

Cherry Hills Village Municipal Code

CHAPTER 17

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**ARTICLE I**

**Master Plan**

**Sec. 17-1-10. Maintenance of Land Use Master Plan.**

The Land Use Master Plan of the City, approved by the City Council in Resolution No. 1, 1993, shall be maintained by the City and copies made available to interested persons at the Village Center. (Prior code 7-1-1; Ord. 3, 1993)

**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) The subdivision of land is the first step in the process of urban 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) These regulations are designed, intended and should be administered in a manner to seek to:

(1) Implement the City's 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 appropriate adjoining tracts.

(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.

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(8) Provide that the cost of improvements which primarily benefit the tract of land being developed be borne by the owners/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, morals, 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 property.

*Block* means a parcel of land, intended to be used for urban purposes, 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.

*Council* means the City Council of the City.

*Cul-de-sac* means a short street having only one (1) end open to traffic and being terminated at the other end by a vehicular turnaround.

*Disposition* means a contract of sale resulting in the transfer of equitable title to an interest in subdivided land; an option to purchase an interest in subdivided land; a lease or assignment of an interest in subdivided land; or any other conveyance of an interest in subdivided land which is not made pursuant to one (1) of the foregoing.

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*Easement* means a right in the public of any person 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 and must support the position maintained by the subdivider.

*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 term *one-hundred-year flood* and the term *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 as may be designated by the Commission or Council.

*Lot* means a block or other measured parcel intended as a unit for the transfer of ownership or for development.

*Lot, double frontage* means a lot which runs through a block from street to street and which abuts two (2) or more streets.

*Master Plan* means the Master Plan and amendments thereto for the City which has been officially adopted to provide development policies for current and long-range development within the City.

*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.

*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

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parties and the general public regarding the applicant's proposal or appeal, 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 fifteen (15) calendar days prior to the public hearing, shall be posted on the property, if practical, on a sign at least two (2) feet by three (3) feet for a period of fifteen (15) days prior to the public hearing, and posted in a conspicuous location at the Village Center approved by the Council. Publication costs shall be paid by the City and posting costs by the applicant. The above-mentioned signs shall be removed no later than one (1) week following the hearing or continued hearing.

*Regular meeting* means any regularly scheduled or special call meeting of the Council or 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 which 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 shall participate 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 (2) or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future, of sale or of building development. 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 (1) 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, 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 ten (10) days of the Commission's action and notification to the applicant. After public hearing, the Council, upon two-thirds ( $\frac{2}{3}$ ) favorable vote of its entire membership, may

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approve the plat of the subdivision or take other action 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) 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) 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

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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.

(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 twelve (12) months only.

(d) The last step is for the subdivider to submit the final plat to the Commission. The final plat must correspond in every significant respect with the preliminary plat as previously approved. The Commission shall review the final plat at a regular meeting and advise the Council of its recommendations. 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.**

(a) To defray the costs and expenses of administrative procedures, there shall be paid to the City Treasurer at the time of submission of the preliminary plat a fee of three hundred dollars (\$300.00) plus one hundred dollars (\$100.00) per lot.

(b) Applicants for subdivision approval, including plat amendments, shall also pay for planning and engineering review services, attorney and consultant fees and other costs and expenses incurred by the City and made necessary as a result of said application. An initial deposit into a non-interest-bearing escrow account held by the City shall be made at the time the preliminary or amended plat application is filed with the City. The amount of this initial deposit shall be one thousand dollars (\$1,000.00) plus one

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hundred dollars (\$100.00) per lot. The City shall have the right and authority to make disbursements from said escrow account at its sole discretion for planning and engineering review services, attorney and consultant fees and other costs and expenses incurred with regard to said application. Any balances remaining in the escrow account following approval, denial or withdrawal of said application shall be returned to the applicant without interest. In the event said funds are exhausted before final disposition of said application, the applicant shall make a supplemental deposit to said escrow account in a reasonable amount to cover future costs and expenses, as determined by the City Manager, based on past expenditures. Failure to make necessary supplemental deposits shall cause the application process to cease until the required deposits are made. The City Manager, with cause, may reduce the amount of the initial escrow deposit; however, the applicant shall remain responsible for the actual cost of the planning and engineering review services and other consultant fees, including, without limitation, legal fees and other costs and expenses incurred by the City. If the City incurs costs and expenses beyond the amount deposited with the City and the applicant does not pay those costs and expenses within ten (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 property that is the subject of the application, 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 foreclosed upon in accordance with applicable state laws. 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.

