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CITY OF LITTLETON, COLORADO

ORDINANCE NO. 13

Series, 2017

INTRODUCED BY COUNCILMEMBERS: BRINKMAN & CERNANEC

AN ORDINANCE OF THE CITY OF LITTLETON, COLORADO, AMENDING TITLE 11 OF THE CITY CODE, CHAPTER 9 CONCERNING SUBDIVISION EXEMPTION

WHEREAS, the planning commission, at its regular meeting on April 26, 2017, held a public hearing and voted to recommend approval of an ordinance amending title 11 of the city code, Chapter 9 regarding subdivision exemption; and

WHEREAS, the city council finds that the proposed amendments to the city code are in the best interest of the city and will promote the public health, safety and welfare of its inhabitants;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LITTLETON, COLORADO, THAT:

Section 1: Section 2 of Chapter 1 of Title 11 of the City Code is hereby amended as follows:

11-1-2: PURPOSE AND INTENT OF CHAPTER:

IT IS THE PURPOSE AND INTENT OF THIS CHAPTER:

THE PURPOSE OF THIS TITLE 11 IS TO ARRANGE LAND INTO LEGAL LOTS OF RECORD FOR DEVELOPMENT OF LAND WITHIN THE CITY IN ACCORDANCE WITH THE REQUIREMENTS OF THIS CHAPTER. SUBDIVISION OF LAND IS A PROCEDURE IN WHICH LAND IS DIVIDED INTO LOTS, BLOCKS, AND TRACTS FOR TRANSFER OF OWNERSHIP OR DEVELOPMENT. AT THE SUBDIVISION STAGE OF DEVELOPMENT, THE SUBDIVIDER IS RESPONSIBLE FOR FINALIZING RIGHT-OF-WAY, EASEMENT, AND OTHER PUBLIC LAND DEDICATIONS, AS APPLICABLE, AS WELL AS LOT, BLOCK, AND TRACT CONFIGURATIONS FOR THE LAND INCLUDED IN THE APPLICATION. IN ADDITION, ALL PUBLIC IMPROVEMENTS ASSOCIATED WITH THE PROPOSED SUBDIVISION ARE IDENTIFIED AND QUANTIFIED AT THIS STAGE. THE SUBDIVIDER MAY BE REQUIRED TO ENTER INTO A SUBDIVISION IMPROVEMENT AGREEMENT (SIA) WITH THE CITY TO GUARANTEE THAT THE APPROPRIATE IMPROVEMENT COSTS WILL BE BORNE BY THE SUBDIVIDER. SUCH SUBDIVISIONS SHALL BE DESIGNED:(A) To promote the health, safety, convenience and general welfare of the citizens of the city.

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39 (B) To establish standards of subdivision design which will encourage the development of sound,
40 economical and stable neighborhoods, to ensure a healthy living environment, and to protect the
41 natural environment.

42

43 (C) To provide for lots of adequate size, configuration, and appropriate design for the intended
44 uses.

45

46 (D) To encourage subdivision design flexibility and imagination.

47

48 (E) To provide for streets and walkways of appropriate capacity and construction with adequate
49 measures to ensure safe movement of pedestrian and vehicular traffic.

50

51 (F) To ensure the provision of efficient, adequate and economical utilities, services and
52 improvements.

53

54 (G) To provide for the coordination of subdivision development with requirements of schools,
55 parks, recreation areas and other community facilities, and to ensure the provision of such
56 facilities.

57

58 (H) To ensure the desirable development of the community through the adherence to accepted
59 principles of land use, intensity of development, distribution of growth, preservation of natural
60 amenities and other elements of the city's development plans. (1971 Code § 22.2)

61

62

63 **Section 2:** Section 4 (A) and (B) of Chapter 1 of Title 11 of the City Code is hereby
64 amended as follows:

65 **11-1-4: VIOLATIONS, PROHIBITIONS AND PENALTIES:**

66 (A) NO OWNER OR AGENT OF THE OWNER OF ANY LAND SHALL TRANSFER,
67 SELL, AGREE TO SELL OR OFFER TO SELL ANY LAND BEFORE A PLAT FOR
68 SUCH LAND HAS BEEN APPROVED IN ACCORDANCE WITH THE PROVISIONS
69 OF THIS TITLE AND RECORDED WITH THE COUNTY CLERK AND RECORDER.

