

CHAPTER 24

Subdivision Regulations

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ARTICLE I

General

Sec. 24-1. Title; authority; purpose.

(A) The title of these regulations shall be *Subdivision Regulations of the City of Idaho Springs, State of Colorado*. The short form *subdivision regulations* and *regulations*, used extensively herein, refers in all instances to the aforesaid *Subdivision Regulations of the City of Idaho Springs*.

(B) These regulations are adopted in accordance with Section 31-23-213 *et seq.*, C.R.S., as amended.

(C) The purpose of these regulations is to control and regulate the division and development of all land, for any purpose whatsoever, contained within the City. It includes resubdivision and relates to the process of subdividing or to the land or territory subdivided or developed. These regulations also provide for the proper arrangement of streets in relation to other existing or planned streets and to the master plan, for adequate and convenient open spaces for traffic, utilities, access of fire-fighting equipment, recreation, light and air, and for the avoidance of congestion of populations, including minimum area and width of lots; provide for the coordination of subdivision development with requirements of schools, parks, recreation areas and other community facilities; and ensure the provision of such facilities.

(Ord. 8 §1, 2006)

Sec. 24-2. Existing conditions.

Consideration shall be given to maintain the uniformity of the established street widths, street alignments and street names. Preservation of the privacy and safety of residential streets and areas shall be encouraged by the prevention of through traffic. The required width of the rights-of-way for streets shall be directly related to the traffic generated by the abutting lands. The number of intersections on major streets and highways shall be reduced to a minimum consistent with the basic needs of ingress and egress. Intersections shall be designed to provide for the greatest safety for both pedestrians and motorists. Provisions shall be made for assuring adequate natural light, air and privacy on all parcels of property, regardless of the land use. The topography of the land shall be respected, and streets shall be designed to eliminate excessive grading and scarring of the landscape. Further, provisions shall be made for preservation of natural site features and historic landmarks located within the proposed development. It is noted that some areas of the City may not be considered practical or feasible for subdividing or development due to rugged topography or geological or environmental health problems. In cases where such factors are present, an exception may be granted pursuant to Article X of this Chapter if the Planning Commission or the City Council finds that strict compliance with the design criteria and other requirements provided herein is not feasible because of said factors, and that the variance requested will not be injurious to the public health, safety or welfare.

(Ord. 8 §1, 2006)

Sec. 24-3. General requirements.

All subdivision and development plans shall be in harmony with the Comprehensive Plan, this Code and current and future land use maps of the City. The arrangement of streets in a subdivision or development shall provide for the continuation of the principal streets existing in the adjoining subdivisions or developments, and of their proper projection when adjoining property is not subdivided. No person may submit an application for subdivision approval hereunder unless the subdivision plan or plat provides, pursuant to Section 43-2-147, C.R.S., as amended, that all lots and parcels created by the subdivision will have access to the state highway system in conformance with the Colorado Department of Transportation Access Code.

(Ord. 8 §1, 2006)

Sec. 24-4. General responsibilities.

(A) Applicant.

(1) The applicant shall prepare plats and plans consistent with the design standards, shall undertake and accomplish improvements in accordance with the standards contained in these subdivision regulations and shall process all plans and plats in accordance with this Chapter as set forth herein. Any obligation, cost, expense or task not expressly recognized as an obligation of the City shall be the responsibility of the applicant.

- (2) Information contained in any application submitted pursuant to this Chapter and all accompanying data and documentation shall be based upon the best information available to the applicant after reasonable inquiry and investigation performed by the applicant or the applicant's engineers, consultants and agents. The applicant's submission of a plat, plan, request for an exception or variance request for City approval constitutes the applicant's representation that the information provided therein is factually correct. The City's approval of an application may be revoked upon a finding by the City that material information contained in the application or any accompanying data or documentation is incorrect or that the applicant misrepresented any material fact.
- (3) At the time of filing any application pursuant to this Chapter, the applicant shall deposit a sum to be determined by the City to ensure payment of the City's costs incurred in processing the application and shall execute an agreement to replenish the deposit when requested by the City and to pay on a monthly basis all costs incurred by the City in processing the application. The City Clerk shall send the applicant a monthly statement of costs incurred by the City. Costs chargeable hereunder include, but are not limited to, publication costs, postage costs, recording fees, attorney's fees, engineering fees, planning fees, administrative costs and other professional fees. Any amount of the deposit not expended will be refunded by the City within forty-five (45) days after the final plat, minor subdivision, exception, variance or administrative plat amendment is approved and all plats and supporting documents have been received and recorded.

(B) **Planning Commission.** The Planning Commission is charged with the duty of making investigations and reports on the design and improvement of the proposed subdivisions and developments and shall require conformance of such subdivisions and developments with the Comprehensive Plan, Section 31-23-213 *et seq.*, C.R.S., as amended, and these regulations. Such regulations shall include the establishment of criteria for the protection of the general public interest in subdivision of land; earth testing specifications for the determination of possible earth and rock creep, sliding or bentonitic shales; avalanche or mudflow hazards and other natural hazards, and providing for such protective measures in regulations against such hazards; proper arrangements of streets and roads in relation to existing or planned streets or roads; minimum street grades; adequate and convenient open spaces for traffic, utilities, access of fire-fighting facilities; proper coordination and design of storm drainage; light and air; minimum areas for lots; and such other matters as the Planning Commission shall deem necessary for the protection and welfare of the general public interest. The Planning Commission shall report its actions and recommendations concerning the preliminary plat and final plat directly to the subdivider or developer and to the City Council.

(C) **City departments.** The various departments are responsible for reviewing all submitted plats and maps for compliance with these regulations and shall submit their comments, recommendations and findings to the Planning Commission.

(D) **City Council.** The City Council has final jurisdiction in the approval of all subdivisions or development plats or maps.

(Ord. 8 §1, 2006; Ord. 11 §13, 2007)

Sec. 24-5. Definitions.

For the purposes of this Chapter, the words and phrases set forth below shall have the meanings ascribed to them as follows:

Alley. A public way providing only secondary access to the rear of abutting property.

Arterial street. A public way to provide for traffic movement across portions of the City, to direct service to principal generators and to connect to the freeway system. Arterial streets are therefore subject to necessary regulation and control of parking, turning movements, entrances, exits and curb use.

As-built profile. An improvement profile as it has been actually constructed.

Block. An area of land which is entirely bounded by streets or highways, rivers, the exterior boundary or boundaries of the subdivision or the City limits.

Collector street. A roadway that collects local traffic from the neighborhood and delivers it to the nearest arterial street or highway.

Commission. The Idaho Springs Planning Commission.

Cul-de-sac. A local street with only one (1) outlet and culminated by a turnaround.

Developer. Any person, firm, partnership, joint venture, association or corporation which participates as owner, promoter or sales agent in the promotion, sale or lease of a subdivision, development or any part thereof.

Engineer. The City or consultant Engineer of the City of Idaho Springs or his or her authorized representative.

Final plat. The document entitled "final plat" and meeting all requirements of these subdivision regulations, including any application for approval and information and documentation submitted with or accompanying the final plat.

Freeway. A divided arterial highway with full control of access and not intended to provide direct access to abutting land. A freeway will have complete separation of conflicting traffic flows.

Initial storm. A design storm return period of two (2) years for residential areas and five (5) years for commercial and business areas.

Local street. A public way intended to provide direct access to residential, commercial, industrial or other abutting land, for local traffic movements and connecting to a collector and/or arterial street.

Lot. A tract, building site, parcel or portion of land separated from other parcels or portions by description, as on a subdivision or record of survey map, or by metes and bounds for purpose of sale, lease or separate use.

Major storm. A design storm return period of one hundred (100) years.

Preliminary plat. The document intended to be a preliminary plat and which meets all requirements of these subdivision regulations, including any application for approval and information and documentation submitted with or accompanying the preliminary plat.

Profile. A drawing reflecting the existing vertical section and the proposed finished grade or condition of a public way or other public improvement. It may be a true or exaggerated profile, and may reflect either a centerline and/or both flow lines of the public way.

Public way. A passage, path, road, street, alley or highway which has been, by regular proceedings, dedicated to and accepted by the proper authority for use by the public.

Registered engineer. A Colorado licensed engineer qualified to perform the report or study or prepare the documentation required by these regulations.

Standard specifications. Any specifications referred to in these subdivision regulations.

Subdivider. Any person, firm, partnership, joint venture, association or corporation which participates as owner in the subdivision of land, or any person or entity authorized by the owner to subdivide land, and the subdivider's successors-in-interest. Any person or entity acting on behalf of an owner in the subdivision of land shall provide upon request written authorization to act on behalf of the owner.

Subdivision. The division of a lot, tract or parcel of land into two (2) or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future, of sale or of building development. It includes resubdivisions and relates to the process of subdividing or to the land or territory subdivided.

Unimproved open space. Vacant property permanently reserved or set aside from physical development.
(Ord. 8 §1, 2006)

Sec. 24-6—24-10. Reserved.

ARTICLE II
Subdivision Standards

Sec. 24-11. Requirements.

Except where modified by the City or where higher standards have not been established, each subdivision and the plat thereof shall be in conformity with the standards as set forth or referred to herein.
(Ord. 8 §1, 2006)

Sec. 24-12. Access to public streets.

All lots or parcels created by the subdivision of land shall have frontage upon a street of the standards herein required.
(Ord. 8 §1, 2006)

Sec. 24-13. Streets.

(A) All streets and freeways shall be platted according to the subdivision regulations, engineering regulations, construction specifications and design standards as prepared by the City and the State. All streets shall be designed and platted for parking on both sides of the street, and shall be of the largest width indicated in Table 24-A below, except where topography and/or probable future traffic development will justify a narrower width. Any decrease from the maximum street width and parking must be approved by the Commission. The Commission may require that the street widths of Table 24-A be increased where probable traffic conditions so warrant.

