

**CITY OF LEADVILLE, COLORADO
ORDINANCE NO. 11
SERIES OF 2022**

**AN ORDINANCE ADDING A NEW CHAPTER 16.22 TO AND AMENDING CHAPTER
16.28 OF TITLE 16 OF THE LEADVILLE MUNICIPAL CODE CONCERNING
SUBDIVISION REGULATIONS FOR TOWNHOUSE, CONDOMINIUM, AND
BUILDING FOOTPRINT LOT SUBDIVISIONS**

WHEREAS, the City of Leadville (“City”) previously adopted subdivision regulations, codified in Title 16 of the Leadville Municipal Code (“Code”), pursuant to Article 23 of Title 31 of the Colorado Revised Statutes; and

WHEREAS, the City desires to amend its subdivision regulations to add a new Chapter 16.22 concerning the procedure for approval of townhouse, condominium, and building footprint lot subdivisions and amending Chapter 16.28 to include the application review procedures for such subdivision applications; and

WHEREAS, the adoption of the townhouse, condominium, and building footprint lot subdivision regulations set forth in this Ordinance will promote better access to housing by allowing the buyers of such townhouse, condominium, and building footprint lot units to be eligible for traditional single-family home loans and lower interest rates and by providing an expedited administrative process for the approval of such applications; and

WHEREAS, the City Council finds that adoption of this Ordinance is in the best interests of the public health, safety, and welfare.

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

Section 1. Recitals Incorporated. The recitals contained above are incorporated herein by reference and are adopted as findings and determinations of the City Council.

Section 2. Chapter 16.22 Added. Title 16 of the Leadville Municipal Code is hereby amended to add a new Chapter 16.22, titled “Subdivision Processes and Application Requirements—Townhouse, Condominium, and Building Footprint Lot Subdivisions,” to read in full as follows:

16.22.010 Purpose and applicability.

The purpose of this chapter is to establish an administrative subdivision process applicable to proposals to subdivide structures consisting of townhouses, condominiums, and building footprint lots. This chapter is intended to provide for the efficient processing of townhouse subdivision, condominium subdivision, and building footprint lot subdivision applications without the need to undertake a formal public hearing process provided that all requirements of this chapter are satisfied.

This chapter shall apply to all new townhouse subdivisions, condominium subdivisions, and building footprint lot subdivisions.

16.22.010 - Definitions.

"Building footprint lot" means a lot whose boundaries approximate the exterior walls of the lot's unit where the unit is located in a multi-unit structure and all owners of units in the multi-unit structure have an undivided interest in the common elements of the property. The boundaries of a building footprint lot may include patios, porches, yards, or similar elements of the unit that are for the sole use of the unit occupants.

"Building footprint lot subdivision" means any division of a single-unit or multi-unit structure or structures into individually owned building footprint lots for the purpose, whether immediate or future, of sale or building development.

"Condominium" means separately owned air space units of a multi-unit structure or structures where all the unit owners have an undivided interest in the common elements of the property. Generally, the units share both vertical and horizontal walls with other units. This definition is intended to be construed consistently with the definitions and provisions of the Colorado Common Interest Ownership Act, C.R.S. §§ 38-33.3-101 et seq.

"Condominium subdivision" means any division of a single-unit or multi-unit structure or structures into separate fee simple estates consisting of condominiums for the purpose, whether immediate or future, of sale or building development.

"Existing plat" means a subdivision plat that has been approved by the City in accordance with this code and has been recorded in the real property records of Lake County.

"Platted property" means a property platted on an existing plat. This term shall include properties consisting of a single platted parcel or multiple platted parcels.

"Townhouse" means separately owned units in a multi-unit structure or structures where each unit owner has a fee simple interest in the land on which the unit is built, any yard and parking space appurtenant to such unit, and any easements for ingress and egress and for installation, replacement, repair, and maintenance of utilities appurtenant to the unit. Generally, the units share only vertical walls and do not share horizontal walls with other units.

"Townhouse subdivision" means any division of a single-unit or multi-unit structure or structures into two or more fee simple estates consisting of townhouses for the purpose, whether immediate or future, of sale or building development.

"Unit" means a dwelling unit as that term is defined in chapter 17.08 of this code.

16.22.020 - Authority to seek townhouse subdivision, condominium subdivision, or building footprint lot subdivision.

An application for a townhouse subdivision, condominium subdivision, or building footprint lot subdivision may be initiated by the owner(s), or the owner's duly authorized agent, of record of a platted property on which there is a townhouse, condominium, or building footprint lot development.

16.22.030 - Review procedures.

The procedures for processing an application for a townhouse subdivision, condominium subdivision, and building footprint lot subdivision are provided in chapter 16.28 of this title.

16.22.040 - Contents of application.