(c) The subdivider shall pay a fee of ten dollars (\$10.00) per page for County filing fees. This fee may be paid after approval of the final plat. (Prior code 7-3-2; Ord. 3, 1985; Ord. 1, 1994; Ord. 8, 1998; Ord. 9 §1, 2003; Ord. 7 §29, 2004)

### **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 City's Master Plan and Parks and Trails Sub-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 (7.5%) 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 City's Master Plan and Parks and Trails Sub-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 provision shall be used to provide, improve and maintain open space, parks, trails and other recreational amenities for the benefit of all residents of the City. In addition, every subdivider shall pay to the City a development fee of five thousand five hundred dollars (\$5,500.00) for each lot included in the proposed subdivision.

(b) Such development fees shall be devoted to the development of open space, parks and trails as contemplated by the City's Master Plan and Parks and Trails Sub-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.

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(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 per contract. 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 of this Chapter, 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 the plan. The Commission shall respond to applicant within a period of sixty (60) days. (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 Commission the preliminary plat reflecting such information and in the form required by Section 17-4-40 of this Chapter. The 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 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) Telephone.

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(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.

(1) 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. 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 two hundred (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 one-hundred-year floodplain.

(2) The floodplain development plan must show to the satisfaction of the Council that all lots, any part of which falls within the one-hundred-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 or regulations approved by the Council.

(e) 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 tract 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.

(f) Written notice of the forthcoming Commission hearing at which the plat will be considered shall be given at least ten (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 five hundred (500) feet of any portion of the proposed subdivision, and a certificate of mailing shall be filed with the City Clerk. 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. 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. (Prior code 7-3-5-1; Ord. 9 §1, 2003)

### **Sec. 17-3-120. Action required by Commission.**

(a) Distribution: The chairman of the Commission shall submit the preliminary plat to such of the following agencies, and to other agencies as he deems appropriate, with a request for prompt return of comments and recommendations.

(1) Public Works Director.

(2) Fire District.

(3) Park and Recreation District.

(4) Arapahoe County.

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- (5) Denver County.
- (6) Adjacent municipalities.
- (7) Water and/or Sanitation District.
- (8) Telephone company.
- (9) Gas and electric company.
- (10) Ditch company.
- (11) Tri-County Health.
- (12) Colorado Department of Public Health and Environment.
- (13) State Engineer regarding water wells.
- (14) Colorado Department of Transportation.
- (15) City Police Department.
- (16) School district.
- (17) Parks, Trails and Recreation Commission.

(b) Failure of a reviewing agency to forward its comments to the City within twenty (20) calendar days after receiving a plat may be interpreted to indicate there are no objections to said plat.

(c) Public hearing. The Chairman of the Commission shall schedule a public hearing of the Commission to consider the proposed subdivision. Notice of this date shall be given to the subdivider at least fifteen (15) days in advance of the hearing.

(d) Following the hearing referred to in the preceding Subsection, the Commission shall respond to the subdivider within sixty (60) days. When the preliminary plat has been given approval or conditional approval by the Commission, it shall be sent to the Council and the subdivider shall be informed by the Commission. (Prior code 7-3-5-2; Ord. 9 §1, 2003; Ord. 02 §2, 2006)

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

(a) Following a public hearing, the Council shall consider the preliminary plat submittal and the recommendations of the Commission. The Council may approve, conditionally approve or disapprove the preliminary plat. The subdivider and the Commission shall be informed of the action taken.

(b) Approval of a preliminary plat shall be effective for a period of twelve (12) consecutive months. Twelve-month extensions may be granted by the Planning and Zoning Commission. The extension may be for an unlimited number of twelve-month periods. If a preliminary plat extension is not granted, a new preliminary plat must again be submitted before action may be taken on a final plat. Any fees that have previously been paid are forfeited. (Prior code 7-3-5-3; Ord. 9 §1, 2003)

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*Division 3  
Final Plat and Submittal*

**Sec. 17-3-210. Requirements for subdivider.**

(a) Within the time limits prescribed in Section 17-3-130 above following approval of the preliminary plat, the subdivider shall submit to the Commission 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) The subdivider shall also submit the following where appropriate:

(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 which 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 (2) sets of pavement design computations in accordance with Section 17-4-30 below.