70 (B) NO BUILDING PERMITS OR CONSTRUCTION PERMIT SHALL BE ISSUED FOR
71 THE CONSTRUCTION OR ALTERATION OF ANY STRUCTURE ON ANY
72 PROPERTY UNLESS A PLAT OF SUCH PROPERTY HAS BEEN PREPARED,
73 APPROVED AND RECORDED IN ACCORDANCE WITH THE REQUIREMENTS OF
74 THIS TITLE EXCEPT AS EXEMPTED IN SECTION 4-1-9 OF THIS CODE.

75 **Section 3:** Section 6 of Chapter 1 of Title 11 of the City Code is hereby amended with the
76 addition of the following definitions:

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77 ADJACENT: SEPARATED FROM THE SUBJECT LOT(S) OR PARCEL(S) BY ONE OF
78 THE FOLLOWING: LOT LINE, PROPERTY BOUNDARY, RIGHT-OF-WAY, PRIVATE
79 STREET, ALLEY OR EASEMENT.

80
81 BLOCK FACE: ONE SIDE OF A STREET BETWEEN TWO CONSECUTIVE FEATURES
82 INTERSECTING THAT STREET. THE FEATURES CAN BE OTHER STREETS, ALLEYS,
83 OR OTHER RIGHTS-OF-WAY.

84 LEGAL DESCRIPTION: A WRITTEN METES AND BOUNDS DESCRIPTION OF THE
85 BOUNDARY OF A PARCEL OF REAL PROPERTY BY A PROFESSIONAL LAND
86 SURVEYOR, FOR THE PURPOSE OF PERPETUATING LOCATION AND TITLE. THE
87 DESCRIPTION MUST RECITE ALL TIES AND MONUMENTS, RECORDED OR
88 PHYSICAL, WHICH WILL DETERMINE THE CORRECT POSITION OF THE
89 BOUNDARY, ALL REFERENCES TO ADJOINING LANDS BY NAME AND RECORD,
90 AND A FULL DIMENSIONAL RECITAL OF THE BOUNDARY COURSES IN
91 SUCCESSION WHICH SHALL BE MATHEMATICALLY CORRECT. THE DESCRIPTION
92 MUST BE ACCOMPANIED BY AN EXHIBIT OR MAP SHOWING ALL PERTINENT
93 INFORMATION AS DESCRIBED IN THE NARRATIVE.

94 LOT: THE UNIT INTO WHICH LAND IS DIVIDED ON A SUBDIVISION PLAT WITH
95 THE INTENTION OF SEPARATE OWNERSHIP OR USE.

96 PARCEL: A TRACT OR PLOT OF LAND OF ANY SIZE THAT MAY OR MAY NOT BE
97 SUBDIVIDED.

98 REPLAT: A RESUBDIVISION OF A PORTION OF AN APPROVED AND RECORDED
99 FINAL PLAT THAT WILL CHANGE LOT CONFIGURATION OR CREATE NEW LOTS
100 AND TRACTS; AN AMENDED PLAT.

101 RESUBDIVISION: ANY MODIFICATION OF LAND PREVIOUSLY SUBDIVIDED OR
102 PLATTED.

103
104 **Section 4: Chapter 9, Subdivision Exemption of Title 11 of the City Code is hereby**
105 **repealed:**

106 ~~11-9-1: PURPOSE OF CHAPTER:~~

107 ~~11-9-2: ELIGIBILITY FOR SUBDIVISION EXEMPTIONS:~~

108 ~~11-9-3: PROCEDURES:~~

109 ~~11-9-1: PURPOSE OF CHAPTER:~~

110 ~~It is the purpose and intent of this chapter to allow the owner or purchaser of land, or agent~~
111 ~~thereof, to divide such land into not more than two (2) parcels, which meet the~~

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112 requirements of the governing zone district classification, without requiring
 113 submission of a subdivision plat. Approval of a subdivision exemption shall not
 114 exempt the applicant from securing and/or providing the necessary
 115 improvements including, but not limited to, sidewalks, curbs, gutters, street
 116 paving, storm drainage and utilities. Such land, or parcel which results from the
 117 approval of a subdivision exemption as hereinafter provided, shall not be
 118 eligible for any subsequent division under the provisions of this chapter. (Ord.
 119 36, Series of 1979)

