

**ORDINANCE NO. 1**

**(Series 2018)**

**AN ORDINANCE AMENDING SECTION 17.28.040 and 17.36.020 OF THE  
GEORGETOWN MUNICIPAL CODE, CONCERNING CONDOMINIUM SUBDIVISIONS**

**WHEREAS**, the Town of Georgetown is a Colorado municipal corporation operating under a Territorial Charter and governed by its Board of Selectmen; and

**WHEREAS**, the Georgetown Board of Selectmen (“Board”) is authorized by the Territorial Charter and the Colorado Revised Statutes to enact ordinances for the preservation of the public health, safety, and welfare, including land subdivision and development; and

**WHEREAS**, in the exercise of this authority the Board of Selectmen has previously enacted Section 17.28.040 of the Georgetown Municipal Code, concerning land development activities that are exempt from the full subdivision process and procedures set forth in Title 17; and

**WHEREAS**, in the exercise of this authority the Board of Selectmen has previously enacted Section 17.36.020 of the Georgetown Municipal Code, concerning definitions and terms; and

**WHEREAS**, the Board of Selectmen wish to amend these sections to provide for condominium subdivisions.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SELECTMEN OF  
THE TOWN OF GEORGETOWN, COLORADO:**

**Section 1.** Section 17.28.040 of the Georgetown Municipal Code is hereby retitled, and subsection (a) thereof is amended by the addition of a new subsection 4 to read as follows:

**17.28.040 – Subdivision exemption**

(a)...

(4) Condominium subdivision. A condominium subdivision may be approved permitting the division of a multifamily property into separate airspace units, if all of the following conditions have been met.

- a. A condominium map is prepared in compliance with Title 38, Article 33 C.R.S. shall be submitted.
- b. Condominium declarations are prepared, in form approved by the Town, that specify the rights, obligations and limitations of condominium ownership.
- c. The proposed condominium subdivision meets all conditions of any recorded plat governing the original land subdivision, to the degree applicable.

- d. The proposed condominium subdivision can comply with the required Town platting conditions and optional conditions determined to be applicable by the Chairperson of the Planning Commission.
- e. The proposed condominium subdivision can comply with all applicable State and local codes, rules and regulations.

**Section 2.** Section 17.36.020 of the Georgetown Municipal Code is hereby amended by the addition of the following definitions, in the appropriate alphabetical order, to read as follows:

*Condominium* means a type of ownership which consists of a separate fee simple estate in an individual airspace unit of a multi-unit property, together with an undivided fee simple interest in common elements. This definition is further supported by the following terms:

- a. *Individual air space* means any enclosed room occupying all or part of a floor in a building of one (1) or more floors to be used for residential, professional, commercial or industrial purposes.
- b. *Common elements*, unless otherwise provided in the declaration or by written consent of all the condominium owners, means the land or the interest therein on which a building or buildings are located; the foundations, columns, girders, beams, supports, main walls, roofs, halls, corridors, lobbies, stairs, stairways, fire escapes, entrances and exits of such building or buildings; the basements, yards, gardens, parking area and storage spaces; the premises for lodging of custodians or persons in charge of the property; installations of central services such as power, light, gas, water, heating, refrigeration, central air conditioning and incinerating; the elevators, tanks, pumps, motors, fans, compressors, ducts and in general all apparatus and installations existing for common use; such community and commercial facilities as may be provided for in the declaration; and all other parts of the property necessary or convenient to its existence, maintenance or safety in common use.
- c. *Condominium unit* means an individual air space unit, together with the interest in the common elements appurtenant to such unit.
- d. *Declaration* means an instrument which defines the character, duration, rights, obligations and limitations of condominium ownership.

**Section 3. Effective date.** This ordinance shall take effect upon being posted up as provided by Section 5.26 of the Territorial Charter.

**INTRODUCED, READ, APPROVED AND ORDERED POSTED UP IN FULL ON FIRST READING on the 23rd day of January, 2018.**

**INTRODUCED ON SECOND READING, FINALLY ADOPTED AND ORDERED POSTED UP AFTER PUBLIC HEARING on the 13<sup>th</sup> day of February, 2018.**

TOWN OF GEORGETOWN

By: Matthew D. Skeen  
Matthew D. Skeen, Police Judge

ATTEST:

Jennifer Yobski  
Jennifer Yobski, Town Clerk

Posted up in full on the Town's website and at Town Hall and two (2) other designated posting locations within the limits of the Town after final adoption, in accordance with Section 5.26 of the Territorial Charter.

Jennifer Yobski  
Jennifer Yobski, Town Clerk

Date: 2-14-18

