

SUBDIVISION – PROPOSED CODE AMENDMENTS

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RENUMBER SECTION 4-1-9 TO SECTION 11-1-7 AND RESERVE THIS SECTION

~~4-1-9: PROHIBITION AGAINST ISSUANCE OF BUILDING PERMITS FOR UNPLATTED PROPERTY:~~

~~No building permits shall be issued for the construction or alteration of any structure on any property unless a plat of such property has been prepared, approved and recorded in accordance with the requirements of [title 11](#) of this code, with the following exceptions:~~

~~(A) Fences;~~

~~(B) Repairs or additions which conform to the provisions of [title 10](#) of this code, regarding setbacks, unobstructed open space, parking requirements and maximum floor area limitations;~~

~~(C) Signs; and~~

~~(D) Accessory structures on property having existing primary structures or uses.~~

AMEND SECTION 11-1-6 PERTAINING TO DEFINITIONS

11-1-6: DEFINITIONS:

For the purpose of this title, the following words and phrases shall have meanings respectively ascribed to them in this section:

ADJACENT: Separated from the subject lot(s) or parcel(s) by one (1) of the following: lot line, property boundary, right-of-way, private street, alley or easement.

ADMINISTRATIVE PLATS: A form of a minor subdivision to combine 2 lots into one lot or separate 1 lot into two platted lots and to establish boundaries for the purpose of sale or resale of land

ALLEY: 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 property.

BICYCLE WAY: A public pathway or lane designed to be used exclusively by bicycle traffic and clearly separated from roadways and pedestrian ways.

BLOCK: A parcel of land within a subdivision, generally bounded by public or private rights-of-way (other than alleys) or the exterior boundary or boundaries of a subdivision.

BLOCK FACE: One (1) side of a street between two (2) consecutive features intersecting that street. The features can be other streets, alleys, or other rights-of-way.

COMMISSION: The Littleton City Planning Commission.

CONDOMINIUM – An estate in real property consisting of an undivided interest in common in a portion of a parcel of real property, together with a separate interest in the space in a residential, industrial or commercial building on such real property such as an apartment, office or retail space

CORRECTION PLAT: A correction plat or amending plat records minor corrections to an existing plat, such as correcting a surveying mistake or a scrivener's error.

COUNCIL: The Littleton City Council.

CUL-DE-SAC: A short street having one (1) end open to traffic and being terminated at the other end by a vehicular turnaround.

DEAD END STREET: A street having only one (1) outlet for vehicular traffic which does not meet the standards or definition of cul-de-sac.

EASEMENT: A right in the public of any person, firm or corporation to use the land of another for a special purpose not inconsistent with the general property rights retained by the owner.

FLOODPLAIN: The relatively flat or lowland area adjoining a river, stream, watercourse, lake or other body of surface water which has been or may be covered temporarily by floodwater. For administrative purposes, the floodplain may be defined as the area that would be inundated by the base flood as delineated by the Federal Insurance and Hazard Mitigation Agency, or other recognized source.

IMPROVEMENTS: Street grading, paving and curbing; fire hydrants; public and private utilities; storm sewers and drains; pedestrian and bicycle ways; crosswalks; street shade trees; if applicable, common open space; and such other improvements as may be designated by the City.

LEGAL DESCRIPTION: A written metes and bounds description of the boundary of a parcel of real property by a professional land surveyor, for the purpose of perpetuating location and title. The description must recite all ties and monuments, recorded or physical, which will determine the correct position of the boundary, all references to adjoining lands by name and record, and a full dimensional recital of the boundary courses in succession which shall be mathematically correct. The description must be accompanied by an exhibit or map showing all pertinent information as described in the narrative.

LOT: The unit into which land is divided on a subdivision plat with the intention of separate ownership or use.

LOT OF RECORD: A lot which is part of a recorded subdivision, which has been filed with the appropriate County Clerk and Recorder's Office. For purposes of this title, the term "legally

described lot" shall be deemed synonymous with the term "lot of record".

MAJOR SUBDIVISION: All those subdivisions which do not meet the requirements of a "minor subdivision" as herein defined.