(10) One (1) sepia with approved house numbers and two (2) prints of the same. (Prior code 7-3-6-1)

**Sec. 17-3-220. Action required by Commission.**

(a) The Commission shall seek such comments on the final plat submittal from such other governmental units, utilities, service companies or consultants as it deems appropriate. The Commission may request from the City Attorney and City Engineer their written opinions as to the legal and engineering sufficiency of the final plat submittal.

(b) The Commission shall, at a regular meeting, review the final plat submittal and whatever information is obtained pursuant to Subsection (a) and Section 17-3-210 above.

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(c) Following the meeting referred to in Subsection (b) above, the Commission shall respond to the subdivider within sixty (60) days. When the final plat has been given approval or conditional approval by the Commission, it shall be sent to the Council and the subdivider shall be informed by the Commission. (Prior code 7-3-6-2)

### **Sec. 17-3-230. Action required by Council.**

(a) The final plat submittal, along with the recommendations of the Commission, shall be presented at a regular meeting of the Council, after which the subdivider shall be informed of its decision.

(b) Following the approval of the final plat by the Council, the plat shall be signed by the Mayor and the chairman 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. All costs of recording shall be paid by the applicant.

(c) Any conditional or final approval of a final plat by the Council shall be effective for a period of twelve (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 forfeited. 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. For good cause shown, the Council may grant an applicant a twelve-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. Definition of minor subdivision and minor amendment.**

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

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

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

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

(1) Does not relocate previously established lot lines;

(2) Does not result in a lot consolidation or minor lot adjustment (as defined in Section 17-6-20 of this Chapter); 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. (Ord. 2, 2002; Ord. 2 §1, 2010)

### Sec. 17-3-330. Application fee.

To defray the costs and expenses of administrative procedures, the fee for a minor subdivision or amended plat application shall be one hundred fifty dollars (\$150.00). In addition to the application fee, applications for minor subdivisions or amended plats must comply with the escrow deposit requirements of Subsection 17-3-20(b) of this Article and the land dedication or cash payment requirements of Section 17-3-30 Article. (Ord. 2, 2002; Ord. 7 §31, 2004; Ord. 2 §1, 2010)

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

(a) The contents of the minor subdivision plat or amended plat and the application for approval are the same as the contents and application for a final plat contained in Article IV of this 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.

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(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.

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(2) Current commitment for title insurance required by Paragraph 17-3-210(b)(1) of this Article 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 Recorded evidencing that the applicant is the owner of record of the property.

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

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

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

(4) Additional information deemed necessary for the City to evaluate the proposed application or plat. (Ord. 2, 2002; Ord. 2 §1, 2010)

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

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

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(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) 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) 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.

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(3) Fire hydrants. As required according to City or Fire District specifications.

(4) Site and street grading. As required by City specifications.

(c) 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 (telephone, 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 Commission setting forth the extent of the requested variance supported with reasons for the request.

(b) Time and place of regular meeting. The Commission shall, upon receipt of such application, arrange a time for meeting and notify the applicant of the time and place of meeting. This meeting shall be concurrent with a public hearing on the preliminary plat.

(c) Commission response. Following the meeting referred to in Subsection (b) above, the Commission shall respond to the subdivider within sixty (60) days. When the application for a variance has been given a recommendation for approval or conditional approval by the Commission, it shall be sent to the Council and the subdivider shall be informed by the Commission.

(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

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(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 for a lot that is not lawful under the provisions of Section 16-14-10 of this Code. In no case shall any variance, modification or waiver be more than a minimum change in requirements and, except for a variance of the minimum lot area and, upon the grant of a minimum lot area variance, the minimum yard requirements, in no case shall it be in conflict with Chapter 16 of this Code or objectives of the City's Master Plan.

(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. The subdivider and the Commission shall be informed of the action taken. In granting variances, modifications or waivers, the Council may require such conditions which 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)

### ARTICLE IV

#### Improvement and Plat Requirements

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

(a) 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, repairs and a time schedule for their completion.

(b) 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.

(c) 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.

(d) 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 (1) 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

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other public improvement plus a reasonable amount for contingencies, which shall be no less than ten percent (10%) 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.