(B) The street pattern in the subdivision shall conform with the Comprehensive Plan and the plan for the most advantageous development of the adjoining areas. The following principles shall be observed:

- (1) Proposed streets shall be continuous in alignment with existing, planned or platted streets with which they are to connect. The centerlines of streets not in alignment shall be offset at least one hundred fifty (150) feet.
- (2) Proposed streets shall be extended to the boundary lines of the land to be subdivided, unless prevented by topography or other physical conditions, or unless, in the opinion of the City, such extension is not necessary for the connection of the subdivision with the existing or future development of adjacent tracts.
- (3) In the case of stub-end streets extending to the boundary of the property, a temporary connection to another street or a turnaround of ninety (90) feet in diameter shall be provided by the subdivider. Temporary portions of a turnaround shall be labeled as tracts to facilitate the ultimate vacation of the same.
- (4) Proposed streets shall intersect one another as nearly to a right angle as topography and other limiting factors of good design permit.
- (5) Excessively long straight residential streets, conducive to high speed traffic, shall be prohibited.

(C) Subdivision design adjacent to freeways and arterial streets shall be as specified in the Comprehensive Plan and as determined by the City. The following principles and standards shall be observed:

- (1) Street design shall have the purpose of making adjacent lots desirable for such use, by cushioning the impact of heavy traffic, and of minimizing the interference with traffic on such freeways and arterial streets.
- (2) The number of intersecting streets along arterial streets shall be held to a minimum. Wherever possible, such intersections shall be spaced not less than one-fourth ($\frac{1}{4}$) mile on center.
- (3) Residential lots adjacent to the freeways and arterial streets normally will be required to be served by a local street paralleling said freeway or arterial street or by a series of cul-de-sacs or loop streets extending towards said freeway or arterial street from a collector street.
- (4) When the rear of any lot borders any freeway or arterial street, the subdivider shall be required to prohibit the right of ingress and egress from said freeway or arterial street to said lot.

(D) Grades, curves and sight distances shall be subject to approval by the City to ensure proper drainage and/or safety for vehicles and pedestrians. The following principles and minimum standards shall be observed:

- (1) Grades of streets shall not be less than five-tenths (.5) percent, nor greater than eight (8) percent. Maximum grade through intersections shall be four (4) percent. Said maximum grade shall extend a minimum of fifty (50) feet in each direction from the centerline of the intersecting streets.
- (2) The radii of curvature on the centerline shall not normally be less than five hundred (500) feet for arterial streets, not less than three hundred (300) feet for collector streets and not less than one hundred (100) feet for local streets.
- (3) Between reverse curves, there shall be at least a fifty-foot tangent.

**Table 24-A
Street Design**

Traffic (ADT)	Residential				Commercial	
	Alley 0 — 75	Local to 1,000	Cul-de-sac to 200	Collector 1,000 — 3,000	Local and Collector to 3,000	Arterial 3,000 +
Pavement width	(b)	(b)	(c)		(b)	
No parking	20' min.	20'	12'	*	28'	**
Parking one side	N/A	26'	20'		36'	
Parking two sides	N/A	26'	26'		40'	
Right-of-way width	20' min.	40' min.	*	40' min.	50' — 60'	80' — 100'
Provision for widening	None	None	None	Yes	Yes	Yes
Sight distance	75'	125'	—	350'	350'	500'
Maximum speed	15 mph	20 mph	10 mph	30 mph	30 mph	35 mph (a)

* Minimum turnaround diameter of 90 feet. The total street length, with cul-de-sac, shall not be greater than 500 feet. Minimum street width shall be 50 feet.

** Traffic analysis and design required.

(a) Or as set by the State of Colorado.

(b) For two-way traffic.

(c) For one-way traffic.

(Ord. 8 §1, 2006)

Sec. 24-14. Sidewalks, curbs and gutters.

Sidewalks, curbs and gutters shall be installed on both sides of all streets, except when an exception from this standard is approved by the Commission based on topographical conditions.

(Ord. 8 §1, 2006)

Sec. 24-15. Pedestrian ways.

For pedestrian ways which provide routes to schools, playgrounds, shopping centers, transportation facilities or other community facilities, or for unusually long blocks, the City may require the width of such pedestrian ways to be not less than ten (10) feet in width.

(Ord. 8 §1, 2006)

Sec. 24-16. Easements.

(A) Utility easements shall be provided within the subdivision as required, as follows:

- (1) Along rear lot lines, sixteen (16) feet in width, eight (8) feet on each abutting lot.

(2) Along side lot lines, sixteen (16) feet in width, eight (8) feet on each abutting lot.

(B) Modifications of the easement width requirements may be made only when approved by both the City and the public utilities concerned.

(C) Drainage easements shall be established in the width prescribed by the City Engineer and which are sufficient to suit conditions.
(Ord. 8 §1, 2006)

Sec. 24-17. Block standards.

Blocks shall not normally exceed one-quarter ($\frac{1}{4}$) mile in length between street lines, except in hillside developments and/or where subdivisions containing parcels of one-half ($\frac{1}{2}$) acre or larger justify or require a variation from this requirement.
(Ord. 8 §1, 2006)

Sec. 24-18. Lot standards.

The size, shape and orientation of lots shall be appropriate to the location of the proposed subdivision and to the type of development contemplated. The following principles and standards shall be observed:

- (1) The minimum area and dimensions of all such lots shall conform to the requirements of the zoning regulations controlling said lot.
- (2) The side lines of all lots, so far as practicable, shall be at right angles to the street which the lot faces, or approximately radial to the center of curvature, if such street is curved.
- (3) Except in cases where an exception is approved pursuant to Article X of this Chapter, no lot shall have a street frontage or width at the building setback line less than that specified by the zoning regulations controlling said lot.
- (4) No lot shall be divided by a City boundary line.

(Ord. 8 §1, 2006)

Sec. 24-19—24-30. Reserved.

ARTICLE III

Drainage and Flood Control

Sec. 24-31. Drainage study required.

For every subdivision proposed within the City, a drainage study shall be prepared in accordance with commonly accepted engineering standards and practices and in accordance with Chapter 23, Article I of this Code. All drainage studies shall include a certified plan and maps as required by the City's floodplain regulations.
(Ord. 8 §1, 2006)

Sec. 24-32. Study contents.

All drainage plans shall include the following:

- (1) Certified plan. Four (4) copies of a plan certified by a registered Colorado professional engineer locating the proposed development with respect to the following:
 - (a) The boundaries of the designated or regulated flood hazard areas, as well as the boundaries of the floodplain within the flood hazard area and the boundaries of the floodway zone, as determined from the official maps adopted by the City in accordance with the City's floodplain regulations;
 - (b) The existing zoning classifications of the property;
 - (c) The nature of the proposed activity or development;

- (d) Building floor elevations;
 - (e) Any proposed floodproofing measures;
 - (f) Specifications for building construction and materials, filling, dredging, grading, channel changes, storage of materials, water supply systems and sanitary facilities;
 - (g) Descriptions of any construction activity which would affect the hydraulic capacity of the floodway;
 - (h) Elevation in relation to mean sea level of the lowest floor (including basement) of all structures; and
 - (i) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- (2) Maps. Four (4) copies of the following maps or drawings based on the data provided by the official maps adopted by the City in accordance with the City's floodplain regulations:
- (a) A map showing the stream and channel, the designated flood hazard area, the floodplain, the floodway and other hazard zones, as appropriate, surrounding the channel, the area to be occupied by the proposed development and all available flood elevation studies, water surface elevations and base flood elevations;
 - (b) A map with surface view showing elevations or contours of the ground, pertinent structures, fill or storage elevations, size, location and spatial arrangement of all proposed and existing structures on the site, location and elevation of streets, water supply systems, sanitary facilities and soil types; and
 - (c) Drawings showing the profile of the bottom of the channel at the thalweg and the water surface profiles. The elevations of any fill and all structures must be shown.
- (3) Coordination. The subdivider shall submit evidence satisfactory to the City that the subdivider has coordinated adequately with the upstream, downstream or adjacent communities adversely affected by any development, fill encroachment or alteration or relocation of a watercourse.
- (4) Additional material. The subdivider shall submit such other material as may be required by the City in order to ensure conformance with these subdivision regulations and the City's floodplain regulations.
- (Ord. 8 §1, 2006)

Sec. 24-33. Map specifications.

All maps required by these regulations shall meet the following specifications:

- (1) Scale. All maps shall be of a scale sufficiently detailed to allow the City to determine whether the proposed development and the topographic features of the land meet the requirements of this Chapter. In no event shall the scale of maps be less than one (1) inch equals one hundred (100) feet or such other scale as may be determined by the City.
 - (2) Contour intervals. All maps required shall show existing topographic contours of not greater than two-foot intervals.
 - (3) Accuracy. All maps shall meet the following standards of accuracy: ninety (90) percent of the contour lines must be within one-half (½) contour interval; the remaining contour lines must be within one (1) contour interval.
 - (4) Elevations. All maps submitted by a subdivider shall show existing (dashed lines) and finished (solid lines) elevation contours of the site at an interval of no greater than one (1) foot within a designated flood hazard area.
- (Ord. 8 §1, 2006)

Sec. 24-34. Drainage easements.

In the event that a proposed subdivision or any part thereof is traversed by any major watercourse, channel, stream, creek, gulch or other natural drainage channel, the subdivider shall dedicate to the City or otherwise permanently

reserve a drainage easement for storm drainage purposes sufficient to ensure unimpeded drainage flows through the proposed subdivision in perpetuity. All easements for drainage shall be designed to permit the eventual discharge of flows to a natural drainage channel. Where drainage easements are retained in private ownership, the subdivider shall provide for the permanent maintenance of such easements, including the periodic mowing and removal of trash and debris from the easement.

(Ord. 8 §1, 2006)

Sec. 24-35. Inundated areas.

As a safety measure for the protection of the health, safety, welfare and general well-being of the present and future citizens of the City, the City shall not approve any subdivision of land for residential purposes that is subject to inundation or flooding by a major storm. Any such land within a plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation, and which will not materially increase danger to health, life or property, materially aggravate the flood hazard or produce unhealthy conditions.

(Ord. 8 §1, 2006)

Sec. 24-36. Existing facilities.

