

ORDINANCE #2008-2

AN ORDINANCE AMENDING THE TOWN OF PONCHA SPRINGS LAND USE CODE: SECTIONS 3.0 SUBDIVISIONS and SECTION 5.5 SUBMITTAL REQUIREMENTS

WHEREAS, the Board of Trustees has determined that certain applications involving the relocation of lot lines and minor changes to subdivisions are of minor consequence to the public health, safety, and welfare; and

WHEREAS, the Board of Trustees has determined that such applications cause unnecessary review burden on the Planning and Zoning Commission and Board of Trustees; and

WHEREAS, the Board of Trustees has determined that the Town staff has the capability to review and approve such minor lot line changes.

NOW THEREFORE BE IT ORDAINED, the following sections of the Land Use Code are amended:

3.0 SUBDIVISION

3.2 Minor Subdivisions

Minor subdivisions are subdivisions involving the parceling of land in cases which have minimal impact on the purpose of subdivision review and therefore do not warrant the full subdivision review procedure. ~~These applications must only submit to the Step 1 procedure.~~(Ord. #2001-9) No parcel of land shall be subdivided more than once in any 24 month period under these provisions (Ord. #2003-4).

3.2.3 MINOR SUBDIVISIONS REQUIRING ADMINISTRATIVE REVIEW:

For the following applications, the applicant need only submit for review and approval by the Town Administrator. The required submittal shall include those items listed in 5.5.1 (d) (i) and include a list of all adjacent property owners including name, parcel number, and mailing address. If the required Plat meets the requirements of this Code and other ordinances of the Town or requirements determined by the Town Administrator to protect the health, safety, and welfare, the Administrator may approve the final plat. Once approved, a Final Plat in conformance with 5.5.2 (b) (iv) shall be filed of record by the applicant with the Chaffee County Clerk and Recorder and two copies of the recorded plat shall be supplied to the Town. If deemed necessary, due to objections raised by adjoining landowners or other conflicts or problems, the Administrator may

determine that the application will be processed as a minor subdivision in accordance with Section 3.2.4 of this Code.

- (a) Adjusting boundaries between two adjacent lots provided that no additional lots are created and that neither of the resulting lots will be reduced in size to below the minimum lot size required by the zone district.**
- (b) Creating only two separate lots or interest.**
- (c) Correcting an engineering or survey error that was not foreseen at the time of original subdivision or platting.**
- (c) Combining lots into a legal building site for the purpose of sale, exchange, transfer, lease or development.**

3.2.4 MINOR SUBDIVISIONS REQUIRING PLANNING AND ZONING COMMISSION AND TOWN BOARD REVIEW:

The following applications must only submit to the Step 1 procedure. Once approved, a Final Plat in conformance with 5.5.2 (b) (iv) must be filed of record and two copies of the recorded plat and any other required attachments shall be supplied to the Town.

The subdivision of a single lot on which an existing duplex dwelling is located, or is to be constructed, into two (2) separate lots if all of the following conditions have been met:

- (i) The duplex is to be divided along a code-compliant fire-resistant common wall into two separate single-family dwelling units on separate lots. A common wall maintenance agreement shall be established and recorded to run with the land comprising the proposed duplex lots.**
- (ii) Lots are to be a minimum of 10,000 square feet before the subdivision, with a minimum frontage of 100'; and are to be located in the ER-3 residential zone. The proposed duplex lots shall be the same size, or approximately the same, and each lot shall have its own direct access to a street.**
- (iii) Utilities are available, and each of the dwelling units is served by its own separate utility service lines and meters located on its own separate lot.**

- (iv) **Except for the original primary structure comprising the dwelling units and any common and/or side-by-side or connected garages or driveway(s), all new structures, or the expansion of any existing structures, on the two new duplex lots shall be subject to the setback requirements for the zone district in which the lots are located. (Ord. #2002-21)**

PASSED AND APPROVED THIS **14th** DAY OF **January 2008**, BY THE BOARD OF TRUSTEES OF THE TOWN OF PONCHA SPRINGS, COLORADO.

/s/ _____
Mark F. Thonhoff, Mayor

Attest:

/s/ _____
Diana K. Heeney
Clerk/Treasurer

Bold = Added text
~~Strikethrough~~ = deleted text