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) 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 (2) 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) 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

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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 thirty (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.**

Pursuant to and in the manner provided by law, there is hereby adopted by reference Article VI (sometimes designated as "Appendix A"), "Engineering Criteria," and Article VII (sometimes designated as "Appendix B"), "Construction Criteria," of "Regulations for the Subdivision of Land for Arapahoe County, Colorado," officially approved August 29, 1972, by the Board of County Commissioners, of which one (1) copy is now filed in the office of the City Clerk and may be inspected during regular business hours, the same being adopted as if set out at length save and except:

(1) Rules of construction. In the above referred to Articles VI and VII, substitute the word "City" for all of the following words wherever they occur therein: "Arapahoe County," "Board of County Commissioners," "County Commissioners," "County," "Regulating Agency," "Regulating Authority," "County Engineer," "County Engineer's office," "The Engineer," "Engineer and Traffic Engineer," and Arapahoe County Sheriff.

(2) Deletions in their entirety: Section 1.4.6 of Article VI; Section 1.4.1 of Article VII; Section 5 of Article VII; Section 10.7.1 of Article VII; and Section 10.7.4 of Article VII.

(3) Construction criteria relating to asphalt paving shall be based upon requirements of Information Series No. 139 and Manual Series No. (MS-1) prepared by the Asphalt Institute, as may be amended from time to time. (Ord. 2, 1979; prior code 7-4-3; Ord. 9 §1, 2003)

### **Sec. 17-4-40. Table of plat requirements.**

The plats submitted shall contain the following information:

Sketch   Preliminary   Final

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1. Sheet size 24" x 36".			
Original on film or linen (final only).			1
Copies - number required.	10	24	20



	<u>Sketch</u>	<u>Preliminary</u>	<u>Final</u>
2. Proposed name of subdivision.	x	x	x
3. Names and addresses of:			
a. Subdivider;	x	x	x
b. Owners;		x	x
c. Land planner;	x	x	
d. Registered land surveyor in the State of Colorado.		x	x
4. North point and date of preparation.	x	x	x
5. Scale, written and graphic, 1" = 50' or 1" = 100'.	x	x	x
6. Vicinity map showing major land use divisions, street and major drainage features for at least one-fourth (1/4) mile on all sides of proposed subdivision located in relation to governmental section lines.	x	x	x
7. Indication of existing zoning.	x	x	
8. A key or index shall be on the first page if the plat consists of more than one page.		x	x
9. Legal description of subdivision.		x	x
10. 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, recreation easements.	x	x	
11. Boundary lines of the subdivision in a heavy solid line.	x	x	x
12. Topographic contouring by a registered land surveyor or engineer:			
a. Existing topography, with 10-foot interval covering subdivision and one-fourth (1/4) mile in all directions;	x		
b. Existing topography and a grading plan, with 2-foot interval covering subdivision and 100 feet in all directions.		x	
13. Drainage channels, wooded areas and other significant natural features within the tract or at least 100 feet immediately adjacent thereto.	x	x	x

	<u>Sketch</u>	<u>Preliminary</u>	<u>Final</u>
14. Boundary of existing 100-year floodplain, if applicable.	x	x	
15. Lines depicting any proposed modifications to drainage channels or floodplains.	x	x	x
16. General land plan reflecting land use divisions, including residential, streets, recreational easements and other significant features.	x		
17. Specific land plan for site and at least 100 feet adjacent thereto reflecting existing and proposed lot and property boundaries, streets, utility lines, drainage structures with easements and dedications, all significant dimensions to nearest foot; show the square footage within each lot.		x	
18. A preliminary layout map showing the method of moving storm water through the subdivision will be needed. This map should also show runoff concentrations in acres of drainage area on each street entering each intersection. (This may be combined with topographic map.) Flow arrows should clearly show the complete runoff flow pattern:		x	
a. Details of ditch and culvert;			
b. Calculations of projected quantity of storm water entering subdivision naturally from area outside of subdivision;			
c. Quantities of flow from each pickup point;			
d. Location, size and grades of required culverts, drain inlets and storm drainage sewers;			
e. Details of on-site retention of storm water if required by City.			
19. Specific land plan, fully surveyed, reflecting exact location of all boundaries, streets, recreational easements, utility easements, public areas and any other proposed divisions.			x