No preliminary plat shall be approved until the subdivider submits a report prepared by a registered engineer as to the ability of existing and future watercourses, channels, drainage tiles, storm sewers, culverts and other works pertaining to drainage or flood control within the subdivision. The City Engineer shall study such report and, if the City Engineer deems it necessary or advisable, shall require additional reports and professional advice to be obtained by the subdivider.

(Ord. 8 §1, 2006)

Sec. 24-37. Final approval.

No proposed subdivision shall be approved if, based on information available to the City, the nature, location or frequency of discharge, volume, quality or direction of the drainage flow would be significantly and adversely altered, modified or increased compared to flows historically experienced from the property proposed for subdivision or would cause or materially contribute to the flooding of other property. It is the intent of the City that drainage resulting from any subdivision shall be appropriately managed and shall not harm or adversely impact adjacent and neighboring properties to an extent greater in kind or degree than that historically experienced on such property.

(Ord. 8 §1, 2006)

Sec. 24-38—24-40. Reserved.

ARTICLE IV

Nonresidential Subdivisions

Sec. 24-41. Conformity to Comprehensive Plan.

The street and lot layout of a nonresidential subdivision shall be appropriate to the land use for which the subdivision is proposed, and shall conform to the proposed land use standards established in the Comprehensive Plan.

(Ord. 8 §1, 2006)

Sec. 24-42. Types.

Nonresidential subdivisions shall include industrial tracts, neighborhood community tracts and central business district commercial tracts.

(Ord. 8 §1, 2006)

Sec. 24-43. Principles and standards.

In addition to the principles and standards in these regulations which are appropriate to the planning of all subdivisions, the subdivider shall observe the following standards and principles:

- (1) Every subdivision shall conform to all requirements of the zone district in which the subdivision is located.

- (2) Proposed industrial parcels shall be suitable in area and dimension to the type of industrial development proposed based upon standards commonly followed by professional planners and engineers in the Denver metropolitan area.
 - (3) Street rights-of-way and pavement shall be suitable in area and dimensions to the types of industrial development proposed. At a minimum, current Colorado Department of Transportation standards will apply.
 - (4) Special requirements may be imposed by the City with respect to the location, construction and maintenance of any street, curb, gutter, sidewalk or utility where the proposed use of the subdivision dictates that conformance with the generally applied standards of these regulations or other City-adopted requirement will be unsatisfactory to permit safe, efficient or convenient use of such public improvements.
 - (5) Every effort shall be made to protect adjacent residential areas from potential nuisance, including but not limited to installation by the subdivider of berms, landscaping, fencing, low-impact illumination and buffers.
 - (6) Streets carrying nonresidential traffic shall not normally be extended to the boundaries of adjacent existing or potential residential areas, or connected to streets intended for residential traffic. Nonresidential subdivisions shall, wherever possible, obtain primary access from nonresidential roads.
 - (7) Subdivisions for proposed commercial development shall take into account and specifically designate all areas proposed for vehicular circulation and parking and for pedestrian circulation.
- (Ord. 8 §1, 2006)

Sec. 24-44—24-50. Reserved.

ARTICLE V

Public Improvements

Division 1 Conveyance

Sec. 24-51. Scope.

Every public improvement and facility constructed by any person, property owner, subdivider or developer (collectively referred to as "developer" herein) and required to be dedicated to the City, whether associated with a subdivision or otherwise (the "facility"), shall be conveyed to and accepted by the City in accordance with the provisions of this Article.

(Ord. 8 §1, 2006)

Sec. 24-52. Conditional acceptance.

Upon completion of construction, the developer shall initiate the dedication process by submitting a request to the City for a preliminary inspection of the facility. The facility will qualify for conditional acceptance by the City when all of the following conditions have been met:

- (1) City review. The City has determined that the facility has been constructed and connected to City facilities in conformity with the City's master plan, this Code, approved plans, construction notes and the City's design standards, has passed all necessary tests and has been approved for use by all other governmental entities and agencies having jurisdiction.
- (2) Developer submittals. The developer has tendered and the City has approved and accepted the following:
 - (a) Record drawings and certified required test results;
 - (b) For water and sewer facilities, key map pages consistent in form and content with current City requirements as to key maps, showing the location of all component parts of the facility or that other arrangements approved in writing by the City have been made for the preparation thereof;

- (c) A twelve-month maintenance bond in an amount equal to fifteen (15) percent of the costs of constructing the facility, or such greater amount as may be reasonably determined by the City on account of special circumstances of the particular facility, or any portion thereof;
 - (d) A duly executed written statement that all suppliers of labor and materials have been fully paid, with lien waivers attached;
 - (e) A duly executed written assignment of all manufacturers' warranties on materials and equipment;
 - (f) Any and all deeds, bills of sale, agreements and other conveyance instruments required by the City to vest merchantable title to all component parts of the facility, including without limitation all necessary easements, rights-of-way and other property interests in the City;
 - (g) All required subordination agreements and partial releases of prior encumbrances; and
 - (h) Payment of all sums then due to the City in connection with the facility.
- (3) Property interests. The facility is located in or on property owned by the City, or within or upon which the City has the legal right to construct, install, operate, maintain, repair and replace the facility.
 - (4) Approval; tap permits. The City shall evaluate the request and give written notice to the developer of its action, stating any special conditions attached to the conditional acceptance or the reasons for a denial of the request. No taps or service connections to water or sewer facilities will be permitted, nor will the City accept applications for such taps, until the City has conditionally accepted such facilities as herein provided.
 - (5) Effective date. Conditional acceptance shall be effective as of the date noted therefor on written documentation prepared by the City. As of such date, the facility shall be deemed operational, and the City shall have full and complete possession thereof for all appropriate public uses; and, in the case of water and sewer facilities, any person may apply to the City for tap authorizations for taps or service connections thereto. The City's acceptance of water and sewer facilities, whether conditional or final, does not, however, guarantee that taps will be available. Availability of taps is governed at all times by the relevant provisions of Chapter 12 of this Code, and such availability is determined in accordance therewith at the time proper application for service is made.

(Ord. 8 §1, 2006)

Sec. 24-53. Maintenance and repair.

Until final acceptance of the facility, the developer shall be solely responsible for all routine maintenance and for correction of any and all defects in the facility, as set forth below:

- (1) Routine maintenance. The developer shall, at his or her sole cost, protect the facility and perform all routine maintenance thereon so as to keep it in good repair and operating condition. Such obligations shall include the repair or replacement of any part or parts thereof damaged as a result of street construction, paving, utility installation or vehicular traffic. In addition, the developer shall, at his or her sole cost, correct any soil subsidence or erosion which the City determines occurred in connection with or as a result of construction of the facility.
- (2) Cure of defects. The developer shall, at his or her sole cost, correct, repair or replace any part of the facility which the City reasonably determines was not constructed in conformity with this Code, approved plans, construction notes or the City's design standards, or which the City determines to be defective, of poor or unworkmanlike quality or otherwise not in conformity with any applicable warranty. Unless other provisions are made elsewhere in this Code for curing of defects in any specific type of facility, the City's notice and order to cure shall specify the nonconformity, direct the developer at his or her cost to perform specified curative work and specify the period of time determined by the City to be reasonably necessary for completion of such work. If the developer fails within the specified time following such notice to cure the nonconformity stated therein, the City may, in addition to and without waiving any other remedy, perform the work itself and charge the developer for its actual costs incurred in connection therewith.

(Ord. 8 §1, 2006)

Sec. 24-54. Final acceptance.

(A) Standards. At the expiration of one (1) year from the date of conditional acceptance, or any longer period of time reasonably determined by the City on account of the particular circumstances of the facility or any portion thereof, the developer may request the City to perform a final inspection and accept the facility for maintenance. Upon such request, the City shall inspect the facility and shall accept the same for maintenance when all of the following conditions are met:

- (1) City review. The City determines that the facility has been constructed and connected to City facilities in conformity with the City's master plan, this Code, approved plans, construction notes and the City's design standards, has passed all necessary tests and has been approved for use by all other governmental entities and agencies having jurisdiction.
- (2) Maintenance and repair. The developer has fully performed all maintenance and repair obligations imposed upon it by Section 24-53 above during the period of conditional acceptance.
- (3) Developer submittals. The developer has tendered and the City has approved all of the following:
 - (a) A verified statement of actual cost of the facility, itemized as the City may require;
 - (b) Any and all deeds, bills of sale or other conveyance instruments necessary to vest title to all component parts of the facility in the City with warranties of title as provided in Subparagraph 24-52(2)(f) above;
 - (c) All drawings, maps and construction notes pertaining to any changes in the facility made during the period of conditional acceptance; and
 - (d) Payment of all sums due to the City from the developer on account of the facility.

(B) Effective date. The City's acceptance of the facility for maintenance shall be effective as of the date noted therefor on written documentation prepared by the City. As of such date, all of the developer's right, title and interest in and to the constructed facility shall be deemed immediately to pass to and vest in the City, free and clear of all liens and encumbrances, and the developer shall warrant and defend the conveyance of such facility to the City, its successors and assigns against all and every person or persons whomsoever. As of the date of final acceptance, the City shall maintain the facility at its expense. Nothing contained herein, however, shall be construed to relieve the developer from his or her warranty obligations as to the facility. Notwithstanding final acceptance, the developer, his or her successors and assigns shall own and remain responsible for all water and sewer service lines and private water and sewer facilities as provided in Chapter 12 of this Code.

(Ord. 8 §1, 2006)

Sec. 24-55. City construction of facilities.

Notwithstanding any of the foregoing, the City reserves the right to construct any and all facilities required to be constructed by the developer in any case in which it determines it may be in the best interests of the City and its constituents, upon such terms and conditions as the City may reasonably determine.

(Ord. 8 §1, 2006)

Sec. 24-56. Reimbursement.

This Section sets forth standards and procedures for the consideration, administration and enforcement of plans to reimburse a developer who has constructed a water, sewer or storm water facility at his or her cost, either by himself or herself or with others, from fees and charges imposed upon future users of such facilities.

