearing of the Commission to consider the proposed subdivision. Notice of the hearing date shall be given at least 15 days in advance in accordance with Section 17-3-115.
- (2) Following the hearing referred to in the preceding Subsection, the Commission shall recommend approval, recommend approval with conditions, or reject the preliminary plat. If the preliminary plat receives a recommendation of approval or conditional approval by the Commission, it shall be sent to the Council for decision. If the preliminary plat is rejected, the subdivider may appeal to the City Council

(Prior code 7-3-5-2; Ord. 9 §1, 2003; Ord. 02 §2, 2006)

Sec. 17-3-130. - Action required by Council.

- (a) **Generally.** Following a public hearing, the Council shall consider the preliminary plat submittal and the recommendations of the Commission. The Council may approve, approve with conditions, or deny the preliminary plat.
- (b) **Term of Approval.** Approval of a preliminary plat shall be effective for a period of twelve 12months.
- (c) **Extensions of Approval.**
 - (1) One 12-month extension of a preliminary plat approval may be granted by the Director for good cause shown, provided that application for the extension is made prior to the date that the approval lapses.
 - (2) One additional 12-month extension may be granted by the Planning and Zoning Commission for good cause shown, provided that the application for the extension is made prior to the date that the approval lapses.
 - (3) If a preliminary plat extension is refused, a new preliminary plat must be submitted before action may be taken on a final plat. Any fees that have previously been paid are non-refundable and shall not be applied to the new preliminary plat application.

(Prior code 7-3-5-3; Ord. 9 §1, 2003)

Division 3 - Final Plat and Submittal

Sec. 17-3-210. - Requirements for Subdivider.

- (a) **Generally.** Within the time limits prescribed in Section 17-3-130, above, following approval of the preliminary plat, the subdivider shall submit to the Director the final plat, prepared in accordance with the requirements of Section 17-4-40, below, and consistent in every significant respect with the preliminary plat as approved, and in addition, complying with conditions if conditionally approved.
- (b) **Additional Information.** The subdivider shall also submit the following, unless waived by the Director as not pertinent to the application:
 - (1) A current commitment for title insurance showing the ownership to the property in the proposed subdivision, together with liens, encumbrances and restrictions thereon, if any.
 - (2) Treasurer's certificate of taxes, reflecting that taxes are not delinquent.
 - (3) A general warranty deed that deeds to the City, or other appropriate public agency, all lands other than streets which are to be held for or used for public purposes.
 - (4) Subdivision improvement agreements in accordance with Sections 17-4-10 and 17-4-20, below.
 - (5) Certified check representing the amount in lieu of land donation required of the subdivider pursuant to Section 17-3-30, above.
 - (6) Attorney's certificate.
 - (7) Proof satisfactory to the Commission that all essential services, as specified in Section 17-3-110(c), above, will be provided to the subdivision.
 - (8) Street profiles in accordance with Section 17-4-30, below.
 - (9) Two sets of pavement design computations in accordance with Section 17-4-30, below.
 - (10) One sepia with approved house numbers and two prints of the same.

(Prior code 7-3-6-1)

Sec. 17-3-220. - (Reserved).

Sec. 17-3-230. - Action Required by Council.

- (a) **Generally.** The final plat submittal, along with the recommendations of the Director, shall be presented at a regular meeting of the Council. Notice of the hearing date shall be given at least 15 days in advance in accordance with Section 17-3-115.
- (b) **Execution and Recording.** Following the approval of the final plat by the Council, the plat shall be signed by the Mayor and the chair of the Commission and attested by the City Clerk. The City Clerk shall then record the final plat and any other documents required in the

office of the County Clerk and Recorder after all conditions of approval that are required to be satisfied prior to recording are met. All costs of recording shall be paid by the applicant.