All townhouse subdivision, condominium subdivision, and building footprint lot subdivision applications shall meet and include the following submittal, materials, and information requirements:

- A. An application in the form approved by the city;
- B. Payment of all required application fees and any consultant review fee deposit;
- C. Documentation of ownership, liens, and encumbrances of the platted property that is the subject of the application;
- D. A legal description and plat of the platted property proposed for townhouse subdivision, condominium subdivision, or building footprint lot subdivision prepared by a licensed registered Colorado land surveyor;
- E. After buildings have been constructed and final "as-built" surveys have been completed, the applicant shall submit the townhouse, condominium, or building footprint lot subdivision plat based on the as-built surveys.
 1. Each townhouse, condominium, or building footprint lot subdivision plat that includes lots with a lot size smaller the minimum lot size for the applicable zoning district shall include a plat note designating the type of structure permitted on such lot.
 2. Condominium plats shall show graphically and dimensionally the subdivision of buildings into volumetric spaces and the relationship of these spaces with the boundaries of the site and other appurtenances on the site. Condominium plats shall also comply with the requirements of C.R.S. §38-33.3-209, as may be amended.

3. All townhouse, condominium, and building footprint lot plats shall be approved and signed by the planning official.

F. Requirements Specific to Townhouse Subdivision Applications. In addition to the submittal requirements set forth in subsections A – E above, townhouse subdivision applications shall provide the following additional documentation:

1. A common party wall maintenance agreement that runs with the land comprising the townhouse lots, which shall be recorded in the office of the Lake County Clerk and Recorder;
2. All required parking spaces, snow storage, easements, and trash collection areas for each unit are identified on the plat; and
3. For townhouse subdivisions containing common elements, documentation showing compliance with the standards and terms of the Colorado Common Interest Ownership Act, C.R.S. § 38-33.3-201, et seq., as may be amended.

G. Requirements Specific to Condominium Subdivision Applications. In addition to the submittal requirements set forth in subsections A – E above, condominium subdivision applications shall provide the following additional documentation:

1. All required parking spaces, snow storage, and joint trash collection areas;
2. Site plan, floor plans, elevations, and sections as required to show ownership of all separate units, common elements, and limited common elements labeled as such;
3. Number, type, and floor area of units, common elements and limited common elements, delineated in square feet and fractions thereof; proposed use for each unit; land area; floor area ratio;
4. Statement of the total number of units shown on the proposed plat; and
5. Documentation showing compliance with the standards and terms of the Colorado Common Interest Ownership Act, C.R.S. § 38-33.3-201, et seq., as may be amended.

H. Requirements Specific to Building Footprint Lot Subdivision Applications. In addition to the submittal requirements set forth in subsections A – E above, building footprint lot subdivision applications shall provide the following additional documentation:

1. A common party wall maintenance agreement that runs with the land comprising the building footprint lots, which shall be recorded in the office of the Lake County Clerk and Recorder;
2. All required parking spaces, snow storage, easements, and trash collection areas for each unit are identified on the plat; and
3. Documentation showing compliance with the standards and terms of the Colorado Common Interest Ownership Act, C.R.S. § 38-33.3-201, et seq., as may be amended.

16.22.050 - Number of copies of application materials.

The applicant shall submit to the city an electronic copy and one (1) hard copy of all application materials. The planning official may request additional copies of documents larger than eight and one-half by eleven (8 ½ × 11) inches where necessary to provide sufficient documentation for referrals as needed.

16.22.060 Standards for approval.

Approval of any townhouse subdivision, condominium subdivision, or building footprint lot subdivision by the planning official shall require a finding that the applicant and the evidence presented to the planning official established all of the following:

- A. Development of the structure or structures is in accordance with the underlying zone district standards for the platted property subject to subdivision under this chapter. Lots created by the proposed townhouse, condominium, or building footprint lot subdivision may deviate from the underlying zone district standards if the structure or structures being subdivided meet the underlying zone district standards prior to submission of an application (i.e. the structure or structures being subdivided met the underlying zone district standards at the time of approval of the existing plat).
- B. Construction of the property has passed required building department inspections to ensure approved common wall construction is building code compliant and all other life safety measures are complete as required by the building code.
- C. Development of the property in accordance with the existing plat will advance the goals and objectives of this code or the Leadville comprehensive plan.
- D. The subdivision would neither interfere with nor deny access via a public thoroughfare to existing structures within the recorded plat, adjoining properties, utility services or other improvements.

- E. The subdivision would not cause undue hardship or inconvenience for any utility company, special district, neighboring landowner or tenant.
- F. The proposed subdivision substantially conforms to the goals and policies of the Leadville comprehensive plan to the extent that such goals and policies do not conflict with provisions or requirements of this code and to the extent that such goals and policies set forth requirements which are sufficiently specific to permit the planning official to decide that such subdivision meets or fails to meet such goal or policy.
- G. If a subdivision includes a lot line adjustment or lot consolidation, the planning official may refer to approval and submittal requirements of chapters 16.24 and 16.26 as needed and may require an applicant to comply with certain requirements of such chapters as determined necessary by the planning official.
- H. Utilities for a townhouse subdivision or building footprint lot subdivision shall be installed and available and each of the units shall be served by its own separate utility service lines and meters, which may include but are not limited to water, sewer, electricity and natural gas. Easements shall be provided on the recorded plat to ensure access for future maintenance and repair for each unit's utilities.