- (1) Applications. Any developer who desires reimbursement hereunder ("applicant") may file written application therefor with the City. Such application shall state the name, address and telephone number of each applicant, and shall contain an express promise by each applicant to reimburse the City for its actual costs incurred in evaluating, processing and considering the application, regardless of whether the same is ultimately approved.
- (2) Reimbursement plan. Each application shall be accompanied by a proposed reimbursement plan meeting the requirements set forth in Paragraph (3) below, and which shall in addition thereto contain or be accompanied by the following:

- (a) A map clearly identifying the facilities for which reimbursement is sought ("reimbursement facilities").
 - (b) The applicant shall determine and certify to the City the total cost of construction of the reimbursement facilities, including without limitation design and engineering fees, construction costs, City inspection and approval fees and easement acquisition costs. The applicant shall further submit documentary evidence of all such costs and of the fact that they have been paid in full.
 - (c) A detailed statement of the method proposed to determine the sources and amounts of reimbursement charges and the proposed allocation thereof among those who have previously contributed to the cost of the reimbursement facilities.
 - (d) A deposit in an amount set forth in the City's fee schedule against the cost of City review and processing of the application.
- (3) Minimum plan requirements; agreement. Reimbursement will be approved only under the terms of a written reimbursement agreement between the City and the applicant. Although the specific terms of each reimbursement agreement will vary according to the particular circumstances of each case, each reimbursement agreement shall contain in substance all of the following provisions, which shall also be deemed to be minimum requirements of any reimbursement plan.
- (a) The applicant will notify the City of any proposed new service which would be subject to a reimbursement charge as soon as he or she becomes aware of the same.
 - (b) The City will collect the reimbursement charge in full at the time application is made for new service to property subject to the same, and remit the net amount of any charge so collected to the persons entitled thereto within forty-five (45) days of such collection. Notwithstanding the foregoing, however, in no case will the City be liable to such person for any reimbursement charges not actually collected by the City, or for any alleged damages resulting from such failure to collect.
 - (c) Any right to receive distributions of reimbursement charge proceeds will be personal to the applicant and any subsequent payors of the reimbursement charge, but such right may be assigned to any third person by written instrument delivered to the City. Any unclaimed or undeliverable distributions shall revert to and become the sole property of the City one (1) year after attempted delivery to the person entitled thereto. For the purposes of this Paragraph, the term *delivery* shall mean deposited in the United States mail, first class postage prepaid, addressed to the person entitled thereto at the address furnished in writing by such person to the City.
 - (d) The applicant will indemnify and hold harmless the City, its officers, agents and employees, from any and all claims, expenses and demands arising out of or in any way involving the City's collection or attempted collection of reimbursement charges.
 - (e) The City and the applicant will cooperate fully with each other in responding to any challenge to or refusal to pay the reimbursement charges, but the applicant will pay in advance all of the costs and expenses associated therewith, and the City shall be released from any obligation under this Paragraph (3) in the event of the applicant's default in payment.
 - (f) Notwithstanding any other provision of the reimbursement plan or agreement, the City will have no liability to the applicant in any case in which the reimbursement charge is or has been determined by a court of competent jurisdiction for any reason to be invalid or unenforceable.
 - (g) The reimbursement charge to be imposed by the City shall terminate on a date specified in the reimbursement agreement and plan, which date shall in no event be later than ten (10) years from the date of conditional acceptance of the facility.
 - (h) If the City determines that the applicant has violated any provisions of the City's design standards or this Code applicable to the reimbursement facilities and has failed after notice and a reasonable opportunity to cure such violation, the City may terminate the reimbursement agreement and, thereupon, any right of the applicant to collect reimbursement pursuant thereto shall terminate and be of no further force or effect.

- (i) The City shall be entitled to deduct an administrative fee to defray its expenses in administering the reimbursement agreement from the sum distributable to the applicant and any other person entitled thereto.
- (4) Procedure.
- (a) An application and a reimbursement plan which meet all the requirements of Paragraphs (1) through (3) above shall be reviewed by the City. Such review shall address all aspects of the plan, including the reasonableness of the costs of construction, and whether and to what extent such costs should be subject to reimbursement.
 - (b) As part of the review process, the City shall prepare a written reimbursement agreement which conforms to this Chapter and contains such additional provisions as deemed appropriate under the circumstances. Such reimbursement agreement shall be submitted to the applicant for signature before being referred to the City Council for approval or disapproval.
 - (c) Any differences between the City and the applicant as to the terms of the reimbursement agreement may be resolved by the City Council, following reasonable notice to the applicant.
 - (d) Approval or disapproval of any reimbursement agreement shall be given only by the City Council. No such agreement shall be effective for any purpose, nor shall any reimbursement charge be due or payable from any person, until the reimbursement agreement is executed and delivered to the City by the applicant.
- (5) City Council discretion. Because of the serious and adverse impact which unforeseen development patterns can have upon the administration and enforcement of any reimbursement plan, the City Council may deny any application for reimbursement when, in its sole judgment, future development of the property affected by the proposed plan is sufficiently uncertain or unpredictable as to create a risk that unacceptable or unwarranted administrative or legal burdens may be imposed upon the City in connection with its administration or enforcement. Further, the approval of any reimbursement agreement shall have no precedential value whatever with respect to any subsequent application for reimbursement, nor shall it bind or obligate the City Council in any way to approve any reimbursement application or plan. It is the intent of this provision to reserve to the City Council absolute discretion in determining all matters relating to reimbursement.
- (6) Other facility reimbursement. Nothing in this Section shall limit the power or authority of the City to enter into appropriate reimbursement agreements for recovery of the costs of constructing facilities other than water, sewer or storm water facilities.
- (Ord. 8 §1, 2006)

*Division 2
Regulations*

Sec. 24-61. Minimum requirements.

(A) The subdivider shall improve all streets, sidewalks, curbs, gutters, public ways and facilities, water and sewer services and drainage structures in the subdivision and adjacent thereto required to serve the subdivision. Unless specifically provided in a subdivision improvement agreement or other form of written agreement, the City shall not be obligated for the construction or payment of costs of construction for any public improvement serving a subdivision. No permanent improvement work shall be commenced until improvement plans, specifications and profiles have been approved by the City. The minimum improvements which the subdivider shall make at the cost of the subdivider prior to acceptance for maintenance by the City shall be:

- (1) Grading, paving, drainage and drainage structures necessary for the proper use and drainage of streets and public safety. In addition, it is required that the subdivider mitigate the impact of the additional traffic from the proposed subdivision on existing City streets. The subdivider will be assessed an impact fee per lot for single-family residential subdivisions, per dwelling unit for multifamily housing and per parking space for commercial and industrial development, in amounts set forth in the City's fee schedule.
- (2) Curbs and gutters.

- (3) Street name signs and all traffic control signs.
- (4) Sidewalks, minimum widths:
 - (a) Residential: three (3) feet.
 - (b) Nonresidential: six (6) feet.
- (5) Fire hydrants, spaced to meet the requirements of the Fire Code as adopted by the City. Water main sizes and pressures shall meet the requirements of the City's Fire Code.
- (6) Water and sanitary sewer systems shall be extended to each lot in the subdivision and connected to the existing City system. The design of each system must be approved by the City prior to commencement of construction. The subdivider shall bear all costs for the water and sewer systems. In addition, the City shall evaluate the impact of the added burden on the City's existing water and sewer treatment facilities and distribution systems. The evaluations shall be prepared by the City's engineering consultants and shall be paid for by the subdivider. When the results of these evaluations indicate the extent of the impact the proposed subdivision will have on existing facilities and distribution systems, the subdivider will be assessed a cash fee based upon the engineering studies, sufficient to offset the projected impact on such facilities and distribution systems.
- (7) Electric, gas and all other private utilities. All utilities shall be underground and shall meet the requirements of the utility provider and the City's Electrical Code.
- (8) All parks, recreational facilities and other public improvements as called for in the subdivision regulations.

(B) Prior to the acceptance of any street, road, drainage, water and/or sewer system for maintenance by the City, the subdivider shall provide to the City "as-built" profiles at his or her cost. "As-built" profiles shall include thereon a certificate that the street, road, drainage, water and/or sewer system has been constructed to the grades shown thereon. Said certificate shall be signed by a registered engineer and, where appropriate, a land surveyor duly licensed to practice in the State of Colorado. When approved by the City, the "as-built" profiles shall be signed and dated by the City Surveyor, Traffic Engineer and person designated to supervise the Public Works Department.
(Ord. 8 §1, 2006)

Sec. 24-62. Acceptance of streets.

(A) The City shall not accept, lay out, open, improve, grade, pave, curb or light any street, or lay or authorize water mains, sewers or connections to be laid in any street within any portion of a territory for which the Planning Commission has adopted a major street plan, unless such street:

- (1) Has been accepted or opened as or otherwise has received the legal status of a public street prior to the adoption of such plan; or
- (2) Corresponds with a street shown on the official master plan, with a street on a subdivision plat approved by the Commission or with a street on a street plat made by and adopted by the Commission. However, the City Council may accept any street not shown on or not corresponding with a street on the official master plan or on any approved subdivision plat or an approved street plat if the ordinance or other measure accepting such street is first submitted to the Commission for its review and is enacted or passed by the City Council.

(B) A street approved by the City Council or a street accepted by the City Council shall have the status of an approved street as though it had been originally shown on the official master plan or on a subdivision plat approved by the Commission or had been originally platted by the Commission.

(C) The subdivider shall pay an impact fee to the City to cover the cost of the impact of additional traffic generated by the new subdivision on existing City streets as provided in Paragraph 24-61(A)(1) above.
(Ord. 8 §1, 2006)

Sec. 24-63. Buildings.

After the time when the Commission has adopted a major street plan of the territory within the City limits, no building shall be erected on any lot within the City, nor shall a building permit be issued therefor, unless the street giving access to the lot upon which such building is proposed to be placed:

- (1) Has been accepted or opened as or otherwise has received the legal status of a public street prior to that time; or
- (2) Corresponds with a street shown on the official master plan, with a street or subdivision plat approved by the Commission, with a street on a street plat made by and adopted by the Commission or with a street accepted by the City Council in accordance with the provisions of Section 31-23-217, C.R.S., as amended. Any building erected in violation of this Section is an unlawful structure, and the Building Official may cause it to be vacated or have it removed. The cost thereof shall be a charge paid by the owner.

