

ORDINANCE

**AN ORDINANCE OF THE CITY OF MANITOU SPRINGS, COLORADO, AMENDING PORTIONS OF CHAPTER 16.10 REGARDING MINOR SUBDIVISION PLAT APPROVAL**

**WHEREAS**, the City Council has determined that approval of minor subdivision plats by the planning director, in lieu of the planning commission, will help alleviate administrative time and expenses incurred in evaluating and approving such applications, and will increase efficiency through a more streamlined administrative review and approval process; and

**WHEREAS**, the City Council finds the proposed amendments are in the best interests of the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANITOU SPRINGS, COLORADO, THAT:**

**Section 1:** A new Section 16.10.040(B) of the Manitou Springs Municipal Code is hereby added to read as follows:

Not less than thirty (30) days prior to a decision by the planning director, notice of the subdivision application shall be posted in a conspicuous location on the subject property and mailed to all property owners within 200 feet of the exterior boundaries of the subject property. The posted notice shall be in a form approved by the Manitou Springs Planning Department. The written notice to property owners shall contain a summary of the subdivision application, including the property location, the owner name, a copy of the plat, a statement that the full application can be obtained from the Manitou Springs Planning Department, and a statement that written comments regarding the application must be filed with the Manitou Springs Planning Department on or before a date provided by the Manitou Springs Planning Department, which shall be prior to a decision on the minor subdivision by the planning director.

**Section 2:** Section 16.10.040(B) of the Manitou Springs Municipal Code is hereby amended to read as follows:

Unless an extension is mutually agreeable to the developer and the reviewing agency, the above agencies shall have a reasonable timeframe from the date the plat is mailed to review it and return their comments to the staff. Failure to return comments or otherwise to notify the staff shall constitute approval by the agency. The staff shall forward the collected comments to the planning director for review and a decision.

**Section 3:** Section 16.10.050 of the Manitou Springs Municipal Code is hereby repealed and reenacted as follows.

**16.10.050 – Minor subdivision—Planning department action.**

Upon the receipt of all required application submittals and consideration of the comments of other agencies, where applicable, the planning director shall approve as requested, approve with conditions, or disapprove the minor subdivision plat.

- A. Approval. If the planning director approves the minor subdivision plat, the applicant will be notified in writing. Approval of the minor subdivision plat by the planning director shall be deemed as its certification. Failure by the subdivider or his agent to submit one copy of the minor subdivision plat on suitable drafting film as approved with the notarized signatures of all owners and the surveyor within three months following its approval shall render the approval void.
- B. Approval with conditions. If the planning director approves the minor subdivision plat with conditions, the applicant will have ninety days from the date of the receipt of the letter stating the conditions to fulfill the conditions. Failure of the applicant to fulfill all conditions within the ninety-day time limitation shall render the approval void.
- C. Disapproval. The planning director shall provide notification to the applicant with all reasons for denial clearly specified in writing.
- D. Appeals. All decisions of the planning director in relation to this section may be appealed to the planning commission.
- E. Compliance. Receipt of a duly certified minor subdivision plat by the subdivider is authorization that the subdivider may proceed with the subdivision. However, no lot(s) shall be sold unless either the required improvements have been installed and accepted by the city or the installation of said improvements is a condition of sale of the subdivided lot(s).

**Section 4:** A new Section 16.10.060 of the Manitou Springs Municipal Code is hereby added to read as follows:

**16.10.060 – Minor subdivision –Planning Commission Review.**

The planning director may, in his or her discretion, refer a minor subdivision to the Planning Commission for review at a public hearing. The Planning Commission shall conduct its review under the same standards set forth for review by the planning director in Section 16.10.050, provided that the public hearing requirements and appeals process shall be as set forth in Chapter 16.40.

**Section 5:** If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

**Section 6:** The repeal or modification of any provision of Manitou Springs Municipal Code by this ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision. Each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions for enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions.

**Section 7:** This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

Passed on first reading and ordered published this 19<sup>th</sup> day of September, 2017.

/s/ Donna Kast

City Clerk, Donna Kast

A Public Hearing on this ordinance will be held at the October 3, 2017, City Council meeting. The Council Meeting will be held at 6:00 P.M. at City Hall, 606 Manitou Avenue, Manitou Springs, Colorado.

Ordinance Published: September 21, 2017 (in full)

*City's Official Website and City Hall*

Passed on second reading and adopted by Council this 3<sup>rd</sup> day of October, 2017.

/s/ Nicole Nicoletta

Mayor, Nicole Nicoletta

Attest: /s/ Donna Kast

City Clerk, Donna Kast

Ordinance Published: October 5, 2017 (in full)

*City's Official Website and City Hall*