- (c) **Term (Prior to Recording).** Any conditional or final approval of a final plat by the Council shall be effective for a period of 12 consecutive months. In the event all required conditions are not fully met or the plat is not signed by the appropriate City officials within said period of time, the subdivider shall submit a new proposed final plat before any further action may be taken. Any fees that have been previously paid are non-refundable. In considering the new proposed final plat, the Council may impose any reasonable additional conditions to the approval of same and may require a review and re-evaluation of the land dedication provisions as set forth in Section 17-3-30, above.
- (d) **Extension of Term.** For good cause shown, the Council may grant an applicant a 12-month extension of this time limitation. This Section shall apply to any final plat now pending or hereinafter submitted.

(Ord. 2, 1979; Ord. 10, 1980; prior code 7-3-6-3)

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.

(Ord. 2, 2002; Ord. 2 §1, 2010)

Sec. 17-3-320. - (Reserved)

(Ord. 2, 2002; Ord. 2 §1, 2010)

Sec. 17-3-330. - (Reserved)

Sec. 17-3-340. - Contents of Plat and Application.

- (a) **Generally.** 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 Chapter, 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.
- (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.
- (2) Current commitment for title insurance required by Paragraph 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) Topography for the entire property subject to subdivision expressed in one-foot contours in USGS datum.
- (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.
- (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.
- (6) Construction details for any public improvements.
- (7) An agreement relating to public improvements as required by Sections 17-4-10 and 17-4-20, below.
- (8) Documentary evidence of water supply, sewage disposal, electricity, gas and telephone.

- (9) Floodplain development plan consisting of map and supporting data if the property is in a floodplain.
 - (10) Letter addressing land dedication requirements outlining how the subdivider proposes to meet the land dedication requirements of Subsection 17-3-30(a) above.
 - (11) Additional information deemed necessary by 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 Paragraph 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) Additional information deemed necessary for the City to evaluate the proposed application or plat.

(Ord. 2, 2002; Ord. 2 §1, 2010)

Sec. 17-3-350. - Minor Subdivision and Minor Amendment Approval Procedure.

- (a) **Commission Hearing.**
 - (1) The Commission shall hold a public hearing to consider the subdivision's conformance with the requirements of this Code and this Article. Notice of the hearing date shall be given at least 15 days in advance in accordance with Section 17-3-115.
 - (2) The Commission shall recommend approval or approval with conditions, or shall reject the minor subdivision or minor amendment.
- (b) **Council Hearing.** Upon a Commission's recommendation of approval or approval with conditions, the Council shall consider minor subdivision or minor amendment application at a public hearing. Notice of the hearing date shall be given at least 15 days in advance in accordance with Section 17-3-115.

(Ord. 2, 2002; Ord. 9 §1, 2003; Ord. 2 §1, 2010)

Sec. 17-3-360. - Standard for Minor Subdivision and Minor Amendment Approval.

The recommendation of approval or conditional approval of any minor 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 Division;
- (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; Ord. 2 §1, 2010)

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; Ord. 2 §1, 2010)

Division 5 - Additional Provisions

Sec. 17-3-410. - Building permits.

- (a) **Generally.** No building or construction permit shall be issued covering unplatted property unless the property has been specifically exempted from the subdivision process by definition or by official action of the Council.
- (b) **Building Permits.** Prior to the issuance of a building permit, the City will require the following subdivision improvements to be completed:
 - (1) Survey monuments. As required by City specifications.
 - (2) Water mains. If provided, the subdivider shall provide adequate mains and stubs to each lot in such a manner that street and sidewalk cuts will not be required to hook up.
 - (3) Fire hydrants. As required according to City or Fire District specifications.
 - (4) Site and street grading. As required by City specifications.
- (c) **Certificates of Occupancy.** Prior to issuance of a certificate of occupancy, the City will require the following improvements to be completed:
 - (1) Sanitary sewers. If provided, the subdivider shall provide adequate lines and stubs to each lot in such a manner that street and sidewalk cuts will not be required to hook up.
 - (2) Storm drainage. The subdivider shall provide storm sewers, culverts and bridges where required.
 - (3) Streets. Base construction will be completed.
 - (4) Street signs. As required according to City specifications.
 - (5) Utilities (communications, electric services, and gas lines). These shall be installed underground and shall be in place.