MINOR SUBDIVISION: The subdivision of land into ten (10) or fewer lots, all of which ~~abut an~~ **must have legal access to an** existing dedicated and accepted City street; and where no variance from the requirements of these regulations **or** the zoning title or other applicable City ordinances and resolutions is requested by the applicant.

PARCEL: A tract or plot of land of any size that may or may not be subdivided.

PEDESTRIAN WAY: All public or private pathway or sidewalk designed to be used exclusively by pedestrian traffic.

PLAT: A document showing the surveyed dimensions and legal description of a parcel of land; the reassemblage of parcels; or the subdivision or resubdivision of land into lots, blocks, tracts, easements and rights-of-way.

FINAL PLAT: A map and supporting materials prepared in accordance with these regulations as an instrument for recording real estate interests with the County Clerk and Recorder.

PRELIMINARY PLAT: The map(s) and specified supporting materials of a proposed subdivision prepared in accordance with these regulations to permit evaluation of the proposal prior to the ~~detailed engineering, design and preparation of the final plat.~~ **For a minor subdivision, the approval of a preliminary plat by the Community Development Director shall result in the preliminary plat being considered as a final plat.**

~~PUBLIC HEARING: A meeting of the City Council, or other duly constituted board or commission, for the purpose of hearing comments, testimony, recommendations and other responses from the applicant, City staff, and other interested parties and the general public regarding the applicant's appeal and after the public hearing, of taking action on the appeal. Notice of the time and place of such hearing shall be published at least six (6) days prior to the hearing.~~

PUBLIC MEETING: A regularly scheduled meeting or duly advertised special meeting of the City Council, or other duly constituted board or commission, held for the purpose of conducting business.

PUBLIC WORKS: The Department of Public ~~Services~~ **Works**, formerly known as the Department of Public Works **or as the Department of Public Services.**

REPLAT: A resubdivision of a portion of an approved and recorded final plat that will change lot configuration or create new lots and tracts; ~~an amended plat.~~ **A correction plat is not a replat**

RESUBDIVISION: Any modification of land previously subdivided or platted, **other than a**

correction plat.

ROADWAY: That portion of a street designated for vehicular traffic; the portion between curbs or edges of pavement.

STREET: A dedicated public right-of-way which provides vehicular and pedestrian access to adjacent properties. This definition shall include the terms road, lane, place, avenue, drive and other similar designations.

(A) Local (Single-Family Residential Areas): A street which provides direct access to adjacent property, designed in a manner to prevent through traffic movements, and does not intersect major arterial streets.

(B) Local (Multi-Family Residential, Business And Industrial Areas): A street which provides direct access to adjacent property, designed in a manner to discourage through traffic movements, and should not intersect major arterial streets.

(C) Collector (2 Moving Lanes): A street which collects and distributes traffic between local streets and major arterial streets.

(D) Arterial (4 Or 6 Moving Lanes): A street which permits rapid and relatively unimpeded movements, connecting communities, as well as major land use elements, with one another.

(E) Limited Access Facility: A highway which provides rapid and unimpeded traffic movement between urban centers. Access is partially or completely controlled with primary grade separated interchanges connecting only to major arterial streets permitted.

SUBDIVIDER: Any person, group, corporation or other entity who, as owner or purchaser, or agent of such owner or purchaser, ~~divides~~ creates or proposes to ~~divide~~ create land into lots or other tracts for the purposes of resale or development. For purposes of this title, the term "applicant" shall be deemed synonymous with the term "subdivider".

SUBDIVISION: The ~~division~~ designation of a parcel of land into ~~two (2)~~ one (1) or more lots and other tracts for the purpose of resale and/or development. This term includes resubdivision and when appropriate to the context, shall relate to the process of subdividing or to the land being subdivided.