120 ~~11-9-2: ELIGIBILITY FOR SUBDIVISION EXEMPTIONS:~~

121

122 The following procedures shall apply to all applications for subdivision exemptions: (Ord. 36,
 123 Series of 1979)

124 (A) ~~Eligibility For Subdivision Exemptions: The owner, purchaser, or agent thereof, must~~
 125 ~~verify all of the following requirements prior to the submittal of a subdivision~~
 126 ~~exemption application to the department of community development:~~

127 1. ~~A division of land must not exceed two (2) lots;~~

128 2. ~~Such division will not violate the minimum requirements of the governing zone district~~
 129 ~~classifications, the subdivision regulations and other applicable city ordinances~~
 130 ~~and resolutions;~~

131 3. ~~All lots must abut a dedicated and accepted city street;~~

132 4. ~~The applicant must show evidence that adequate sanitary sewer facilities exist to serve the~~
 133 ~~subject lots;~~

134 5. ~~The applicant must show evidence that adequate water facilities exist to serve the subject~~
 135 ~~lots. (Ord. 20, Series of 2012)~~

136 (B) ~~Compliance: Any proposed subdivision exemption which does not comply with all of the~~
 137 ~~requirements as defined hereinabove shall be considered as a minor or major~~
 138 ~~subdivision as applicable. (Ord. 36, Series of 1979)~~

139 ~~11-9-3: PROCEDURES:~~

140 (A) ~~Preparation: The subdivider shall cause the preparation of a subdivision exemption map by~~
 141 ~~a registered land surveyor. The map shall comply with the provisions of these~~
 142 ~~regulations, and other ordinances of the city and state law.~~

143 (B) ~~Submission: The applicant shall submit the application and the subdivision exemption map~~
 144 ~~pursuant to the requirements and process described in section 11-2-2 of this title.~~

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145 ~~The application deadlines, required number of copies and map details shall be in~~
146 ~~accordance with the operating standards as established by the department of~~
147 ~~community development.~~

148 ~~(C) Administrative Action: City staff shall review the proposed subdivision exemption map for~~
149 ~~compliance with the provisions of this title, other applicable regulations, the~~
150 ~~comprehensive plan, existing and proposed development, and comments from~~
151 ~~affected agencies. City staff may approve the application, approve the~~
152 ~~application subject to modifications, or recommend the application be processed~~
153 ~~under the major or minor subdivision procedure. (Ord. 20, Series of 2012)~~

154 **Section 5: Chapter 9 of Title 11 of the City Code is hereby replaced as follows:**

155 CHAPTER 9: ADMINISTRATIVE PLATS AND REPLATS FOR ONE OR TWO LOTS

156 11-9-1: PURPOSE:

157 IN ADDITION TO 11-1-2, THE PURPOSE OF THIS CHAPTER IS TO ESTABLISH AN
158 ADMINISTRATIVE REVIEW PROCESS FOR MINOR CHANGES TO SUBDIVISION
159 PLATS AND UNPLATTED PARCELS THAT RESULT IN THE CREATION OF NO MORE
160 THAN TWO (2) PLATTED LOTS.

161 11-9-2: APPLICABILITY:

162 (A) THE FOLLOWING REQUESTS MAY BE APPROVED IN AN ADMINISTRATIVE
163 PLAT, PROVIDED THE RESULTING PLAT DOES NOT CREATE MORE THAN
164 TWO (2) PLATTED LOTS AND DOES NOT MERGE MORE THAN TWO (2)
165 PARCELS (PLATTED OR UNPLATTED) INTO A SINGLE PLATTED LOT:

- 166 1. A REQUEST TO PLAT UNPLATTED PROPERTY;
- 167 2. A REQUEST TO MOVE, RECONFIGURE, OR REVISE AN EXISTING PLATTED
168 LOT LINE;
- 169 3. A REQUEST TO ADJUST A PLATTED SUBDIVISION BOUNDARY BETWEEN
170 NOT MORE THAN TWO (2) EXISTING PLATTED LOTS WITHIN TWO (2)
171 SEPARATE FILINGS OR SUBDIVISIONS;
- 172 4. A REQUEST TO ADJUST A PLATTED SUBDIVISION BOUNDARY TO INCLUDE
173 AN ADJACENT UNPLATTED PARCEL OF LAND;
- 174 5. A REQUEST TO VACATE AN EXISTING PLATTED EASEMENT OR BUILDING
175 ENVELOPE ON AN EXISTING PLATTED LOT, PROVIDED THAT THE

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176 BUILDING ENVELOPE OR EASEMENT WAS DEDICATED AND DESIGNATED
177 THROUGH A PLAT AND ONLY AFFECTS THE SUBJECT LOT;

178 6. A REQUEST TO MERGE PLATTED LOTS; OR

179 7. A REQUEST TO CORRECT MISSPELLINGS OR OTHER MINOR TECHNICAL
180 CORRECTIONS ON RECORDED PLATS.