(Ord. 2, 1979; prior code 7-3-7)

Sec. 17-3-420. - Variance procedure.

- (a) **Application for Variance.** A subdivider may submit an application for a variance to this Chapter or Chapter 16 in writing to the Director, setting forth the extent of the requested variance supported with reasons for the request.
- (b) **Time and Place of Regular Meeting.** The meeting at which a subdivision variance is considered shall be concurrent with the public hearing on the preliminary plat.
- (c) **Commission Action.** Following the meeting referred to in Subsection (b) above, the Commission recommend approval or approval with conditions, or shall reject the application for a subdivision variance. When the application for a variance has been given a

recommendation for approval or approval with conditions, it shall be sent to the Council for decision.

- (d) **Criteria for Granting Variances.** When considering the Commission's recommendation, approval of variances shall be based fundamentally on findings that unusual topographical or other exceptional conditions or circumstances not caused by action of the subdivider require such variance, modification or waiver; and that the granting thereof will not adversely affect the general public nor have the effect of nullifying the intent and purpose of these regulations. In addition to those findings, no approval of any variance under this Section shall be granted unless the Council finds that:
- (1) Reasonable protections are afforded adjacent properties;
 - (2) The requested variance will not have an adverse impact on the character of the neighborhood or have an adverse effect on the physical or environmental conditions of the surrounding properties; and
 - (3) The variance is the minimum variance necessary to alleviate the exceptional condition or circumstance.
- (e) **Limitation of Variances.** In no case shall a variance be granted to allow for the creation of a lot that is not lawful under the applicable provisions of Chapter 16 of this Code.
- (f) **Public Hearing.** Following a public hearing, the Council shall consider the application for a variance and the recommendations of the Commission. This public hearing may be concurrent with the public hearing on the preliminary plat. The Council may approve, conditionally approve, or disapprove the application. In granting variances, modifications, or waivers, the Council may require such conditions that in its judgment will substantially secure the objectives of the standards and requirements affected.

(Ord. 2, 1979; prior code 7-3-8; Ord. 9 §1, 2003; Ord. 03 §1, 2008)

Division 6. - Subdivision Renaming Process

Sec. 17-3-510. - Purpose and Intent.

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

(Ord. 9 §1, 2017)

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 51 percent 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 51 percent 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 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 public hearing shall be given in accordance with Section 17-3-115. The applicant shall be responsible for all public hearing costs and for posting in accordance with this Section.

(Ord. 9 §1, 2017)

Sec. 17-3-530. - Criteria for 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 51 percent 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.

(Ord. 9 §1, 2017)

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.

(Ord. 9 §1, 2017)

ARTICLE IV - Improvement and Plat Requirements

Sec. 17-4-10. - Public improvements.

- (a) **Generally.** Prior to the approval of the final plat, the City will require from the subdivider a written agreement to construct any required public improvements shown in the final plat documents, as well as repairs occasioned by such improvements. Such agreement shall reflect an estimate of the cost of the various improvements and repairs, and a time schedule for their completion.
- (b) **Security.**
- (1) The subdivider shall deposit with the City a performance and payment bond, maintenance bond, irrevocable letter of credit or other collateral which is sufficient, in the judgment of the Council, to assure financial capability for the completion of the improvements or repairs required under Subsection (a) above.
 - (2) As improvements are completed, the subdivider may apply to the City for a release of part or all of the collateral deposited with the City. Upon inspection and approval, the Council shall release said collateral. If the City determines that any of such improvements are not constructed in substantial compliance with specifications, it shall furnish to the subdivider a list of specific deficiencies and shall be entitled to withhold collateral sufficient to ensure substantial compliance. If the City determines that the subdivider has not constructed any or all of the improvements in a timely manner and in accordance with all of the specifications, the City may withdraw and employ from the deposit of collateral such funds as may be necessary to construct the improvement or improvements in accordance with specifications.
- (c) **Warranty.** Notwithstanding any provisions to the contrary, public ways, including but not limited to streets, roads, lanes and drives (“public ways”), or other public improvements, including but not limited to improvements on or in recreational trails, parks or open space, dedicated to the City for public use must remain free from defect for a period of one year from the date that the respective public way or other public improvement is complete as determined by the City. The subdivider shall provide the City with a letter of credit issued by a bank acceptable to the City, in an amount equal to the cost of the public way or other public improvement plus a reasonable amount for contingencies, which shall be no less than ten percent of such cost. Said letter of credit shall remain in place until the anniversary of the completion of the public way or other public improvement, at which time, depending upon the condition of the public way or other public improvement, the City may, in its sole discretion, do what it deems necessary for the public health, safety and welfare, including, but not limited to:
- (1) Accept the same for maintenance;
 - (2) Require the subdivider to correct any defects in the public way or other public improvement; or