AMEND CHAPTER 1 OF TITLE 11 TO ADD NEW SECTION 11-1-7

11-1-7: PROHIBITION AGAINST ISSUANCE OF BUILDING PERMITS FOR UNPLATTED PROPERTY:

No building permits shall be issued for the construction or alteration of any structure on any property unless a plat of such property has been prepared, approved and recorded in accordance with the requirements of title 11 of this code, with the following exceptions:

- (A) Fences;
- (B) Repairs or additions which conform to the provisions of title 10 of this code, regarding setbacks, unobstructed open space, parking requirements and maximum floor area limitations;
- (C) Signs; and
- (D) Accessory structures on property having existing primary structures or uses.
- (E) Any parcel, tract of land, or plot conveyed as a single lot on or before June 12, 1992.

AMEND CHAPTER 4 OF TITLE 11 TO SIMPLIFY PLATTING PROCEDURES FOR MINOR SUBDIVISIONS AND PROVIDE FOR CORRECTION PLATS

CHAPTER 4

PROCEDURES; MINOR SUBDIVISIONS; CORRECTION PLATS

11-4-1: MINOR SUBDIVISIONS AND ADMINISTRATIVE PLATS:

11-4-2: PRELIMINARY AND FINAL PLATTING PROCEDURES:

11-4-3: CORRECTION PLATS; APPLICATIONS AND PROCEDURES:

11-4-1: MINOR SUBDIVISIONS AND ADMINISTRATIVE PLATS:

(A) Any subdivision of land which complies with all of the following requirements as herein defined, **together with the operating standards promulgated by the Community Development and Public Works Departments** shall be processed within the provisions of this chapter.

1. The proposed plat shall contain **from one to** ~~more than two but no more~~ ten (10) ~~or fewer~~ lots;
2. ~~All lots must~~ **The subdivision shall** abut a dedicated and accepted city street. **All lots in the subdivision must have legal access to a dedicated and accepted city street;**
3. The proposed plat shall meet the minimum requirements of the subdivision regulations and zoning regulations.

(B) Any proposed subdivision which does not comply with all of the requirements as defined hereinabove, shall be considered a **major** subdivision and must be processed in compliance with chapter 3 of this title.

(C) The following are administrative plats:

1. A request to move, reconfigure, or revise an existing platted lot line. ~~on an administrative plat;~~
2. A request to adjust a platted subdivision boundary between not more than two (2) existing platted lots within two (2) separate filings or subdivisions;

3. A request to adjust a platted subdivision boundary to include an adjacent unplatted parcel of land;
4. A request to vacate an existing platted easement or building envelope on an existing platted lot, provided that the building envelope or easement was dedicated and designated through a plat and only affects not more than two lots;
5. A request to merge platted lots;

11-4-2: PLATTING PROCEDURES:

(A) Preparation: The subdivider shall cause the preparation of a Preliminary plat of the proposed subdivision by a registered land surveyor. The plat shall comply with the provisions of these regulations, ~~and other ordinances of the city,~~ **operating standards of the Community Development and Public Works Departments** and state law.

(B) Operating Standards: The Community Development Department shall promulgate operating standards governing deadlines, number of copies and submission requirements for Plats.

(BC) Submission: The applicant shall submit the preliminary plat application to the Community Development Department pursuant to the requirements and process described in section 11-2-2 of this title. The application deadlines, required number of copies **and submission requirements** shall be in accordance with the operating standards as established by the department of community development.

(CD) Action On The Preliminary-Final Plat:

1. Minor Subdivision City Staff Review And Recommendation **determination:** City staff shall review the ~~proposed preliminary plat and final plat~~ for compliance with the provisions of this title, other applicable regulations, **including but not limited to the operating standards of the Community Development and Public Works Departments,** the comprehensive plan, existing and proposed development, and comments from affected agencies and **which shall frame form the basis for** the city staff's formal ~~recommendation-determination~~ on the ~~proposed final plat~~. **Upon a determination by the community development director and the public works directors that all applicable code and regulation provisions are met then the plat shall be approved. In the event, the preliminary plat is approved, the plat shall be considered to be the final plat. Administrative Plats shall be reviewed in the same manner subject to the provisions of subsection 4.**

2. Appeal Of Staff's Recommendation: If the staff approves the plat **for a minor subdivision** with modifications **from the submitted preliminary plat,** the applicant may appeal ~~to the city council~~ the staff's decision **to the Planning Commission.** Such appeal must be made in writing to the department of community development within ten (10) calendar days of the staff's decision. The ~~council~~ **Planning Commission** shall receive the appeal request and shall schedule a ~~public hearing~~ **meeting** to review the decision, approve the plat as submitted, or concur with the decision of city staff. The department of community development shall notify the applicant of the time and place of said ~~hearing~~ **meeting** within two (2) calendar days after the hearing **meeting** is scheduled. **The appeal of the approved plat is not a quasi judicial decision, rather it is**

an administrative review of an agency determination which shall be upheld unless such agency determination is arbitrary, unreasonable or capricious.