181 (B) RESTRICTIONS

182 1. REQUESTS REQUIRING THE DEDICATION OF PUBLIC RIGHT-OF-WAY MAY
183 NOT BE PROCESSED AS ADMINISTRATIVE PLATS.

184 2. REQUESTS REQUIRING THE DEDICATION OF EASEMENTS MAY NOT BE
185 PROCESSED AS ADMINISTRATIVE PLATS. EASEMENTS THAT HAVE BEEN
186 DEDICATED BY SEPARATE INSTRUMENTS PRIOR TO RECORDATION OF THE
187 ADMINISTRATIVE PLAT MAY BE NOTED ON AN ADMINISTRATIVE PLAT.

188 3. NO LOTS PREVIOUSLY CREATED THROUGH AN ADMINISTRATIVE
189 PLATTING PROCESS MAY BE ADDITIONALLY DIVIDED OR MERGED
190 THROUGH AN ADMINISTRATIVE PLAT OR REPLAT PROCESS. HOWEVER,
191 LOT LINE ADJUSTMENTS BETWEEN TWO EXISTING LOTS MAY BE
192 PROCESSED AS AN ADMINISTRATIVE PLAT OR REPLAT IN CONFORMANCE
193 WITH 11-9-2 (A) 2.

194 4.

195 (C) ANY REQUEST THAT DOES NOT MEET THE REQUIREMENTS FOR
196 PROCESSING AS AN ADMINISTRATIVE PLAT MAY BE PROCESSED AS AN
197 APPLICATION FOR A MAJOR OR MINOR SUBDIVISION, AS APPLICABLE.

198 11-9-3: PROCEDURE:

199 (A) PRE-SUBMITTAL MEETING

200 PRIOR TO THE SUBMITTAL OF AN ADMINISTRATIVE PLAT APPLICATION, THE
201 APPLICANT SHALL MEET WITH STAFF FOR A CONCEPT MEETING TO DISCUSS THE
202 REQUEST, THE PROCEDURES, AND THE SUBMITTAL REQUIREMENTS.

203 (B) APPLICATION SUBMITTAL

204 THE APPLICANT SHALL SUBMIT THE ADMINISTRATIVE PLAT APPLICATION
205 PURSUANT TO THE REQUIREMENTS AND PROCESS DESCRIBED IN SECTIONS 11-1,
206 11-5, AND 11-6 OF THIS TITLE, AS APPLICABLE TO THE REQUESTED PLAT, AND

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207 THE OPERATING STANDARDS AS ESTABLISHED BY THE DEPARTMENT OF
208 COMMUNITY DEVELOPMENT.

209 11-9-4: CRITERIA FOR DECISION:

210 AN ADMINISTRATIVE PLAT SHALL BE APPROVED ONLY IF THE DIRECTOR
211 DETERMINES THAT ALL OF THE FOLLOWING CRITERIA HAVE BEEN MET:

212 (A) EACH PARCEL CREATED BY THE ADMINISTRATIVE PLAT OR REPLAT
213 COMPLIES WITH THE MINIMUM REQUIREMENTS OF THE GOVERNING ZONE
214 DISTRICT, INCLUDING BUT NOT LIMITED TO, THE MAXIMUM DENSITY AND
215 MINIMUM OPEN SPACE REQUIREMENTS, THE SUBDIVISION REGULATIONS
216 AND OTHER APPLICABLE CITY ORDINANCES AND RESOLUTIONS.
217 MULTIPLE ZONE DISTRICTS MAY NOT BE CONTAINED WITHIN ONE
218 ADMINISTRATIVE PLAT OR REPLAT;

219 (B) EACH PARCEL CREATED BY THE ADMINISTRATIVE PLAT OR REPLAT IS
220 CONSISTENT WITH EXISTING CHARACTER OF THE BLOCK FACE ON WHICH
221 THE PROPERTY IS LOCATED. LOTS THAT ARE MORE THAN FIFTY PERCENT
222 (50%) GREATER IN EITHER LOT SIZE, DEPTH, OR WIDTH OF A TYPICAL
223 AVERAGE EXISTING LOT ON THE SAME BLOCK FACE ARE NOT ELIGIBLE
224 FOR AN ADMINISTRATIVE PLAT OR REPLAT. LOTS THAT ARE LESS THAN
225 TWENTY-FIVE (25%) SMALLER IN EITHER LOT SIZE, DEPTH, OR WIDTH OF A
226 TYPICAL AVERAGE EXISTING LOT ON THE SAME BLOCK FACE ARE NOT
227 ELIGIBLE FOR AN ADMINISTRATIVE PLAT OR REPLAT.