(3) Draw on the letter of credit to correct any defect in the public way or other public improvement.

(d) **Shortfall.** The subdivider shall be responsible for paying the City for any shortfall in the letter of credit.

(Ord. 2, 1979; prior code 7-4-1; Ord. 1, 2000)

Sec. 17-4-20. - Private Improvements.

(a) **Generally.** In the event the subdivision is to contain any property or facility that is not for public use but which is for the private use of the owners or occupants of two or more lots or dwelling units, the maintenance and operation of such privately owned common facility shall be covered by an agreement with the City. Examples of such property or facility might be tennis courts, swimming pools, parkways, roadways, gates, greenbelts and stables.

(b) **Contents of Agreement.** The agreement between the subdivider and the City will provide to the City whatever it deems necessary to assure that:

(1) Construction. The proposed facilities will be constructed as proposed.

(2) Future operation. The future operation and maintenance of the facility is properly provided for both as to management and funding. Such agreement may require approval of covenants, escrow deposits, performance and payment bonds or any other method of assurance required by the City.

(3) Maintenance of drainage facilities.

a. The subdivider and all of the owners of the properties drained by or draining into any drainage facility, including but not limited to private drainage facilities and private and public drainage easements, located on the property that is the subject of the final plat ("benefited owners") shall be jointly and severally responsible for maintaining the structural integrity and operational functions of said drainage facility. If at any time following certification of any such drainage facility, or any time following approval of the final plat, the City deems that any such drainage facility no longer complies with the approved plans, the subdivider and the benefited owners shall restore such facility to the standards and specifications as shown on the approved drainage plans. Failure to maintain the structural integrity and operational function of any such drainage facility will result in the City notifying the subdivider and the benefited owners as to the nature of the work required to bring the facility into compliance, together with a request for the work to be performed in a reasonable time period. If the subdivider and benefited owners fail to bring the drainage facility into compliance with the approved drainage plans or an emergency situation exists, the City may enter onto the property and cause the necessary work to be performed at the expense of the subdivider and benefited owners.

- b. The City shall invoice said subdivider and benefited owners for its costs and expenses. The subdivider and benefited owners shall, within 30 days of the date of the invoice, remit full payment to the City. If full payment is not made by the thirtieth day, the City Manager may elect to have the City's costs and expenses become a lien against the properties drained by or draining into any such drainage facility as of the date the City Manager certifies the costs and expenses to the office of the County Treasurer for collection in the same manner as general property taxes are collected. A notice of the lien shall be recorded in the office of the County Clerk and Recorder. The amount of the costs and expenses may be paid to the City at any time prior to certification of the same by the City Manager to the office of the County Treasurer, but thereafter payments shall be made only to the office of the County Treasurer. Upon receipt of the certified costs and expenses, the County Treasurer shall proceed to collect the amounts so certified against said properties in the same manner as the collection of general property taxes and the redemption thereof.

(Ord. 2, 1979; prior code 7-4-2; Ord. 1, 2000; Ord. 9 §1, 2003)

Sec. 17-4-30. - Engineering and construction criteria.