(Ord. 8 §1, 2006)

Sec. 24-64—24-70. Reserved.

ARTICLE VI

Land Dedication Requirements

Sec. 24-71. Purpose and intent.

New subdivisions require services provided through municipal facilities which are constructed, in part, through the dedication of land necessary to construct the facilities. Absent land dedication by new subdivisions, sufficient land may not be made available at the time of subdivision to provide necessary services to new residents. In order to provide public services, the City requires certain dedications of land or, in the appropriate circumstances, payment of fees in lieu of dedication. It is the intent of this Article that new development pay its proportionate or pro-rata share of the costs attributable to the new growth, thereby relieving the public generally from subsidizing the cost of improvements and facilities attributable to new development.

(Ord. 8 §1, 2006)

Sec. 24-72. Requirements.

The subdivider shall convey to the City a portion of the land area within the subdivision at such location as may be designated by the City, exclusive of rights-of-way for streets, alleys and easements required by the subdivision, for use by the City for such purposes as: parks, playgrounds, schools, fire halls, police stations, unimproved open space or other public purpose. The cost of any such improvements required for the approved subdivision will be borne by the subdivider. Land shall be conveyed to the City by one (1) or a combination of the following City options:

- (1) A minimum of eight (8) percent of the total land area of the tract being subdivided to be used by the City exclusive of unimproved open space.
- (2) A minimum of ten (10) percent of the total land area of the tract being subdivided to be used for public unimproved open space. This land must be located and marked so that it may be used by the public. This unimproved open space may be used when calculating the overall density of the subdivision.
- (3) At the option of the City, the subdivider may, in lieu of conveying land, pay to the City an amount equal to eight (8) percent of the then-current market value of the land as established by the average of two (2) appraisals made by certified real estate appraisers, one (1) such appraiser to be chosen by the City and one (1) chosen by the subdivider.
- (4) In the event the City requires land in excess of that specified, the subdivider shall convey said land, and the City may reimburse the subdivider for the additional area of raw land (exclusive of streets, alleys and easements) at appraised value.

(Ord. 8 §1, 2006)

Sec. 24-73. City options.

In determining which of the above policies to implement, the Commission and the City Council will consider the following: the size of the development and its adequacy for accommodating a suitable public use site; the community facility aspects of the comprehensive development plan and the school district's master plan; existing parks and other public uses in the area; the topography, geology and location of land in the subdivision available for dedication; the needs of the people in the area; and any other appropriate factors.
(Ord. 8 §1, 2006)

Sec. 24-74. Exceptions.

The land dedication requirements of this Section shall not apply if:

- (1) Satisfactory dedication arrangements were made and approved by the City Council at the time of annexation or previous subdivision of the same property.
- (2) The gross land area to be subdivided is less than one (1) acre.
- (3) The City Council finds that the proposed subdivision provides a significant public benefit or important public amenity to the City approximately equivalent in value to the required dedication.

(Ord. 8 §1, 2006)

Sec. 24-75. Use of fees, dedicated land.

All cash fees and dedicated land shall be used for the purpose for which the fee or land was provided or dedicated. Public facilities impact fees shall be used to help defray the costs of general community facilities and services impacted by the new development. All fees shall be managed in accordance with Section 29-1-801 *et seq.*, C.R.S., as amended.
(Ord. 8 §1, 2006)

Sec. 24-76. Land dedications.

Unless otherwise provided by this Article, all dedications shall be made in fee simple, and lands dedicated shall be free and clear of liens and encumbrances unless otherwise approved by the City. The City may, at its option, accept the dedication of land subject to liens and encumbrances which, in the City's sole opinion, do not limit or impede the City's use of the property for the purpose of the required dedication.
(Ord. 8 §1, 2006)

Sec. 24-77. Payment of fees.

Fees shall be due and payable to the City prior to recording of the final plat.
(Ord. 8 §1, 2006)

Sec. 24-78—24-80. Reserved.

**ARTICLE VII
Conceptual Plan**

Sec. 24-81. Filing.

Any subdivider seeking to subdivide land into building lots, streets or easements and/or dedicate land for public use shall first file with the City Clerk all information required by Section 24-85 below.
(Ord. 8 §1, 2006)

Sec. 24-82. Payment of fees.

No application for conceptual plan approval shall be accepted by the City Clerk unless accompanied by the review fee as set forth in the City's fee schedule.
(Ord. 8 §1, 2006)

Sec. 24-83. Review; conference.

(A) Following submittal of an application for conceptual plan approval and the payment of all required fees, the City Planner shall review the application and accompanying materials for completeness and general conformance with the submission requirements of Section 24-85 below. The City Planner may reject any plan or accompanying materials where, in the opinion of the City Planner, the person responsible for such plan or materials does not possess the qualifications to prepare such documents. No application shall be presented to the Commission for review until it is found to be complete. If the application is found to be incomplete, a notice shall be mailed to the applicant via regular first class U.S. Mail, postage prepaid, said notice to specify the items or information necessary to complete the application. The City shall retain any incomplete application for not less than fifteen (15) days following the date of such notice to the applicant. The City may return the application to the applicant only upon request of the applicant, at the expense of the applicant.

(B) Upon the City Planner's determination that the application is complete, there shall be scheduled a conference with the applicant, the City Planner and at least one (1) representative of the Public Works Department for the purpose of general review of the application. The City Planner shall prepare a written report of said conference, which shall be included in the material submitted to the Commission for its review.
(Ord. 8 §1, 2006)

Sec. 24-84. Planning Commission action.

(A) The Planning Commission shall consider a request for conceptual subdivision review at its next regularly scheduled meeting no less than fifteen (15) days after completion of the City Planner's review as set forth in Section 24-83 above, unless the City receives a written request by the applicant to extend such time, or the applicant consents to an extension of the time at the request of the City.

(B) The Commission shall review the conceptual plan submittal to determine if it is consistent with the standards set forth in this Chapter, and will suggest to the subdivider whatever changes, if any, are recommended in the plan.

(C) The Commission shall not favorably review a conceptual subdivision application absent substantial compliance of the subdivision plan with the Comprehensive Plan.

(D) Failure by an applicant to submit an application for preliminary plat approval within one (1) year from the date of the conceptual review shall void the conceptual review and require the applicant to re-file for a conceptual review and pay an additional fee.
(Ord. 8 §1, 2006)

Sec. 24-85. Contents of application.

(A) Application form. The applicant shall submit a completed application on a form provided by the City.

(B) Fee. The applicant shall submit payment of the review fee as set forth in the City's fee schedule.

(C) Neighboring property owners. The applicant shall submit the names, street and mailing addresses of, and stamped and addressed envelopes for, all property owners within one hundred fifty (150) feet of the area to be subdivided, as their names and addresses appear in the records of the County Clerk and Recorder and as their most recent addresses appear on the tax records of the County.

(D) Mineral owners or lessees. The applicant shall submit the names and addresses of and stamped and addressed envelopes for all mineral owners and lessees of mineral owners in or within one hundred fifty (150) feet of the area to be subdivided, as their names and addresses appear in the records of the County Clerk and Recorder and as their most recent addresses appear on the tax records of the County.

(E) Context/vicinity map. The applicant shall submit two (2) copies of the map, twenty-four (24) inches by thirty-six (36) inches, and eight (8) reductions no larger than eleven (11) inches by seventeen (17) inches. The map shall contain the following information:

(1) Title of project.

(2) North arrow, scale (not greater than 1" = 1000'), name of preparer and date of preparation.

- (3) Boundary of proposed subdivision.
- (4) Legal description of the land to be subdivided.
- (5) Current zoning of the property to be subdivided.
- (6) Significant topographic features.
- (7) Geologic hazard areas, citing source of information.
- (8) All existing structures, utilities and other physical features which could affect the proposed development.
- (9) Adjacent properties, identified by zoning district.
- (10) Total acreage of property.
- (11) Land use table, including all proposed land uses, approximate acreage of each use and percentage of total for each use.
- (12) Floodplain boundary, citing source of information. If a floodplain does not exist, this must be stated.
(Ord. 8 §1, 2006)

Sec. 24-86—24-90. Reserved.

ARTICLE VIII

Preliminary Plan

Sec. 24-91. Filing; timely submission.

Any subdivider who, within one (1) year prior, received approval of a conceptual subdivision plan, shall file with the City Clerk twenty (20) copies of an application for preliminary plat approval, together with twenty (20) prints of the preliminary plat and accompanying materials containing all documents and information required by Section 24-101 below. Said application shall be on a form provided by the City.
(Ord. 8 §1, 2006)

Sec. 24-92. Payment of fees.

No application for preliminary plat approval shall be accepted by the City Clerk unless accompanied by the following:

- (1) An application fee as set forth in the City's fee schedule.
- (2) The deposit with the City of a preliminary impact study fee in an amount set forth in the City's fee schedule. The impact study fee shall cover the City's initial expenses incurred in processing and preparing impact studies related to the subdivision proposed by the subdivider, and the City may draw against this deposit as needed. Upon the expenditure of the funds held in such deposit by the City, the subdivider shall replenish the impact study fee with an additional deposit in an amount equal to the initial deposit. Should the subdivider fail to replenish the account within thirty (30) days after written request by the City, the application will be deemed to be abandoned by the subdivider and require no further action by the City. The City shall provide an accounting of the use of funds deposited within a reasonable time following a written request by the subdivider.

(Ord. 8 §1, 2006)

Sec. 24-93. Review; conference.

(A) Following submittal of an application for preliminary plat approval and the payment of all required fees, the City Planner shall review the preliminary plat and accompanying materials for completeness and general conformance with the submission requirements of Section 24-101 below. City staff shall mail to the applicant via regular first class U.S. Mail, postage prepaid, a notice if the application is incomplete, and the notice shall specify the items or information necessary to complete the application. The City shall retain any incomplete application for not less

than fifteen (15) days following the date of notice to the applicant that the application is incomplete. The City may return the application to the applicant upon a failure to submit additional information requested by the City within fifteen (15) days of the date of notice of incompleteness, only at the request of the applicant, at the expense of the applicant.