228 (C) EACH PARCEL CREATED BY THE ADMINISTRATIVE PLAT HAS ADEQUATE
229 WATER AND SANITARY SEWER FACILITIES. (D) ALL RESULTING LOTS
230 MUST ABUT A DEDICATED AND ACCEPTED CITY STREET.

231 (E) IF THE REQUEST IS TO DIVIDE UNSUBDIVIDED LAND IN AN EXISTING
232 PLANNED DEVELOPMENT, EACH LOT OR PARCEL RESULTING FROM THE
233 ADMINISTRATIVE PLAT SHALL BE ONE (1) ACRE OR SMALLER IN SIZE.

234 11-9-5 APPEALS:

235 AN APPLICANT MAY APPEAL THE ACTION OF THE DIRECTOR OF COMMUNITY
236 DEVELOPMENT ON THE ADMINISTRATIVE PLAT OR REPLAT TO THE CITY
237 COUNCIL. SUCH APPEAL MUST BE MADE IN WRITING, SPECIFYING THE
238 GROUNDS THE APPEAL IS BEING MADE, WITHIN THIRTY (30) DAYS OF THE
239 ADMINISTRATIVE ACTION. THE COUNCIL SHALL RECEIVE THE APPEAL REQUEST
240 AND SCHEDULE A PUBLIC HEARING TO REVIEW THE DECISION OF THE
241 ADMINISTRATIVE ACTION, AT WHICH TIME THE APPLICANT SHALL HAVE THE
242 OPPORTUNITY TO PRESENT INFORMATION OF ITS CHOOSING TO THE CITY

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243 COUNCIL. THE COUNCIL MAY APPROVE THE PLAT AS SUBMITTED, AFFIRM THE
244 DECISION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT, OR REQUIRE A
245 MAJOR OR MINOR SUBDIVISION TO BE PROCESSED IN CONFORMANCE WITH THIS
246 CODE.

247 **Section 6:** Severability. If any part, section, subsection, sentence, clause or phrase of this
248 ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the
249 remaining sections of this ordinance. The City Council hereby declares that it would have passed
250 this ordinance, including each part, section, subsection, sentence, clause or phrase hereof,
251 irrespective of the fact that one or more parts, sections, subsections, sentences, clauses or phrases
252 may be declared invalid.

253
254 **Section 7:** Repealer. All ordinances or resolutions, or parts thereof, in conflict with this
255 ordinance are hereby repealed, provided that this repealer shall not repeal the repealer clauses of
256 such ordinance nor revive any ordinance thereby.
257

258 INTRODUCED AS A BILL at a regularly scheduled meeting of the City Council
259 of the City of Littleton on the 2nd day of May, 2017, passed on first reading by a vote of 7 FOR
260 and 0 AGAINST; and ordered published by posting at Littleton Center, Bemis Library, the
261 Municipal Courthouse and on the City of Littleton Website.

262 PUBLIC HEARING on the Ordinance to take place on the 16th day of May, 2017,
263 in the Council Chamber, Littleton Center, 2255 West Berry Avenue, Littleton, Colorado, at the
264 hour of 6:30 p.m., or as soon thereafter as it may be heard.

265 PASSED on second and final reading, following public hearing, by a vote of
266 6 FOR and 1 AGAINST on the 16th day of May, 2017 and ordered published by posting at
267 Littleton Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

268 DocuSigned by:
269 ATTEST:
Wendy Heffner
270 7EE432A9267419
271 Wendy Heffner
272 CITY CLERK

DocuSigned by:
Bruce O. Beckman
Bruce O. Beckman
MAYOR

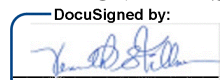
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273 APPROVED AS TO FORM:

274

DocuSigned by:


275

276 Kenneth S. Fellman

277 ACTING CITY ATTORNEY