- (a) **Codes Adopted.** Pursuant to and in the manner provided by law, there is hereby adopted by reference the following codes and standards:
 - (1) "Arapahoe County Infrastructure Design and Construction Standards," dated December 15, 2006 and revised on December 31, 2007, published by the Arapahoe County Board of County Commissioners, as may be amended from time to time;
 - (2) "Arapahoe County Stormwater Management Manual," dated January 30, 2007 and revised on July 5, 2011, March 20, 2012, and March 12, 2013, published by the Arapahoe County Board of County Commissioners, as may be amended from time to time;
 - (3) "Urban Storm Drainage Criteria Manual," published by the Urban Drainage and Flood Control District, as follows:
 - a. Volume 1, revised August 2018;
 - b. Volume 2, revised September 2017; and
 - c. Volume 3, revised April 2018
 - (4) "Roadway Design Guide," dated June 20, 2005 and revised in July 30, 2018, published by the Colorado Department of Transportation; and
 - (5) "Standard Specifications for Road and Bridge Construction" 2017 edition, published by the Colorado Department of Transportation.
- (b) **Minimum and Alternative Standards.** These codes shall constitute the minimum engineering and construction criteria applicable to the construction of public improvements within the City. Alternative standards may be established by the City if they are determined

to be consistent with the Master Plan, meet engineering standards, including but not limited to the construction and excavation standards listed in Section 11-2-220 of this Code and ensure the general safety, health and welfare of the public.

- (c) **Amendments to the Adopted Codes.** The above referenced codes are hereby amended to substitute the word “City” and for all references to “Arapahoe County”: “County”; “Board of County Commissioners.” All references to the applicability of the codes to “unincorporated Arapahoe County” shall mean the “City of Cherry Hills Village.”
- (d) **Penalties.** Any person who violates any provisions of the codes adopted in this Section shall be subject to the penalties and enforcement set forth in Subsection 17-2-80(c) of this Chapter. In addition, the City Manager may issue a notice, order and demand to immediately cease work or any other action found by the City Manager to be in violation of the codes adopted herein.

(Ord. 6 §1, 2014)

Sec. 17-4-40. - Technical Plat Requirements.

The Director is authorized to establish and promulgate technical requirements for sketch plats, preliminary plats, and final plats.

Sec. 17-4-50. - Notes and Certificates required.

The notes and certificates that are required to appear on the final plat of a subdivision shall be in form substantially as promulgated by the Director:

ARTICLE V - Design Principles

Sec. 17-5-10. - General Provisions.

In order to achieve the intent and purpose of these regulations, the following design principles shall be followed, and as such will constitute a portion of the evaluative criteria to be met before approval of a plat:

- (1) Minimum standards for development are contained in Chapter 16, Chapter 18, Article I, and this Chapter. However, the City's Master Plan expresses policies designed to achieve an optimum quality of development in the City. If only the minimum standards are followed, as expressed by the various ordinances and codes regulating land development, a standardization of development will occur. Subdivision design shall be of a quality to carry out the purpose and spirit of the policies and special reports expressed in the Master Plan (and amendments thereto) and in this Chapter.
- (2) The layout of lots and blocks should provide desirable settings for structures by making use of natural contours, maintaining existing views, and affording privacy for the residences and protection from adverse noise and vehicular traffic. Natural features and vegetation of the area must be preserved if at all possible.
- (3) Tree masses and large individual trees should be preserved. The system of roadways and the lot layout should be designed to take advantage of visual qualities of the area.
- (4) Pedestrian and recreational ways should be separated from roadways and be designed to provide all residential building sites which direct access to all neighborhood facilities.
- (5) Tracts subdivided into large parcels which offer the possibility of further subdivision shall be arranged to allow the opening of future streets and logical further subdivision.
- (6) Tracts of land or portions thereof lying within the one-hundred-year floodplain shall not be subdivided except for open space until the subdivider has complied with the requirements of Section 17-3-110(d), above.
- (7) Whenever a proposed subdivision is not served by proper community access roads, utilities and other basic needs of the future residents, the Council may deny the subdivision until such needs are properly met.