(B) Upon determination that the application is complete, there shall be scheduled a conference with the applicant, the City Planner and at least one (1) representative of the Public Works Department for the purpose of general review of the application. The City Planner shall prepare a written report of said conference, which shall be included in the material submitted to the Commission and the City Council for review.
(Ord. 8 §1, 2006)

Sec. 24-94. Distribution; referral.

Upon a determination by the City that the application is complete, the City shall distribute and refer a copy of the preliminary plat and accompanying materials to all necessary public agencies, City departments and County departments. Each public agency, City department and County department receiving a copy of the preliminary plat and accompanying materials may, within fourteen (14) days after receipt, forward written reports of its findings and recommendations to the Commission. Failure of any reviewing agency or department to respond within the allotted time may be deemed as a response that the agency or department has no comment on the preliminary plat and accompanying materials. Failure to submit a written report to the Commission shall not be deemed as approval or acceptance of the proposed preliminary plat by such agency. Reports received by the City after the allotted referral time may, but need not, be accepted by the Commission at any time prior to the Commission's action on the preliminary plat.
(Ord. 8 §1, 2006)

Sec. 24-95. Planning Commission hearing.

Upon completion of the review for completeness and preliminary conference, the City shall schedule the preliminary plat for presentation to the Commission at a public hearing. The City shall send written notice of the date and time of the public hearing, which shall be mailed via regular first class U.S. Mail, postage prepaid, or hand-delivered to the subdivider and to all property owners within one hundred fifty (150) feet of the property proposed for subdivision. Names and addresses shall be provided by the subdivider as required in Section 24-101 below. Where the subdivider has identified mineral owners or lessees of mineral owners having an interest in the property described in the plat as required by Section 24-101, notice shall also be sent to such parties. Notice shall be sent to all parties at least thirty (30) days prior to the date of the hearing. The failure by any person to receive notice which is properly mailed in accordance with this Section shall not invalidate any hearing or constitute a failure to provide notice of such hearing.
(Ord. 8 §1, 2006)

Sec. 24-96. Planning Commission action.

The Commission shall review the preliminary plat and evidence and testimony presented at the public hearing and shall issue its decision and recommendation to the City Council to either approve, disapprove or conditionally approve the preliminary plat or postpone consideration of the preliminary plat as follows:

- (1) Approval. In the event that the Commission recommends approval of the preliminary plat, the Commission shall forward its recommendation to the City Council.
- (2) Disapproval. In case of disapproval by the Commission of the preliminary plat, a written statement of the reasons for the Commission's disapproval shall be mailed via first class regular U.S. Mail, postage prepaid, to the subdivider, and a copy provided to the City Council. Such statement shall include the date of the Commission's decision. In this event and at the option of the subdivider, the preliminary plat may be amended or revised and may be resubmitted by the subdivider to the City Clerk within thirty (30) days of the date of the Commission's written statement of disapproval. If the preliminary plat is resubmitted in a timely manner, a second hearing before the Commission shall be scheduled upon receipt of a complete amended preliminary plat. If the preliminary plat is not timely resubmitted, the Commission's decision shall be deemed the final order of the City on the application and become final upon the expiration of thirty (30) days following the date of the written statement of disapproval.

- (3) Conditional approval. The Commission may approve a preliminary plat subject to a recommendation that certain changes be made to the preliminary plat or additional information be provided prior to submission of a final plat to the City. These recommendations shall be stated in a letter of notification and shall be incorporated into the preparation of any final plat, or the applicant shall provide a written narrative with the submission of any final plat, stating why the changes were not made as recommended.
- (4) Postponement. The Commission may postpone consideration of any preliminary plat in order to ensure compliance with these subdivision regulations and this Code or to obtain additional information necessary to fully review and consider the preliminary plat.

(Ord. 8 §1, 2006)

Sec. 24-97. Standards for approval.

A preliminary plat shall be approved by the City Council only if the preliminary plat and all required documentation and information submitted demonstrate that the proposed subdivision:

- (1) Is in conformance with all applicable requirements of these subdivision regulations;
- (2) Is in conformance with all requirements of the zone districts in which the property described in the preliminary plat is located;
- (3) Is in general conformance with the applicable goals and policies of the Comprehensive Plan; and
- (4) Is in compliance with the City's regulations for areas and activities of state interest.

(Ord. 8 §1, 2006)

Sec. 24-98. City Council review.

(A) Following a recommendation of approval or conditional approval of a preliminary plat by the Commission, the City shall schedule the preliminary plat for presentation to the City Council at a public hearing. Prior to the hearing, the preliminary plat, along with the Commission's written decision and recommendations, will be forwarded to the City Council. The City shall cause to be sent written notice of the date and time of the public hearing, which shall be mailed via regular first class U.S. Mail, postage prepaid, or hand-delivered to the subdivider and to all property owners within one hundred fifty (150) feet of the property proposed for subdivision. Names and addresses shall be provided by the subdivider as required in Section 24-101 below. Where the subdivider has identified mineral owners or lessees of mineral owners having an interest in the property described in the preliminary plat as required by Section 24-101, notice shall also be sent to such parties. Notice shall be sent to all parties at least ten (10) days prior to the date of the hearing. The failure by any person to receive notice which is properly mailed in accordance with this Section shall not invalidate any hearing or constitute a failure to provide notice of such hearing.

(B) Following consideration of the preliminary plat and all other evidence and testimony presented, the City Council may approve or conditionally approve the preliminary plat and issue the subdivider a notice to proceed with the final plat, or disapprove the preliminary plat and refer it back to the Commission for further consideration in accordance with Sections 24-95 and 24-96 above and the comments and directions of the City Council. The City Council may postpone its consideration and decision in order to ensure compliance with these subdivision regulations and this Code or to obtain additional information necessary to fully review and consider the preliminary plat.

(Ord. 8 §1, 2006)

Sec. 24-99. Conditional approval.

The City Council may impose reasonable conditions on approval of a preliminary plat which are deemed necessary or desirable by the City to ensure that the subdivision proposed will not injure the health, safety or welfare of the public and to ensure that the preliminary plat will meet all requirements of these subdivision regulations, this Code and any other applicable development regulations, standards or requirements adopted by the City.

(Ord. 8 §1, 2006)

Sec. 24-100. Effect.

(A) Approval or conditional approval of a preliminary plat by the City Council shall not constitute approval of the proposed subdivision but shall authorize the subdivider to prepare and submit a final plat in accordance with these subdivision regulations.

(B) Approval or conditional approval of a preliminary plat by the City Council shall be valid for a period of one (1) year only from the date of City Council approval.

(C) Upon written request by the subdivider made to the Commission within one (1) year of the initial approval or conditional approval of the preliminary plat by the City Council, the Commission may grant an extension of the date of validity of the preliminary plat not exceeding one (1) year for filing of the final plat. All extension requests shall state, in detail, good cause or reason reasonably supporting the requested extension and evidence that the subdivider is diligently pursuing completion of a final plat. An extension request shall be processed by the Commission as an administrative matter and discussed and decided during a regularly scheduled meeting.
(Ord. 8 §1, 2006)

Sec. 24-101. Contents of preliminary plat.

(A) Preparation. The subdivider shall cause the preliminary plan for the land proposed to be subdivided to be prepared by a person competent in the preparation of such plats and data under the direction of a licensed engineer and/or surveyor. The City may reject any preliminary plat or accompanying materials where, in the opinion of the City, the person responsible for such plat or materials does not possess the qualifications to prepare such documents.

(B) Scale. The scale of the plat shall be one (1) inch to one hundred (100) feet or larger, and shall be clearly and legibly reproduced.

(C) Sheet size. The size of the plat sheets shall be twenty-four (24) inches by thirty-six (36) inches. An index map shall be included on each sheet when the plat consists of more than one (1) sheet.

(D) Vicinity sketch. A vicinity sketch showing the geographic relationship of the proposed subdivision to the surrounding area at a scale of one thousand (1,000) feet to the inch shall be drawn on or shall accompany the preliminary plat. Features to be noted are major streets and public and commercial areas.

(E) Information required for preliminary plat. The following information shall be shown on the preliminary plat or contained in a written statement on supplementary drawings or reports accompanying the plat. Additional information or documentation may be requested by the Commission in order to ensure compliance with these subdivision regulations and this Code or to obtain additional information necessary to fully review and consider the preliminary plat.

- (1) The name of the proposed subdivision, which shall be different from that of an existing subdivision previously recorded in the County.
- (2) The name, address and telephone number of the record owner, subdivider and person preparing the plat and accompanying materials.
- (3) The names and addresses of, and stamped, addressed envelopes for, all mineral owners and lessees of mineral owners in or within one hundred fifty (150) feet of the area to be subdivided, as their names and addresses appear upon the records of the County Clerk and Recorder's office and as their most recent addresses appear in the tax records of the County.
- (4) The names and correct street and mailing addresses for, and stamped and addressed envelopes for, all owners of land within one hundred fifty (150) feet of the area to be subdivided, as their names appear in the records of the County Clerk and Recorder and as their most recent addresses appear in the tax records of the County.
- (5) The date of preparation, north point (designated as a true north) and a written and graphic scale.
- (6) A metes and bounds legal description of the land contained within the proposed subdivision, tied to a legal section, quarter or corner, including gross acreage involved.