16.22.070 - Conditions for approval.

The planning official may impose reasonable conditions upon any approval which are necessary to ensure continued conformance with these standards of approval or this code, or which are necessary to protect the health, safety and welfare of the city and its residents.

16.22.080 - Effect of approval.

- A. Within thirty (30) working days of approval by the planning official, the townhouse subdivision, condominium subdivision, or building footprint lot subdivision shall be filed and recorded in the office of the Lake County clerk and recorder at the applicant's expense.
- B. No approval or conditional approval of a subdivision shall be deemed effective or finally approved until the approved plat is recorded in the real property records of Lake County.

16.22.090 - No unlawful sale of units.

No individual townhouse, condominium, or building footprint lot unit shall be sold into separate ownership until and unless a plat has been approved by the planning official based upon an "as-built" survey of the unit boundaries and such plat has been recorded in

the real property records of Lake County. A plat note on the final plat for each townhouse, condominium, or building footprint lot development shall be included to this effect.

16.22.100 - Concurrent subdivision processes.

- A. Lot Line Adjustment or Lot Consolidation. A townhouse subdivision, condominium subdivision, or building footprint lot subdivision may or may not include a corresponding lot line adjustment or a lot consolidation. Corresponding lot line adjustments or lot consolidations will be incorporated into and processed concurrently with the subdivision approval processes set forth in this chapter without the need for a separate application or process.
- B. Major or Minor Subdivisions. For properties subject to a proposed subdivision under this chapter with multiple structures, the applicant will be required, depending on the number of structures on the property, to follow the either the major or minor subdivision provisions of this title. The major and minor subdivision processes set forth in chapters 16.08 and 16.12 of this code are separate from the administrative process set forth in this chapter but may be completed concurrently with the approval processes set forth in this chapter.

Section 3. Chapter 16.28 Amended. Chapter 16.28 of the Leadville Municipal Code, titled "Application Review Procedures," is hereby amended as follows at sections 16.28.010 and 16.28.020 with ~~strikethrough text~~ showing deletions and **bold, underlined text** showing additions:

16.28.010 - Applicability and purpose.

This chapter applies to each of the following subdivision processes described in this title and is entitled "Table of Subdivision Processes."

- A. Minor Subdivision;
- B. Major Subdivision;
- C. Townhouse, Condominium, and Building Footprint Lot Subdivision;**
- ~~D.~~ Lot Consolidation;
- ~~E.~~ Plat Amendment; and
- ~~F.~~ Plat Vacation.

16.28.020 - Table of subdivision processes.

	Pre-App Meeting	Application Contents	Application Completeness Determination	Referral Agencies	Notice of Hearing	Planning Commission/ City Council:
					Public Hearings	Public Hearing
	Section 16.28.040		Section 16.28.050	Section 16.28.070	Section 16.28.080	
Minor Subdivision	R	Section 16.08.010	R	Local Agencies	R Publication	R
Major Subdivision: Sketch Plan ²	R	Section 16.12.020	R	Local Agencies	R Publication Mailing Posting	R
Major Subdivision: Preliminary Plan	R	Section 16.12.020	R	All Agencies	R Publication Mailing Posting	R
Major Subdivision: Final Plat	O	Section 16.12.020	R	Local Agencies	R Publication	R
<u>Townhouse, Condominium, and Building Footprint Lot Subdivision</u>	<u>R</u>	<u>Section 16.22.040</u>	<u>R</u>	<u>As needed</u>	<u>N/A</u>	<u>N/A</u>
Lot Consolidation	R	Section 16.24.050	O	None	N/A	N/A
Plat Amendment	R	Section 16.16.040	R	Local Agencies	R Publication Mailing	R
Plat Vacation	R	Section 16.20.040	R	Local Agencies	R Publication Mailing	R
R = Required			O = Optional at Subdivider's Request			

² Sketch Plan and Preliminary Plan processes may be combined pursuant to Section 16.12.020(B).

Section 4. Severability. Should any one or more sections or provisions of this ordinance or enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 5. Repeal. Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive

any other section or part of any ordinance or code provision heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance or code hereby repealed prior to the taking effect of this ordinance.

INTRODUCED, READ, APPROVED AND ORDERED PUBLISHED in full on first reading this 15th day of November, 2022.

CITY OF LEADVILLE, COLORADO:



Greg Labbe, Mayor



ATTEST:



Deputy City Clerk

PUBLISHED in full in The Herald Democrat, a newspaper of general circulation in the City of Leadville, Colorado, on the 24th day of November, 2022.

PASSED AND ADOPTED ON FINAL READING AND ORDERED PUBLISHED, with any amendments, this 20th day of December, 2022.

CITY OF LEADVILLE, COLORADO:



Greg Labbe, Mayor



ATTEST:



Deputy City Clerk

PUBLISHED BY TITLE ONLY, with any amendments, in The Herald Democrat, a newspaper of general circulation in the City of Leadville, Colorado, following final reading on this 20th day of December, 2022.