(Prior code 7-5-1)

Sec. 17-5-20. - Streets and Traffic Patterns.

- (a) Streets shall generally conform to the street plan adopted by the Council and any amendments thereto.

- (b) If a tentative plan has been adopted by the Council for the neighborhood of the proposed subdivision, the street system of the latter shall conform in general thereto.
- (c) Streets shall be located with appropriate regard for topography, creeks, wooded areas and other natural features which would enhance attractive development.
- (d) Existing streets, including preliminary platted streets, in adjoining territory shall be continued at equal or greater width and in similar alignment by streets proposed in the subdivision, unless variations are approved by the Council.
- (e) Streets within subdivisions shall be designed as a system of circulation routes, so that the use of local streets by through traffic will be discouraged.
- (f) Where a subdivision borders on or contains a state highway right-of-way, the Council shall require provisions for reduction of noise. Masonry walls, landscaped berms, a parallel street, landscaping or screening easement, greater lot depth and increased rear yard setbacks, among others, are recommended solutions.
- (g) Streets shall intersect as nearly at right angles as possible.
- (h) When a tract is subdivided into larger than normal building lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and opening of future streets and appropriate resubdivision, with provision for adequate utility easements and connectors for such resubdivision.
- (i) Street jogs with centerline offsets of less than 125 feet shall be prohibited.
- (j) Long cul-de-sacs should be avoided whenever possible.
- (k) Where a street will eventually be extended beyond the plat but is temporarily dead-ended, an interim turnaround may be required.
- (l) Dedication of half streets shall be prohibited except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations, and provided that the Council finds it will be practical to obtain the dedications of the other half of the street right-of-way. Wherever a half-street dedication is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.
- (m) No street names shall be used which will duplicate or be confused with the names of existing streets. All street naming shall be subject to approval by the Council.
- (n) Subdivision streets shall have such curbs, gutters, sidewalks, culverts and pavements as may be required by the Council. These streets shall be constructed to specifications as set forth in Section 17-4-30, above.
- (o) All streets abutting a subdivision shall have such curbs, gutters, sidewalks and pavements as may be required by the Council to be constructed to specifications in Section 17-4-30, above at the cost of the subdivider.
- (p) Street name signs must be in accordance with City specifications and shall be furnished and installed at the cost of the subdivider.

- (q) Access ways to arterial streets shall be limited so far as possible to protect the capacity of the arterial street and improve traffic safety.
- (r) Subject to approval by the Council, streets that are extensions of or obviously in alignment with existing streets shall bear the same names of the existing streets.
- (s) Intersecting collector and local streets shall not empty into the same side of an arterial street at intervals of less than 800 feet.
- (t) When a subdivision abuts and controls access to public lands or existing streets, access shall be provided in the form required by the public agency involved. When a subdivision abuts private lands, the City may require the developer to provide access thereto.
- (u) The planting area, or that unpaved portion of the right-of-way between the curb and the property line, shall be landscaped and maintained by the abutting property owners unless provided otherwise by the Council.
- (v) Reverse curves on arterials and collectors shall be joined by a tangent at least 100 feet in length.

(Prior code 7-5-2)

Sec. 17-5-30. - Drainage.

The rainfall frequency rate used in determining the flow of storm water shall be based on the following principles. The flow of stormwater shall be computed in anticipation of full development of the area upstream in the applicable drainage basin as allowed by present zoning, or where upstream zoning changes are reasonably anticipated, then the drainage resulting from the highest reasonable density should be used in computing flow of storm water.

