



ORDINANCE NO. 3.96

AN ORDINANCE AMENDING ORDINANCE 3.02 ALSO KNOWN AS THE TOWN'S SUBDIVISION REGULATIONS, BY ADDING SECTION 5 OF ARTICLE III REGARDING THE DISSOLUTION OF INTERIOR LOT LINES

WHEREAS, the Town of Larkspur has previously adopted Ordinance No. 3.02 enacting subdivision regulations pursuant to Sections 31-23-214, et seq., Colorado Revised Statutes, and

WHEREAS, the Town Council has determined that it is in the best interest of the Town to provide a simplified process for eliminating interior lot lines.

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LARKSPUR AS FOLLOWS:

1. Ordinance 3.02 is hereby amended by adding Section 5 to Article III that provides as follows:

Section 5: Dissolution and Relocation of Interior Lot Lines

(A) General Provisions, Purpose and Exceptions.

Notwithstanding any other provisions of this Ordinance, an existing lot line forming the boundary between two (2) or more platted lots located within the same subdivision and having the same zoning and being under common ownership, may be eliminated or re-located through the following process. The purposes of these provisions are to encourage consolidation of lots to reduce the buildable density within the Town, to increase open areas within the Town, and to make minor changes in lot lines. Further, these provisions shall also serve to combine nonconforming lots to create conforming lots.

(B) Application Requirements.

All applications for dissolution or relocation of lot lines shall include the following:

- (1) An application for dissolution or relocation of interior lot line on an application form provided by the Town and payment

of the associated fees.

(2) A title commitment or ownership and encumbrances report current as of the date of submitting the application showing all parties with an interest in the property.

(3) A survey of the proposed land to be consolidated. Such survey shall consist of one of the following:

(a) If the original subdivision in which the applicant is requesting the dissolution of lines in has been approved within the last five (5) years, the applicant may use the subdivision plat for this requirement;

(b) All other applications must provide at a minimum an improvement location certificate within the last five (5) years; or

(c) A recorded boundary line survey of the subject property at the County Clerk and Recorder's office within the last five (5) years.

No survey or plat dated more than five (5) years prior to the date of the application shall be accepted.

(d) A certification by the Applicant, that to the best of their knowledge and belief, the lots that will exist if the application is approved meet all of the requirements for a legal lot within the zoning district in which the property is located.

(C) Requirements for Approval of Dissolution or Relocation of Lot Lines.

The following criteria shall be met by the applicant prior to approval of dissolution of lot lines in accordance with the procedures provided in this Section.

(1) The dissolution or relocation of lot line shall be titled with the same name as that of the original

subdivision, but with the suffix "Minor Amendment" added.

- (2) Proposed parcel boundaries and development shall be suitably located and sized with respect to the physical characteristics of the land and the character of the neighborhood.
- (3) A lot created by the dissolution or relocation of any lot lines in accordance with this Section cannot be re-subdivided except in compliance with a subdivision process of this Article.
- (4) Any lots to be combined are held in identical ownership at the time of the application.
- (5) Any lots to be combined are not separated by an easement, right-of-way or any other dedication to an individual or entity other than the owner of the property which easement, right-of-way or other dedication is not going to be vacated by the Town Council prior to or at the same time as the resolution of approval eliminating the lot line(s) in question is considered by the Council.
- (6) Any lots to be combined are in the same zoning district.
- (7) Any lots to be combined are part of the same underlying plat.
- (8) The overall density of the subdivision will not be increased as a result of any lot line relocation.

(D) Properties Not Eligible for Dissolution of Lot Lines.

This Section shall not apply to properties that have any one of the following conditions:

- (1) The property requires dedication or vacation of easements in order to satisfy the minimum lot requirements for building within the zoning district unless such easements are going to be vacated by the Town Council prior to or at the same time as the resolution of approval eliminating the lot line(s) in question is considered by the Council.
- (2) Dissolving the proposed line would change the location of any remaining lot lines in the subdivision.
- (3) Any parcel of land that has not been subdivided pursuant to Section 30-12-110, C.R.S., including but not limited to tract parcels of land or lots that have been illegally subdivided since the last replat of the property.
- (4) Any portion of the new lot to be created consists of a portion of an illegally subdivided lot; provided, however, that the procedure in this Section shall be available to dissolve illegally created lot lines to restore a lot to its legally platted boundaries.
- (5) The lots to be combined would require any of the following prior to obtaining a re-subdivision of the property in accordance with the other sections of Ordinance 3.02:
 - a) Drainage plan.
 - b) Wetland delineation, 404 permit determination (federal).
 - c) Floodplain verification and mitigation.
 - d) Revegetation and soil erosion plan.
 - e) Construction of public utility improvements to serve the property.

(6) Approval Process.

a) Any application under this Section shall be submitted to the Town Clerk, who shall present the matter to the Town Council. The Town Council shall review the application and either:

(1) Advise the applicant in writing that the application is incomplete or ineligible for the procedure under this Section and provide the reasons for such determination; or

(2) Approve the application.

b) If approved by the Town Council under Subsection (a), above, the resolution of approval and the map attached to the application shall be recorded at the County Clerk and Recorder's office by the Town Clerk at the expense of the applicant.

2. Severability. 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 Town Council hereby declares that it would have passed this ordinance and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.
3. Repeal. Existing ordinances or parts of ordinances covering the same matters as embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed, except that 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 hereby repealed prior to the taking effect of this ordinance.

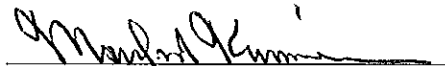
INTRODUCED, PASSED AND ADOPTED AT A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF LARKSPUR AFTER PUBLIC HEARING AND SIGNED THIS 15th DAY OF NOVEMBER 2007.

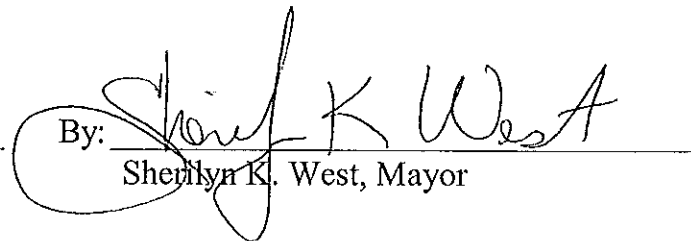
(SEAL)

Votes Approving:	<u>7</u>
Votes Opposed:	<u>0</u>
Absent:	<u>0</u>
Abstained:	<u>0</u>

ATTEST:

TOWN COUNCIL OF THE
TOWN OF LARKSPUR, COLORADO


Manfred Krimmer, Town Clerk

By: 
Sheryl K. West, Mayor