	<u>Sketch</u>	<u>Preliminary</u>	<u>Final</u>
<p>20. Subdivision boundary and interior streets: An accurate and complete boundary survey and survey of interior street lines shall be made of the land to be subdivided. A traverse of the exterior boundaries and interior streets of the tract, and of each block, when computed from field measurements on the ground, must close within a limit of 1 foot to 10,000 feet of perimeter. The boundary of the subdivision shall be clearly indicated on the final plat. All lines shown on the plat which do not constitute a part of the subdivision shall be dashed. Any area enclosed by the subdivision, but not a part thereof, shall be labeled "<i>Not a part of this subdivision.</i>" Adjacent subdivisions shall be identified by official names.</p>			x
<p>21. Dimensions, bearing or angles, curve data: The final plat shall show all survey and mathematical information and data necessary to locate all monuments and to locate and retrace any and all interior and exterior boundary lines appearing thereon, including bearings or angles, continued with distances and deflection angles for all circular curves. Where, under unusual circumstances, curves other than circular are used, the final plat must indicate type of curve and all pertinent data.</p>			x
<p>22. Lots and blocks: All lots and blocks and all parcels offered for dedication for any purpose shall be particularly delineated and designated with all dimensions, boundaries and courses clearly shown and defined in every case. Parcels offered for dedication, other than for streets or easements, shall be designated by letter or number which shall be explained on the map. Sufficient linear, angular and curve data shall be shown to determine readily the bearing and length of the boundary lines of every block, lot and parcel which is part thereof. All lots and wherever practicable, blocks, in their entirety shall be shown on one sheet. No ditto marks shall be used for lot dimensions. All lots and blocks shall be numbered systematically.</p>			x

	<u>Sketch</u>	<u>Preliminary</u>	<u>Final</u>
23. Streets: The plat shall show the right-of-way lines and names of each street, the width of any portion being dedicated and widths of any existing dedications. The widths, locations and names of adjacent streets and other public properties within 50 feet of the subdivisions shall be shown. If any street in the subdivision is a continuation of an existing street, the conformity or the amount of nonconformity of such street, to such existing streets shall be accurately shown. Whenever the centerline of a street has been established or recorded, the data shall be shown on the final plat.			x
24. Easements: The sidelines of all easements, including easements for utilities and drainage, shall be shown by fine-dashed lines. If any easements already of record cannot be definitely located, a statement of the existence, the nature thereof and its recorded reference must appear on the title sheet. Distances and bearings on the sidelines of lots which are cut by easements must be arrowed or so shown that the plat will indicate clearly the actual length of the lot lines. The widths of all easements and sufficient ties thereto to definitely locate the same with respect to the subdivision must be shown. All easements must be clearly labeled and identified. If an easement shown on the plat is already of record, its recorded reference must be given. If an easement is being dedicated by the plat, it shall be set out in the owner's certificate of dedication and dedicated to the City.			x
25. Building setback line: The plat shall show building setback lines by long thin dash lines.		x	
26. The location and description of all section corners and permanent survey monuments in or near the tract, to at least one of which the subdivision shall be referenced.			x
27. Owner's and mortgagee's certificate and dedication, signed.			x
28. Surveyor's certificate of survey, signed and with seal, and the date of the survey.		x	x
29. Title certificate.			x
30. Street maintenance agreement, if applicable.			x

	<u>Sketch</u>	<u>Preliminary</u>	<u>Final</u>
31. Street lighting agreement, if applicable.			x
32. Certificates of Planning and Zoning Commission approval.			x
33. Certificate of the City's acceptance of ways, easements and public land dedications.			x
34. County Clerk and Recorder's certificate.			x
35. City Attorney's and City Engineer's written opinions on legal and engineering sufficiency of plat when applicable.			x
36. Subdivider's written agreement on public and/or private improvements and assurance of financial capability.			x
37. Agreement in summary or outline form required by Sections 17-4-10 and 17-4-20 of this Chapter relating to public improvements.		x	
38. Documentary evidence of water supply, sewage disposal, electricity, gas, storm drainage, telephone.		x	
39. Floodplain development plan consisting of map and supporting data.		x	
40. Letter addressing land dedication requirements outlining how subdivider proposes to meet 10% requirement.		x	
41. In the event cash in lieu of land is required, documentation substantiating fair market value shall be provided.			x
42. 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.			x
43. Treasurer's certificate of taxes, reflecting that taxes are not delinquent.			x
44. A general warranty deed which 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.			x
45. Certified check representing amount in lieu of land donation required of subdivider pursuant to Section 17-3-30 of this Chapter.			x



	<u>Sketch</u>	<u>Preliminary</u>	<u>Final</u>
46. Attorney's certificate.			x
47. Proof satisfactory to the Commission that all essential services, as specified in Subsection 17-3-110(c) of this Chapter, will be provided to the subdivision.			x
48. Street profiles in accordance with Section 17-4-30 of this Article.			x
49. Two sets of pavement design computations in accordance with Section 17-4-30 of this Article.			x
50. One sepia with approved house numbers and two prints of same.			x