- (1) A 50-year frequency storm shall normally be carried within the dedicated street right-of-way. In the event a quantity of water in excess of these limits is calculated to exist, a storm system will be provided either in the form of an underground system or a formal drainage way to prevent excessive ponding.
- (2) A generally accepted rational formula and tabulation shall be used to calculate individual drainage areas, time of flow and ultimate quantities at each collection point.
- (3) In general, culvert sizes shall be sufficient to accommodate the flow computed with no head at the inlet and no less than the equivalent of an eighteen-inch-diameter pipe.
- (4) The velocity of flow in an unlined ditch shall be compatible with the soil erosion characteristics or the treatment to be afforded the ditch.
- (5) The quantity and velocity of flow in streets shall be computed from acceptable flow charts or by the usual methods used in computing flows in open channels.
- (6) Whenever a subdivision is traversed by a drainageway which is approved by the City for surface drainage, provision shall be made for the dedication to the public adequate rights-of-way for access and maintenance.

(Prior code 7-5-3)

Sec. 17-5-40. - Lots.

- (a) The size, shape and orientation of lots shall be appropriate to the location of the proposed subdivision and to the type of development contemplated.
- (b) Lots should front only on local streets; however, when necessary, lots designated to face a collector street shall provide adequate means for automobile turnaround within the lot.
- (c) Side lot lines should be approximately at right angles or radial to street lines.
- (d) Double frontage and reverse frontage lots should be avoided except where they are needed to provide for the separation of residential development from major streets or to overcome specific disadvantages of topography or orientation. A planting and screening easement of at least ten feet shall be provided along the portion of the lots abutting such a traffic artery or other use where screening is required. There shall be no right of access across a planting and screening easement. The Commission may require a permanent ornamental fence of a height and architectural design which will appropriately screen and be harmonious with the neighborhood and residential character.
- (e) The building area of lots should not face directly into the oncoming traffic of an intersecting street of a "T" intersection.

(Ord. 2, 1979; prior code 7-5-4; Ord. 9 §1, 2003)

Sec. 17-5-50. - Utilities.

- (a) **Generally.** New utilities (telephone, electric service, cable television, gas lines and other utilities) that will serve the subdivision shall be installed underground and shall be in place prior to street surfacing. Facilities appurtenant to underground facilities or other required equipment may be placed aboveground if the City determines it is necessary.
- (b) **Relocation of Existing Utilities.** Existing overhead utilities that are located on the subdivided property or in the public right-of-way immediately adjacent to the property between the street edge and the property shall be relocated underground. The obligation of the subdivider to install all new and existing utilities underground, as required by this Section 17-5-50, shall be set forth in the subdivision improvements agreement required by Section 17-4-10. Existing overhead utilities may remain aboveground if the City Council determines that either of the following criteria is met:
 - (1) The subdivider provides written documentation acceptable to the City Council from a utility provider demonstrating that relocation of specifically identified existing overhead utilities is not possible due to physical constraints on or near the property.
 - (2) The cost of undergrounding outweighs the public benefit and relocation of existing overhead utilities is not necessary to meet the goals and strategies of the Master Plan

(Ord. 2, 1979; prior code 7-5-5; Ord. 2 §1, 2015)

Sec. 17-5-60. - Recreation Easements.

A plan for development of an off-street system of recreational easements for pedestrians, horseback riders, and non-motor-driven vehicles has been approved by the Council and will be modified periodically. The objective is to provide safe, attractive routes by which all parts of the City may be connected with the Highline Canal. All subdividers are expected to cooperate with this program by providing dedicated public easements and trail improvements within those easements, in order to provide the most direct route of travel without unduly infringing upon the privacy of the subdivision. In addition, the subdivider will be encouraged to provide private or public easements within the subdivision so that safe access to public recreational easements will be provided to lots within the subdivision.

(Ord. 2, 1979; prior code 7-5-6)

ARTICLE VI - Lot Consolidation and Minor Lot Adjustment

Sec. 17-6-10. - Purpose.

The purpose of this Article is to establish administrative review procedures to facilitate the efficient processing of applications for simple adjustment of lots and lot lines that will bring property into greater conformance with the requirements of this Code. The following applications shall be subject to administrative processing in accordance with this Article:

- (1) Lot consolidation.
- (2) Minor lot adjustment.