3. City Council Action: If the minor subdivision contains one or more dedications of real property to the city, the final plat must be approved by city council. If the director of community development and the director of public works certify that the final plat is in compliance with the accepted engineering principles, and the ordinances of the city, and the plat is approved as to form by the city attorney, said plat shall be submitted to city council for final approval. The approval of the final plat by the city council is not a quasi judicial decision, rather it is an administrative review of an agency determination which shall be upheld unless such agency determination is arbitrary, unreasonable or capricious.

4. The decision of the community development director on an administrative plat or replat is final, unless appealed in accordance with subsection 2 or subject to council action under subsection 3.

5. Expiration: The applicant shall submit all recordable documents within thirty calendar days of final approval of the plat. The approval of a minor subdivision plat by the community development director shall be valid for one (1) year, authorizing the subdivider to prepare and submit a final plat for signature. After the expiration, a new preliminary plat shall be submitted for review.

11-4-3: CORRECTION PLATS; PURPOSE; APPLICATION AND PROCEDURES.

(A) The purpose of this section is to set forth procedures and requirements for correction plats.

(B) Correction plats shall be used only for the purpose of correcting one (1) or more technical errors in an approved plat. The correction plat shall be consistent with the approved final plat except for those technical errors which are to be corrected. Technical errors may not result in an increase in the number of lots contained on the approved final plat or the dedication or elimination of dedication of real property to the city.

(C) The review of a correction plat shall be limited to those technical errors to be corrected and shall follow the process in this chapter for minor plat review. Upon review of a correction plat, the community development director may approve the plat and shall record a copy of the signed correction plat in the county clerk and recorder's office. There shall be no appeal of the decision of the community development director in approving a correction plat.

(D) Technical errors are matters such as an improperly located lot line, improper numbering of notes; errors in the signature block; spelling and typographical errors and similar types of errors.

PROVISIONS OF CHAPTER 9 HAVE BEEN INCORPORATED INTO CHAPTER 4, CREATING A SINGLE PROCESS FOR BOTH ADMINISTRATIVE PLATS AND MINOR SUBDIVISIONS

Chapter 9

ADMINISTRATIVE PLATS AND REPLATS FOR ONE OR TWO LOTS

11-9-1: PURPOSE AND APPLICABILITY:

11-9-2: APPLICABILITY:

11-9-2: PROCEDURE:

11-9-3: CRITERIA FOR DECISION:

11-9-4: APPEALS:

~~11-9-1: PURPOSE AND APPLICABILITY:~~

~~(A) In addition to section 11-1-2 of this title, the purpose of this chapter is to establish an administrative review process for minor changes to subdivision plats and unplatted parcels that result in the creation of no more than two (2) platted lots.~~

~~11-9-2: APPLICABILITY:~~

~~(A B) Approval Of Requests: The following requests may be approved in an administrative plat, provided the resulting plat does not create more than two (2) platted lots and does not merge more than two (2) parcels (platted or unplatted) into a single platted lot. subsections (B) 2; 3; 4; 5; and 7 are deemed to be replats of an existing administrative plat:~~

- ~~1. A request to plat unplatted property;~~
- ~~2. A request to move, reconfigure, or revise an existing platted lot line on an administrative plat;~~
- ~~3. A request to adjust a platted subdivision boundary between not more than two (2) existing platted lots within two (2) separate filings or subdivisions;~~
- ~~4. A request to adjust a platted subdivision boundary to include an adjacent unplatted parcel of land;~~
- ~~5. A request to vacate an existing platted easement or building envelope on an existing platted lot, provided that the building envelope or easement was dedicated and designated through a plat and only affects the subject lot;~~
- ~~6. A request to merge platted lots; or~~
- ~~7. A request to correct misspellings or other minor technical corrections on recorded plats.~~