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

**Sec. 17-4-50. Certificates required.**

Certificates required to appear on the final plat of a subdivision shall be in form substantially as set forth herein:

- (1) Certificate of dedication and ownership:

*Know all men by these presents, that the undersigned, hereby certify that they are all of the Owner(s), Mortgagee(s) and Lienholder(s) of certain lands in the City of Cherry Hills Village, Arapahoe County, Colorado, described as follows:*

*Beginning \_\_\_\_\_ etc., containing \_\_\_\_\_ acres, more or less. The undersigned have by these presents laid out, platted and subdivided the same into lots, blocks and tracts, as shown on this plat, under the name and style of \_\_\_\_\_ and do hereby dedicate to the City of Cherry Hills Village for public use the public ways shown hereon, including but not limited to, streets, roads, drives and lanes; the public lands shown hereon for their indicated public use; and the recreational trails shown hereon for non-motorized, recreational use by the public in the manner similar to other public trails throughout the City of Cherry Hills Village, subject to the applicable laws and ordinances of the City of Cherry Hills Village, and for use by vehicles appropriate for the maintenance of the trail easements by the City or its contractors. The undersigned hereby further dedicate to the City of Cherry Hills Village the utility easements shown hereon for utility purposes only. The undersigned hereby further dedicate to the City of Cherry Hills Village all drainage easements shown hereon for drainage purposes only.*

*The undersigned hereby further dedicate to the public utilities the right to install, maintain and operate mains, transmission lines, service lines and appurtenances to provide such utility services within this subdivision of property contiguous*

thereto, under, along and across public ways, including but not limited to, roads, streets, lanes and drives as shown hereon, and also under, along and across utility easements as shown hereon.

The lands comprising this subdivision are subject to certain covenants which are recorded in Book \_\_\_\_\_ at Page \_\_\_\_\_, of the records of Arapahoe County, Colorado.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Owner(s):

\_\_\_\_\_  
Mortgagee(s) and Lienholder(s):

State of Colorado,        )  
  ) ss.  
County of Arapahoe        )

The foregoing dedication was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_.

Witness my hand and seal.

My commission expires \_\_\_\_\_.

(2) Surveying certificate:

I, \_\_\_\_\_, a Registered Professional Land Surveyor in the State of Colorado, do hereby certify that the survey represented by this plat was made under my supervision and the monuments shown thereon actually exist and this plat accurately represents said survey.

\_\_\_\_\_  
Registered Land Surveyor

(3) Title certificate:

I, \_\_\_\_\_, an attorney licensed to practice law in the State of Colorado, certify that I have examined title to the above-described land dedication to the City of Cherry Hills Village, and that the party(ies) executing the dedication have merchantable title to the above-described real property and are well seized of the property dedicated by this plat and have good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple and have good right, full power and lawful authority to dedicate the same in manner and form as aforesaid, and that same is free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature except those of record and acceptable to the City.

By \_\_\_\_\_  
Attorney at Law

Or, in the alternative:

*Title Certificate:*

*I, \_\_\_\_\_, as authorized agent for \_\_\_\_\_ Title Company, and having the power and authority to legally bind \_\_\_\_\_ Title Company with respect to the certification made herein, hereby certify that I have examined title to the above-described land dedication to the City of Cherry Hills Village, and that the party(ies) executing the dedication have merchantable title to the above-described real property and are well seized of the property dedicated by this plat and have good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple and have good right, full power and lawful authority to dedicate the same in manner and form as aforesaid, and that same is free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature except those of record and acceptable to the City.*

By \_\_\_\_\_  
Agent  
Title Company

(4) Planning and Zoning Commission approval:

*This plat was recommended for approval by the City of Cherry Hills Village Planning and Zoning Commission this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.*

By \_\_\_\_\_  
Chairman

(5) Standard plat notes:

*1. Street maintenance: It is mutually understood and agreed by the subdivider and the City of Cherry Hills Village that the dedicated public ways, including but not limited to streets, roads, lanes and drives, shown on this plat will not be accepted finally for maintenance by the City until and unless the owner(s) constructs the same in accordance with the subdivision agreement, if any, and subdivision regulations in effect at the date of the recording of this plat and approval of the City has issued to that effect.*