(Prior code 7-6-1; Ord. 3, 2001)

Sec. 17-6-20. - (Reserved)

Sec. 17-6-30. - Contents of administrative review application and plat.

The Director is authorized to develop and promulgate standards for the contents of applications for administrative review and for technical submittals pursuant to this Article.

Sec. 17-6-40. - Administrative review procedures.

All applications subject to this Article shall be administratively reviewed by the Director without notice or a public hearing and may be approved by the Director in accordance with this Article. Following submission of an application and plat, the Director shall determine whether the application and plat are complete as required by this Article. Following receipt of a completed application and plat, the Director shall reach a final decision concerning the application within 15 days of the date of submission of the completed application and plat. Such deadline may be extended upon agreement of the applicant and the Director. Unless otherwise extended, a failure by the Director to reach a final decision within 15 days shall be deemed an administrative decision to deny the application.

(Prior code 7-6-4; Ord. 3, 2001)

Sec. 17-6-50. - Standards for approval.

An application and plat subject to this Article shall be administratively approved if the Director finds all of the following to be established by the application and plat:

- (1) The proposed consolidation or lot adjustment meets the applicable definition of a lot consolidation or minor lot adjustment and all application and plat content requirements of this Article are met or satisfied;
- (2) The approval of the application is requested by all owners of record of the affected lots and the owners have properly executed the plat;
- (3) The proposed application and plat fully conform to all applicable requirements for the zone districts in which the affected property is located, including but not limited to minimum lot size requirements;

- (4) Adequate utility easements are established within the affected property to provide service to the lots created by or illustrated upon the plat;
- (5) Existing public trails located within the lots illustrated upon the 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 in terms of route, grade, access, surface quality, ease of maintenance and safety;
- (6) The proposed configuration, arrangement and layout of the lots do not create illogically shaped lots or lots that are inconsistent or incompatible with other lots within the neighborhood; and
- (7) The proposed application and plat do not substantially and adversely affect adjacent lots or raise significant issues of policy that are not addressed by the Comprehensive Plan, Master Plan, or this Code.

(Prior code 7-6-5; Ord. 3, 2001; Ord. 9 §1, 2003)

Sec. 17-6-60. - Director’s decision and appeal.

- (a) **Approval.** Upon a finding by the Director that the application and plat meet the standards for approval set forth in Section 17-6-50, above, the Director shall cause a fully executed plat to be recorded with the County Clerk and Recorder at the applicant’s expense.
- (b) **Denial.** The Director shall deny an application for failure to meet the standards set forth in Section 17-6-50, above. Any decision to deny an application shall be made in writing stating the specific reasons for denial, and the decision shall be promptly mailed or delivered to the applicant.
- (c) **Appeal.**
 - (1) The applicant may appeal a denial to the Planning and Zoning Commission by delivering a written request for appeal to the Director not more than 30 days following the date of the applicant’s receipt of the City’s written notice of denial.
 - (2) The Commission shall administratively consider an applicant’s timely request for an appeal at a regular meeting. Following its consideration of the application and plat, the Commission may affirm the Director’s decision or, upon a finding that the application meets all the standards set forth in Section 17-6-50 above, the Commission may reverse the Director’s decision and order the Director to approve the application and plat. In the event that the Commission orders the Director to approve the application and plat, the Director shall execute the plat and shall cause the plat to be recorded in accordance with subsection (a) above.

(Prior code 7-6-6; Ord. 3, 2001; Ord. 9 §1, 2003)

Sec. 17-6-70. - Conditions of approval.

The Director may impose reasonable conditions upon any approval of a plat that are necessary to ensure continued conformance with the standards of approval of this Article or this Code. The

Director may require some or all of the conditions to be met prior to recording of the plat, or may require that conditions be placed in a subdivision improvements agreement or other agreement.
(Prior code 7-6-7; Ord. 3, 2001)