- (7) The location, dimensions, grades and names of all existing streets, alleys, easements, rights-of-way, ditches, drainage areas and other significant features within or adjacent to the tract influencing the land to be subdivided.
- (8) Location, dimensions and grades of all proposed streets, alleys, easements, lot lines, parks and other areas to be reserved or dedicated for public use.
- (9) Consecutive numbering of all lots and blocks.
- (10) The contours at five-foot intervals within the tract and for two hundred fifty (250) feet beyond the boundaries of the subdivision.
- (11) The outline of any existing buildings to remain on the property and their locations in relation to existing or proposed street and lot lines.
- (12) The approximate radius of each curve at the centerline of the streets.
- (13) The location and size of all existing utilities within and adjacent to the tract, as well as all utility easements, accesses and rights-of-way.
- (14) The proposed private and public utility system, including water, sewer, electric, gas, telephone, storm drainage and any other services which shall supply the areas. (This may be placed on a separate sheet.)
- (15) The subdivision boundaries clearly defined by heavier lines around the perimeter of the site.
- (16) A preliminary geological report prepared by an engineering geologist licensed to practice engineering in the State, indicating the degree of compatibility of the existing geologic, topographic and drainage features of the area with the proposed development; the effects of subsequent modification of these features by such development; and specific recommendations for such additional exploration, testing, mapping and study as may be necessary prior to submission of the final plat, to ensure adequate protection from potential geologic, topographic and drainage hazards.
- (17) A statement of the present zoning and proposed use of the property, as well as proposed zoning classification.
- (18) A statement that all lots meet the minimum size and minimum width of the building setback line required by the City's zoning regulations.
- (19) A drainage study meeting the requirements of Article III of this Chapter.
- (20) Location and design of all existing and proposed fences.
- (21) An environmental assessment or environmental impact statement addressing issues of hazardous materials, radiation or heavy metals located on the site.
- (22) Existing and proposed curb cuts on and adjacent to the property.
- (23) Location and acreage of proposed parks, trails, playgrounds or other public uses.
- (24) Land use table, including all land uses, approximate acreage of each land use type and percentage of each land use type, including how public dedication requirements will be met.
- (25) Total number of lots proposed.
- (26) Number of each type of dwelling unit proposed.
- (27) The boundaries of proposed phases of the subdivision if the final plat is intended to be submitted in multiple phases.
- (28) If the subdivider proposes to impose or place private covenants, conditions or restrictions on the subdivided property, the applicant shall submit the private covenants, conditions or restrictions with the subdivision plat

for review by the City. The purpose of such review is to verify general conformance with the requirements of this Code.

- (29) Street lighting plan specifying the number, kind and approximate location of street lights.
- (30) Landscape plan.
- (31) Open space plan.
- (32) Traffic study prepared by a professional traffic engineer.
- (33) At the discretion of the City, an applicant may be required to provide the City with Colorado Historical Society records listing historically or archaeologically significant findings on the property to be subdivided.
- (34) A separate statement addressing how the proposed subdivision will comply with the City's regulations concerning areas and activities of state interest.

(Ord. 8 §1, 2006)

Sec. 24-102. Street names.

Each street which is to be dedicated shall be shown on the preliminary plat. The names of such streets shall be assigned by the subdivider and shall follow street name patterns. Such names shall be submitted to the Commission for approval along with the preliminary plat. Street names approved by the Commission shall be shown on the final plat by the subdivider. Subsequent to approval of the final plat, the City shall assign street numbers along such streets.

(Ord. 8 §1, 2006)

Sec. 24-103—24-110. Reserved.

ARTICLE IX

Final Plat

Sec. 24-111. Filing; timely submission.

Within one (1) year after approval or conditional approval of the preliminary plat or prior to the expiration of any approved extension for the filing of a final plat, the subdivider may cause the proposed subdivision to be surveyed and a final plat thereof prepared by a licensed surveyor and submitted to the City in accordance with these subdivision regulations. The final plat shall be consistent in every respect with the preliminary plat as approved and, in addition, shall comply with conditions if the preliminary plat was conditionally approved. The subdivider shall submit twenty (20) copies of an application for final plat approval, together with twenty (20) prints of the final plat and accompanying materials containing all documents and information required by this Article. Said application shall be on a form provided by the City. Failure to timely submit a final plat to the City shall cause the approval or conditional approval of the preliminary plat to be void. The City shall not accept the submission of any final plat after such time that the approval or conditional approval of the preliminary plat has expired in accordance with these subdivision regulations.

(Ord. 8 §1, 2006)

Sec. 24-112. Payment of fees.

No final plat shall be accepted by the City unless accompanied by the payment of an application fee in an amount set forth in the City's fee schedule.

(Ord. 8 §1, 2006)

Sec. 24-113. Review for completeness.

Following submittal of a final plat and the payment of all required fees, the City Planner shall review the final plat and accompanying materials for completeness and conformance with the requirements of Section 24-124 below and the preliminary approval or conditional approval. The City shall mail to the subdivider via regular first class U.S. Mail, postage prepaid, a notice if the final plat and accompanying materials are incomplete, and the notice shall specify the items or information necessary to complete the submittal. The City shall retain any incomplete submittal for not less than fifteen (15) days following the date of notice to the subdivider that the submittal is incomplete. The City may return the final plat and accompanying materials to the subdivider upon a failure to submit additional infor-

mation requested by the City within fifteen (15) days of the date of notice of incompleteness, only upon request of the subdivider, at the expense of the subdivider.

(Ord. 8 §1, 2006)

Sec. 24-114. Distribution.

Upon a determination that the final plat submittal is complete, the City may, but shall not be required to, distribute and refer a copy of the final plat and accompanying materials to any public agencies, City departments and County departments. Each public agency, City department and County department receiving a copy of the application and accompanying materials may, within fourteen (14) days after receipt, forward written reports of its findings and recommendations to the City. Failure of any reviewing agency or department to respond within the allotted time may be deemed as a response that the agency or department has no comment on the application and submission documents. Failure to submit a written report to the City shall not be deemed as approval or acceptance of the proposed final plat by such agency. Reports received by the City after the allotted referral time may, but need not be, accepted by the Commission or the City Council at any time prior to the Commission's or the City Council's action on the final plat.

(Ord. 8 §1, 2006)

Sec. 24-115. Planning Commission review.

Upon a determination that the application is complete, the City shall schedule the matter for presentation to the Commission at a public hearing as required by Section 31-23-215(1), C.R.S., as amended. The City shall cause to be sent written notice of the date and time of the public hearing, which shall be mailed via regular first class U.S. Mail or hand-delivered to the subdivider and to all property owners within one hundred fifty (150) feet of the property proposed for subdivision. Names and addresses shall be provided by the subdivider. Where the subdivider has identified mineral owners or lessees of mineral owners having an interest in the property described in the final plat, notice shall also be sent to such parties. Notice shall be sent to all parties at least ten (10) days prior to the date of the hearing. The failure by any person to receive notice which is properly mailed in accordance with this Section shall not invalidate any hearing or constitute a failure to provide notice of such hearing.

(Ord. 8 §1, 2006)

Sec. 24-116. Public hearing.

The Commission shall hold a public hearing for the purpose of reviewing the final plat for conformance with the requirements of these subdivision regulations, this Code and any other applicable development regulations, standards or requirements adopted by the City. The Commission may postpone or continue any hearing for the purpose of obtaining additional information necessary to render a final decision on the final plat. At the conclusion of the Commission's hearing, the final plat shall be deemed submitted to the Commission within the meaning of Section 31-23-215(1), C.R.S., as amended. At the conclusion of the hearing, but in no case later than thirty (30) days of the conclusion of the hearing, the Commission shall render a written recommendation that the final plat should be approved, conditionally approved or disapproved based on the standards for approval provided in Section 24-119 below. The Commission shall cause its written recommendation to be forwarded to the City Council.

(Ord. 8 §1, 2006)

Sec. 24-117. City Council review.

Following the City Council's receipt of a Commission recommendation on any final plat, the City shall schedule the final plat for presentation to the City Council at a public meeting. Such meeting shall be conducted as a public hearing. Notice of said hearing shall be provided in the same manner as set forth in Section 24-98 of this Chapter.

(Ord. 8 §1, 2006)

Sec. 24-118. City Council consideration.

At a public meeting, the City Council shall consider and review the final plat for conformance with the requirements of these subdivision regulations, this Code and any other applicable development regulations, standards or requirements adopted by the City. The City Council may postpone or continue any meeting for the purpose of obtaining additional information necessary to render a final decision on the final plat. At the conclusion of the meeting, the City Council shall render a final decision that the final plat should be approved, conditionally approved or disapproved based on the criteria for approval provided in Section 24-119 below. Where the City Council disapproves a

final plat, the City Council shall provide written reasons for such decision, which shall be made available to the applicant and any interested party. The City Council's decision shall be final.
(Ord. 8 §1, 2006)

Sec. 24-119. Standards for approval.

A final plat shall be recommended for approval or conditional approval by the Commission or approved or conditionally approved by the City Council only if the final plat and all required documentation and information demonstrate that the proposed subdivision:

- (1) Is in substantial conformance with the approved preliminary plat, including any conditions imposed on the approval of the preliminary plat;
- (2) Is in conformance with all applicable requirements of these subdivision regulations;
- (3) Is in conformance with all applicable requirements of the zone districts in which the property described in the final plat is located;
- (4) Is in general conformance with the applicable goals and policies of the Comprehensive Plan; and
- (5) Is in compliance with the City's regulations for areas or activities of state interest.

(Ord. 8 §1, 2006)

Sec. 24-120. Conditional approval.

The City Council may impose reasonable conditions on approval of the final plat which are deemed necessary or desirable by the City to ensure that the final plat and the subdivision proposed will not injure the health, safety or welfare of the public and ensure that the final plat will meet all requirements of these subdivision regulations, this Code and any other applicable development regulations, standards or requirements adopted by the City.

(Ord. 8 §1, 2006)

Sec. 24-121. Presentation of final plat.

Within fifteen (15) days following the City Council's approval or conditional approval of the final plat, the subdivider shall present to the City Clerk the final plat, in the form approved by the City Council with all revisions, if any, required by the City Council. Prior to presentation of the final plat to the City Clerk, the subdivider shall obtain all necessary signatures other than the signature of the Mayor or Mayor Pro Tem and the County Clerk and Recorder. The City shall reject and return to the subdivider any final plat containing handwritten revisions or containing incomplete or irregular signatures or notarizations.

(Ord. 8 §1, 2006)

Sec. 24-122. Effect.