*2. Covenant concerning maintenance of drainage facilities: The owner(s), its legal representatives, heirs, executors, administrators, successors in interest and assigns shall be jointly and severally liable and responsible for maintaining the structural integrity and operational functions of all drainage facilities located on the property shown hereon unless otherwise specified herein including, but not limited to, private drainage facilities other than easements and public and private drainage easements. The benefits and burdens described in this covenant shall run with the land and bind the present owner(s), its successors and assigns.*

(6) Street lighting (optional):

*All lots are subject to and bound by tariffs which are now and may in the future be filed with the Public Utilities Commission of the State of Colorado relating to street lighting in this subdivision, together with rates, rules and regulations therein provided and subject to all future amendments and changes thereto. The owner or owners shall pay, as billed, a portion of the cost of public street lighting in the subdivision according to \_\_\_\_\_ rates, rules and regulations, including future amendments and changes on file with the Public Utilities Commission of the State of Colorado.*

(7) City approval:

*This plat is approved for filing and the City hereby accepts the dedication of the public ways shown hereon, including, but not limited to, the streets, roads, drives and lanes for public use subject to the provisions contained in the Street Maintenance note herein, the dedication of public lands shown hereon, and the dedication of the utility easements, drainage easements and recreational trails shown hereon.*

Signed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

*City of Cherry Hills Village*

By \_\_\_\_\_  
Mayor

(8) Recorder's certificate:

*This plat was filed for record in the office of the County Clerk and Recorder of Arapahoe County at \_\_\_\_m. on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, in Book \_\_\_\_\_, Page \_\_\_\_\_, Map \_\_\_\_\_, Reception number \_\_\_\_\_.*

*Arapahoe County Clerk and Recorder*

By \_\_\_\_\_  
Deputy

(9) Standard notes:

*1. Maintenance of drainage facilities: The owner(s) in possession shall be responsible for maintaining the structural integrity and operational functions of all drainage facilities located thereon. If at any time, following certification of said drainage facilities, the City deems that said drainage facilities no longer comply with the approved plans, the owner(s) in possession shall restore such facilities to the standards and specifications as shown on the approved drainage plans. Failure to maintain the structural integrity and operational function of said drainage facilities following certification will result in the City notifying all*

*property owners whose property contributes to the facility 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 drainage facility is not subsequently brought into compliance with the approved drainage plans by the owner(s) in possession, or an emergency situation exists, the City may enter onto the property, cause the necessary work to be performed and file a lien against all properties contributing to the drainage facility.*

(Ord. 2, 1979; prior code 7-4-5; Ord. 1, 2000; Ord. 9 §1, 2003)

## **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 one hundred twenty-five (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 eight hundred (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 one hundred (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 fifty-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 (10) 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.**

Utilities (telephone, electric services and gas lines) shall be installed underground and shall be in place prior to street surfacing. Aboveground facilities necessarily appurtenant to underground facilities or other installation or peripheral overhead electrical transmission and distribution feeder lines, or other installation of either temporary or peripheral overhead communications, distance, trunk or feeder lines, may be above ground. (Ord. 2, 1979; prior code 7-5-5)

**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 for the stated purposes which will 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

#### 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. Definitions.

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

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

- a. The proposal consolidates property owned by the applicant only;
- b. The proposal consolidates or combines two (2) or more contiguous lots into a fewer number of lots by the elimination of one (1) or more lot lines;
- c. The proposal does not relocate previously established lot lines;
- d. The proposal does not consolidate or combine property into a lot that would be divided by a public street or road; and
- e. 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.

*Minor lot adjustment* means any proposal and application that is determined by the City to meet all of the following criteria:

- a. The proposal adjusts, reconfigures or otherwise relocates a lot line dividing properties owned by the applicant only;
- b. The proposal does not alter or affect any public street, road, trail or other publicly owned property or publicly owned property interest; and

c. 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. (Prior code 7-6-2; Ord. 3, 2001; Ord. 9 §1, 2003)

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

All applications subject to administrative processing in accordance with this Article shall meet all the submittal, material and information requirements of this Section. The applicant shall submit to the City one (1) original and five (5) copies of all documents. The City may request additional copies of documents larger than eight and one-half (8½) by eleven (11) inches where necessary to provide sufficient documentation for unanticipated referrals. All submittals, materials and information required by this Article for the processing of a lot consolidation or minor lot adjustment shall be prepared at the applicant's cost and expense. The application and plat shall include:

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

(2) Payment of an application fee for administrative review and processing of one hundred fifty dollars (\$150.00). In addition, the applicant shall deposit with the City an amount of one thousand dollars (\$1,000.00) to be applied toward the applicant's payment of the planning and engineering review services, attorney review fees, plat recordation fees and other costs and expenses incurred by the City and made necessary as a result of the application. The deposit shall be administered in accordance with the provisions of Subsection 17-3-20(b) of this Chapter.