~~(B C) Restrictions:~~

- ~~1. Requests requiring the dedication of public right-of-way may not be processed as administrative plats.~~
- ~~2-1. Requests requiring the dedication of easements may not be processed as administrative plats. Easements that have been dedicated by separate instruments prior to recordation of the administrative plat may be noted on an administrative plat.~~

~~3-2. No lots previously created through an administrative platting process may be additionally divided or merged through an administrative plat or replat process that would result in the creation of three or more lots from the original parcel. However, lot line adjustments between two (2) existing lots may be processed as an administrative plat or replat in conformance with subsection (A-B)2 of this section.~~

~~(C-D) Processing Of Incomplete Requests: Any request that does not meet the requirements for processing as an administrative plat may be processed as an application for a major or minor subdivision, as applicable. A minor subdivision does not require the submittal or a new application, the community development department may simply reclassify an existing application as a minor subdivision~~

~~11-9-2: PROCEDURE:~~

~~(A) Pre-Submittal Meeting: Prior to the submittal of an administrative plat application, the applicant shall meet with staff for a concept meeting to discuss the request, the procedures, and the submittal requirements.~~

~~(B) Application Submittal: The applicant shall submit the administrative plat application pursuant to the requirements and process described in chapters 1, 5, and 6 of this title, as applicable to the requested plat, and the operating standards as established by the Department of Community Development.~~

~~(B) The applicant shall submit the administrative plat application to the Community Development Department. The application deadlines, required number of copies and submission requirements shall be in accordance with the operating standards as established by the Department of Community Development.~~

~~11-9-3: CRITERIA FOR DECISION:~~

~~An administrative plat shall be approved only if the Director determines that all of the following criteria have been met:~~

~~(A) Each parcel created by the administrative plat or replat complies with the minimum requirements of the governing zone district, including but not limited to, the maximum density and minimum open space requirements, the subdivision regulations and other applicable City ordinances and resolutions. Multiple zone districts may not be contained within one administrative plat or replat.~~

~~(B) Each parcel created by the administrative plat or replat is consistent with existing character of the block face on which the property is located. To be eligible for an administrative plat or replat, the revised lot must be within 75 percent—150 percent of the average lot size, average depth, and average width, of the existing lots on the same block face.~~

~~(C-B) The applicant shall provide evidence that public water and public sewer facilities are available to serve each lot. This shall be in the form of "will serve" letters from the appropriate service providers.~~

~~(D-C)~~ All resulting lots must abut a dedicated and accepted City street.

~~(E-D)~~ If the request is to divide unsubdivided land in an existing planned development zoned district, each lot or parcel resulting from the administrative plat shall be one acre or smaller in size.

11-9-4: APPEALS:

An applicant may appeal the action of the Director of Community Development on the administrative plat or replat to the City Council. Such appeal must be made in writing, specifying the grounds the appeal is being made, within thirty (30) days of the administrative action. The Council shall receive the appeal request and schedule a public hearing to review the decision of the administrative action, at which time the applicant shall have the opportunity to present information of its choosing to the City Council. The Council may approve the plat as submitted, affirm the decision of the Director of Community Development, or require a major or minor subdivision to be processed in conformance with this Code.

(A) Appeal of staff's recommendation: if the staff approves the plat with modifications from the draft administrative plat, the applicant may appeal to the city council the staff's decision. Such appeal must be made in writing to the department of community development within ten (10) calendar days of the staff's decision. The council shall receive the appeal request and shall schedule a meeting to review the decision, approve the plat as submitted, or concur with the decision of city staff. The department of community development shall notify the applicant of the time and place of said meeting within two (2) calendar days after the matter is scheduled. The appeal of the draft administrative is not a quasi-judicial decision, rather it is an administrative review of an agency determination which shall be upheld unless such agency determination is arbitrary, unreasonable or capricious.

