

**TOWN OF ERIE  
ORDINANCE NO. \_\_\_\_-2019**

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF  
ERIE AMENDING SECTION 10.7.7 OF THE ERIE MUNICIPAL CODE  
REGARDING ANNEXATION SUBDIVISION PLATS**

**WHEREAS**, Section 10.7.7 of the Erie Municipal Code governs subdivision plats;

**WHEREAS**, currently, Section 10.7.7 does not provide for a separate process for subdivision upon annexation; and

**WHEREAS**, the Board of Trustees finds it in the best interest of the public health, safety and welfare to amend Section 10.7.7 of the Erie Municipal Code to allow for annexation subdivision plats as provided herein.

**NOW BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF ERIE, COLORADO, THAT:**

Section 1. Section 10.7.7 of the Erie Municipal Code is hereby amended by the addition of the following new Subsection G:

**G. Procedure for Review of Annexation Subdivisions:**

1. Applicability: The procedure set forth in this subsection shall apply to subdivision plats submitted in connection with applications for annexation and initial zoning.

2. Step 1 (Pre-Application Conference): Applicable; provided, however, no separate pre-application conference is required, because any issues related to the Annexation Subdivision shall be addressed during the pre-application conference on the initial zoning for the subject property.

3. Step 2 (Development Application Submittal): Applicable. Applicant shall submit: the Annexation Subdivision Plat; the Town of Erie Land Use Application form; applicable fees; title work showing that the applicant is the owner of the property; and an ALTA survey of existing conditions.

4. Step 3 (Determination of Application Completeness): Applicable.

5. Step 4 (Neighborhood Meeting): Not applicable.

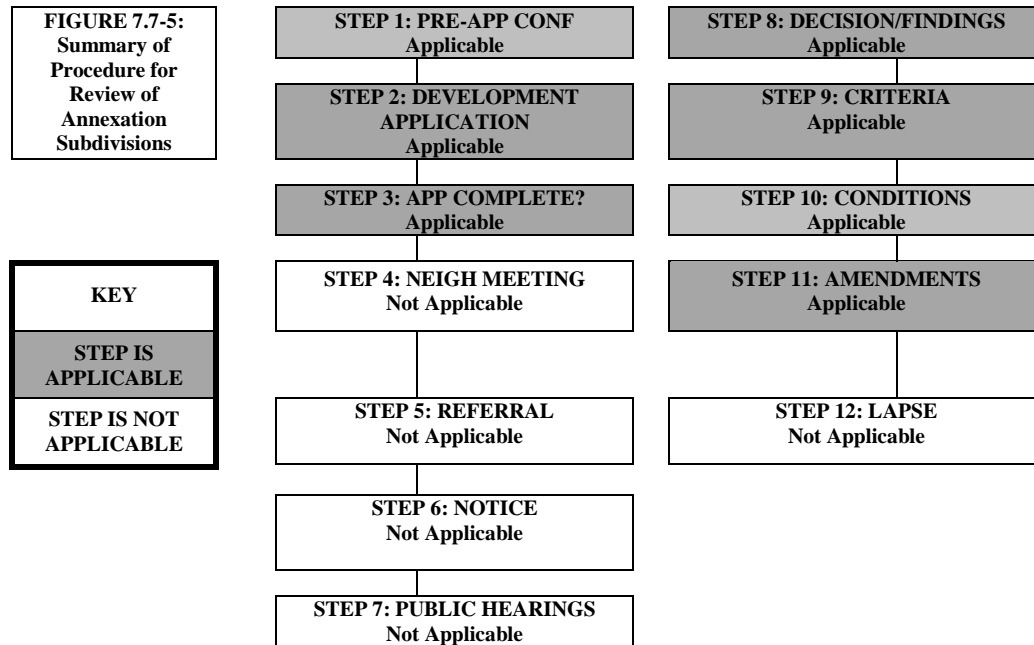
6. Step 5 (Application Referral, Review and Staff Report):

a. Application Referral (not applicable).

b. Staff Review (applicable).

- c. Staff Report (applicable).
- 7. Step 6 (Notice): Not applicable.
- 8. Step 7 (Public Hearings): Not applicable.

**FIGURE 7.7.5**  
Summary of Procedure for Annexation Subdivisions



9. Step 8 (Decision and Findings): Applicable. The following additional procedures shall apply:

- a. The Community Development Director shall review the proposed Annexation Subdivision relative to the applicable approval criteria listed below, and shall then act to approve, approve with conditions, or deny the proposed Annexation Subdivision; provided, however, the Community Development Director's final approval of the Annexation Subdivision shall be subject to the condition precedent that the Board of Trustees take final action approving and adopting an ordinance annexing the subject property.
- b. Effect of Approval: Recording: The approved Annexation Subdivision Plat shall be recorded within sixty (60) days of approval. Upon written request by the applicant or staff, the Community Development Director may grant one extension for a maximum of sixty (60) days due to unique circumstances that make it impractical to file the Annexation Subdivision Plat within sixty (60) days from approval. Annexation Subdivision Plat approval shall be null and void and shall automatically lapse if recordation does not occur within the time specified.

10. Step 9 (Approval Criteria): Applicable, as follows: The Community Development Director shall approve an Annexation Subdivision application if it meets the following criteria:

- a. The Annexation Subdivision is consistent with the Town's Comprehensive Plan;
- b. The Annexation Subdivision is consistent with and implements the intent of the Unified Development Code; and
- c. Zone district designations do not cross boundary lines of subdivided lots, parcels or tracts.

11. Step 10 (Conditions of Approval): Applicable.

12. Step 11 (Amendments): Applicable.

13. Step 12 (Lapse): Not applicable.

Section 2. Table 10.7.1-1 of the Erie Municipal Code shall be amended to include the new Annexation Subdivision process consistent with this Ordinance.

Section 3. 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 Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one, or part, or parts be declared unconstitutional or invalid.

Section 4. Safety. The Board of Trustees finds that the adoption of this Ordinance is necessary for the protection of the public health, safety and welfare.

Section 5. Effective Date. This Ordinance shall take effect 30 days after publication following adoption.

**INTRODUCED, READ, PASSED AND ORDERED PUBLISHED this 10<sup>th</sup> day of December, 2019.**

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Jennifer Carroll, Mayor

**ATTEST:**

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Joanne Salser, Deputy Town Clerk