(3) A current commitment for title insurance showing the ownership of the property described in the application, together with liens, encumbrances and restrictions thereon, if any, prepared by a Colorado title insurance company.

(4) A survey plat prepared by a registered Colorado land surveyor in a sheet size of twenty-four (24) inches by thirty-six (36) inches with the original on Mylar illustrating or including the following information:

a. The lots proposed for consolidation or adjustment with clearly identified surveyed boundaries of the new lots and an identifying block and lot number sufficient to identify the new lots. Permanent boundary monuments and bench marks shall be set in the field in accordance with applicable law before the plat is recorded.

b. A complete and sufficient legal description of the proposed new lots.

c. The title of the plat shall prominently identify the name of the recorded subdivision in which the lots are located together with the phrase "Lot Consolidation" or "Minor Lot Adjustment," as applicable.

d. Identification of all easements, including but not limited to easements for water, sewer, electric, telephone, cable, trail, recreation, access and drainage, encumbering the property described on the plat or necessary to provide services to the lots affected by the application.

e. A plat note stating:

1. For a lot consolidation:

*This Lot Consolidation is for the purpose of combining former lots [insert legal descriptions] of the [name of recorded subdivision]] into [insert number of new lots to be created] lots to be known as [identify new lot and block designations]. Other than this consolidation and the creation of new easements, if any, identified on this plat, no other amendment or modification of the final plat for the [identify original recorded plat title] is intended by this Lot Consolidation.*

2. For a minor lot adjustment:

*This Minor Lot Adjustment is for the purpose of adjusting, reconfiguring or otherwise relocating a lot line dividing Lots [insert lot and block designations] of the [name of recorded subdivision]. Other than the lot line adjustment identified on this plat and the creation of new easements, if any, as identified on this plat, no other amendment or modification of the final plat for the [identify original recorded plat title] is intended by this Minor Lot Adjustment.*

f. A surveyor's certificate identified in Subsection 17-4-50(2) of this Chapter.

g. A certificate of ownership and dedication stating:

*Know all men by this presents, that the undersigned hereby certifies/certify that he/she/they is/are all of the Owners of the lands described in this plat in the City of Cherry Hills Village, Arapahoe County, Colorado, and hereby dedicates/dedicate to the City of Cherry Hills Village, Colorado, the utility and other easements shown hereon, if any.*

Executed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Owner(s): \_\_\_\_\_  
\_\_\_\_\_

State of Colorado,            )  
  ) ss.  
County of Arapahoe         )

*The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by \_\_\_\_\_.*

*Witness my hand and official seal.*

*My commission expires: \_\_\_\_\_.*



unused and unnecessary utility easements encumbering the lots within the platted area. (Prior code 7-6-3; Ord. 3, 2001; Ord. 9 §1, 2003; Ord. 7 §32, 2004)

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

All applications subject to this Article shall be administratively reviewed by the City without notice or a public hearing and may be approved by the City in accordance with this Article. Following proper submission of an application and plat, the City shall determine whether the application and plat are complete as required by this Article. Following receipt of a completed application and plat, the City shall reach a final decision concerning the application within fifteen (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 City. Unless otherwise extended, a failure by the City to reach a final decision within fifteen (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 by the City where the City 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, in the opinion of the City, 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, in the opinion of the City, 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. City's decision and appeal.**

(a) Upon a finding by the City that the application and plat meet the standards for approval set forth in Section 17-6-50 above, the City shall cause a fully executed plat to be recorded with the County Clerk and Recorder at the applicant's expense.

(b) The City 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. The applicant may appeal a denial by the City to the Planning and Zoning Commission by delivering a written request for appeal to the City Manager not more than thirty (30) days following the date of the applicant's receipt of the City's written notice of denial. 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 City'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 City's decision and order the City to approve the application and plat. In the event that the Commission orders the City to approve the application and plat, the City 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 City 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. (Prior code 7-6-7; Ord. 3, 2001)