(B) The decision of the community development director on an administrative replat is final unless the actual square footage sizes of one or both lots on the approved administrative plat are decreased in size. Appeals in such matters shall be processed in the manner provided in subsection (A)

CHAPTER 9 WILL BE RESERVED

ADD NEW CHAPTER 10 DEALING WITH CONDOMINIUM SUBDIVISIONS

CHAPTER 10

Special Provisions for Condominium Subdivisions

11-10-1 SUBDIVISION CLASSIFICATION

11-10-2 SITE PLAN

11-10-3 BUILDING FLOOR PLANS

11-10-4 COMMON FACILITIES

11-10-5 ACCEPTABLE WATER METERING AND WATER SERVICE

11-10-6 CONDOMINIUM DECLARATION AND BYLAWS

11-10-1. SUBDIVISION CLASSIFICATION. Condominium applications shall be classified as a major or minor subdivision with regards to the application process and submission requirements, as set forth in chapters 3 and 4 of this title. Condominium applications shall be prepared and submitted in compliance with title 38, article 33, Colorado revised statutes, condominium ownership act. In addition to the requirements for a minor or major subdivision plat, the following additional elements pertain specifically to condominium subdivisions. (1) site plan; (2) floor plans; (3) common facilities; and (4) condominium declaration and by-laws.

11-10-2. SITE PLAN. A condominium site plan shall be prepared by a Colorado registered land surveyor. The contents of the site plan shall include the applicable requirements of the minor or major subdivision submittal requirements, as well as showing general common elements; limited common elements and individual air space units. The bearings and dimensions for all condominium land units shall be provided on the condominium site plan, along with necessary ties to property corners.

11-10-3. BUILDING FLOOR PLANS. Floor plans of condominium building units shall be provided at a scale of 1"= 5', 1"= 10' or 1"= 20' showing the location and horizontal and vertical dimensions of each unit and common area.

A. The floor plans shall be prepared, signed, and stamped by a Colorado licensed land surveyor, a Colorado licensed architect, or a Colorado licensed professional engineer in a format suitable for filing in the county clerk-recorder's office.

B. The floor plans shall include a standard approval block for the community development director to sign indicating their approval of the building layout.

C. The exterior walls of each unit shall be shown and provisions for ingress to and egress from each unit to common areas shall be shown.

11-10-4. COMMON FACILITIES. All common and limited common areas and their dimensions shall be shown on the final plat and building floor plans. The following information shall be included on the final plat and building plans:

A. The location of all common facilities on the site shall be shown on the final plat, including all parking, driveways, landscaped areas, walkways, signs, solid waste facilities, fire hydrants, mail boxes, light poles, above ground utilities, fences, and other pertinent common facilities;

B. The location, dimension and purpose of each common area, and limited common area shall be shown;

C. Acceptable means for water metering, water service, and sewer service including existing and proposed water and sewer service connections; and

D. If the existing water and sewer services are substandard, the director of public works in their discretion may require the services to be upgraded to city standards.

E. The assignment of parking to specific units and that portion of parking designated as common to all units.

11-10-5. ACCEPTABLE WATER METERING AND WATER SERVICE.

The conversion of existing buildings to condominium creates unique arrangements for utility service. The proposed condominium plat shall contain one or more specific sheets and demonstrate one or more of the following provisions for water metering and water service to the satisfaction of the director of public works:

A. Install separate water services and water meters for each condominium unit;

B. Install separate water service valves at the street line and individual meters in the condominium units;

C. Use single meter for each building with the condominium association assuming responsibility for the water billing; and

D. Install multiple water meters on a single water service where the service enters the building. The water meters and water service valves must be located in an accessible location, where water utility service personnel can enter without passing through individual condominium units.

11-10-6. CONDOMINIUM DECLARATION AND BY-LAWS. Two (2) copies of all condominium documents, including the declaration of condominium and by-laws shall be provided for review and approval as to form and content by the city attorney and the community development director. The approved condominium documents shall be considered part of the official approval and shall not be altered to be inconsistent with the recorded plat, without further review and approval by the city of a replat or corrected plat subdivision application.