(A) Approval or conditional approval of a final plat by the City Council shall authorize the Mayor or Mayor Pro Tem to execute such plat and any associated subdivision improvement agreement when the following conditions exist:

- (1) The final plat is found to be in conformance with all conditions established by the City Council in approving the final plat;
- (2) The final plat contains all required signatures and notarizations necessary for recordation with the County Clerk and Recorder;
- (3) The subdivider and all other necessary parties have executed a subdivision improvement agreement, if required; and
- (4) All fees and payments required by these subdivision regulations and any other provisions of this Code have been paid in full by the subdivider.

(B) Following execution of the final plat by the Mayor or Mayor Pro Tem, the City shall present the approved final plat and any subdivision improvement agreement to the County Clerk and Recorder for recordation. The City

shall retain as a public record all other documentation which is part of the final plat but which is not necessary for recordation.

(C) Following recordation of the final plat, the City shall notify the subdivider by regular U.S. Mail, postage pre-paid, that the final plat and supporting documents have been recorded with the County Clerk and Recorder. (Ord. 8 §1, 2006)

Sec. 24-123. Additional documents to be filed.

At the time of submitting the final plat to the City, the subdivider shall also submit therewith the following:

- (1) Traverse sheets. Traverse sheets in a form acceptable to the City Engineer.
- (2) Report and guarantee of clear title. The final plat document shall include a report prepared by a duly authorized title company or opinion by a licensed attorney, naming the person whose consent is necessary to the preparation and recording of said plat and to the dedication of the streets, alleys and other public places shown on the plat.
- (3) Detailed geological report. A detailed geological report by an engineering geologist, licensed to practice engineering in the State, shall be required to be filed by the developer with the final plat. If such further, more detailed work is recommended in the preliminary geological report or is considered to be necessary by the Commission or the engineering geologist responsible for the survey to ensure adequate safeguards for protection from geologic, topographic and drainage hazards, such report should include but not be limited to what is generally referred to as a soils investigation with the following specific items: geological and topographic maps, geologic cross-sections, geological hazards and engineering problems, rock and soil descriptions oriented to engineering, groundwater table elevation and if these areas would permit basements, and foundation design information, including depths to bed-rock and swell pressures of soils.
- (4) Construction proposal. The subdivider shall submit to the Commission a proposal for the timing and financing of construction of all public improvements in the subdivision. Such proposals shall include a schedule of development by blocks of lots, or in another suitable unit, showing the completion of the public improvements in relation to completion of buildings and appurtenant facilities on the individual sites. Definitive plans, in sufficient detail to estimate construction costs, shall be submitted with the construction proposal. In the event the subdivider's proposal is rejected, written notice thereof shall be provided specifying wherein the proposal is inadequate. If accepted, the proposal shall be incorporated in the agreement as provided below.
- (5) Agreement with the City and security. Prior to the recordation of any plat, the subdivider shall enter into an agreement with the City to construct and install all public improvements included in the construction proposal of these regulations. Such agreement shall provide a guarantee for the construction and installation of all public improvements. A warranty for materials and workmanship in the improvements constructed and installed shall be provided for a period of one (1) year from the date of their preliminary acceptance by the City. The date of preliminary acceptance will be as determined by the City Engineer, and such date will be stated by written certificate of preliminary acceptance to the subdivider. The guarantee for all construction and installation of improvements stated in the agreement with the City shall be secured by surety bond, cash bond or other methods approved by the City. The guarantee furnished shall be in the amount equal to one hundred twenty (120) percent of the estimated cost of construction and installation of improvements stated in the agreement with the City for a block of sites or other suitable unit of development. Such a guarantee shall run to the City and shall fully indemnify the City for all costs of construction of the required improvements. The estimated cost of construction shall be provided by a professional qualified to provide such estimates and shall be subject to approval by the City. The City may reject any estimate, and the City may obtain an estimate at its cost which shall be binding upon the subdivider for purposes of determining the amount of the required security. Fifteen (15) prints, one (1) reverse sepia and one (1) original inked Mylar of the final plat shall be submitted to the City. Nothing in any guarantee shall limit or preclude the City from enforcing the terms, conditions or obligations for the construction of public improvements as provided by the subdivider's agreement with the City.

- (6) School district acknowledgment. The subdivider shall provide written acknowledgement from Clear Creek County School District RE-1 that the subdivider has furnished to it a copy of the proposed plat, and has notified the school district of his or her intent to file a subdivision application for the same with the City.

(Ord. 8 §1, 2006)

Sec. 24-124. Contents of final plat.

(A) The final plat shall be prepared by or under the direct supervision of a registered land surveyor, shall be signed and stamped by said surveyor and shall meet applicable state requirements. The final plat shall be clearly and legibly drawn in black, waterproof, India ink, upon Mylar (minimum three-mil thickness) and shall be an original. Signatures shall be in black, waterproof, India ink. The drawings shall conform with the following checklist:

- (1) The dimensions of each sheet of said plat shall be twenty-four (24) inches by thirty-six (36) inches.
- (2) A marginal line shall be drawn completely around each sheet leaving an entirely blank margin of two (2) inches on the left, and one-half (½) inch on all other sides.
- (3) The minimum scale of the maps shall be one (1) inch equals fifty (50) feet and shall show all details clearly, and enough sheets shall be used to accomplish this end.
- (4) The particular number of the sheet and the total number of sheets and the relation of each adjoining sheet shall be clearly shown by a small key map on each sheet.
- (5) Each sheet or said plat proper shall show the date of the survey.
- (6) North point (magnetic and true), written and bar scale, shall be indicated.
- (7) The final plat shall contain a key map showing the location of the subdivision.

(B) Title. The title of each sheet of the final plat shall consist of the approved name of the subdivision conspicuously placed on the sheet. Plats which are a resubdivision of previously subdivided land shall be designated with a title reflecting the original title.

(C) Certificates, acknowledgments and descriptions. The following certificates, acknowledgments and descriptions shall appear on the title sheet of the final plat. Such certificates may be combined where appropriate and approved by the City.

- (1) Certificate by parties holding title. A certificate signed and acknowledged by all parties having any record title interest in the land subdivided, consenting to the preparation and recording of said plat, shall be shown on the plat; provided, however, that the signatures of parties owning the following types of interests may be omitted if their names and the nature of their interests are set forth on the plat:
 - (a) Mineral rights, whether by ownership or lease.
 - (b) Rights-of-way, easements or other interests, none of which can ripen into a fee.
 - (c) Rights-of-way, easements or reversions which, by reason of changed conditions, long disuse or laches appear to be no longer of potential use or value and which signatures it is impossible or impractical to obtain. In this case, a reasonable statement of the circumstances preventing the procurement of the signatures shall be also endorsed on the plat.
 - (d) Any subdivision plat, including land originally patented or conveyed by the United States or this State, under patent or deed reserving interest to either or both of these entities, may be recorded under the provision of this Article without the consent of the United States or of this State thereto, or to dedications made thereon.
- (2) Title certificate (only one [1] required):

TITLE CERTIFICATE

I, _____, as authorized agent for _____ Title Company, and having the power and authority to legally bind _____ Title Company with respect to the certification made herein, hereby certify that I have examined title to the above-described land dedication to the City of Idaho Springs, and that the parties executing the dedication have merchantable title to the above-described real property and are well seized of the property dedicated by this plat and have good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and have good right, full power and lawful authority to dedicate the same in manner and form as aforesaid, and that the same is free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature except those of record and acceptable to the City.

Signed this ___ day of _____, 20__.

By _____
Agent
(Name of Title Company)

-OR-

TITLE CERTIFICATE

I, _____, an Attorney licensed to practice law in the State of Colorado, certify that I have examined title to the above-described land dedication to the City of Idaho Springs, and that the parties executing the dedication have merchantable title to the above-described real property and are well seized of the property dedicated by this plat and have good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and have good right, full power and lawful authority to dedicate the same in manner and form as aforesaid, and that the same is free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature except those of record and acceptable to the City.

Signed this ___ day of _____, 20__.

Attorney at Law

- (3) Dedication certificate: A certificate shall be shown on the plat, signed and acknowledged as above, offering for dedication all parcels of land shown on the final plat and intended for any public dedication, except those parcels other than streets which are intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants and servants:

DEDICATION

The undersigned, being the owner of the following described property: (Complete and accurate description of property) has laid out, subdivided and platted the same into lots, blocks, tracts, streets and avenues as herein shown under the name and style of _____, and does hereby grant and convey to the City of Idaho Springs all such streets and avenues, alleys, parks and all utility and drainage easements over and across said lots at locations shown on the accompanying plat for construction, operation and maintenance of utilities and drainage facilities.

Signed this ___ day of _____, 20__.

Owner Signature

STATE OF COLORADO)
) ss.
COUNTY OF CLEAR CREEK)

The above and foregoing plat and dedication of _____ was acknowledged before me this _____ day of _____, 20__, by _____.

My commission expires: _____.

Witness my hand and official seal.

funds or other security for the improvements are escrowed with the City, and a Certificate of Occupancy has been issued by the City. Issuance of the Certificate of Occupancy shall be prima facie evidence that the foregoing conditions have been complied with.

- (7) Planning Commission approval certificate:

APPROVAL CERTIFICATE

Approved by the City of Idaho Springs Planning Commission this _____ day of _____, A.D., 20____.

Chairman

- (8) Clerk and Recorder's certificate:

CLERK AND RECORDER'S CERTIFICATE

Accepted for filing in the office of the Clerk and Recorder of the County of Clear Creek, State of Colorado this _____ day of _____, A.D., 20____, at Book _____, Page _____, Reception no. _____.

Clerk and Recorder

- (9) City Council approval certificate:

The foregoing plat is approved for filing, and conveyance of the streets and avenues, alleys, parks and all other places designated for public use shown thereon is accepted by the City of Idaho Springs, Colorado, this ____ day of _____, 20____, subject to the condition that the City shall undertake maintenance of any such street or avenue, alley, park or other places designated for public use only after construction of said street and avenues, alleys, parks and other places designated for public use has been satisfactorily completed by the subdivider and accepted by the City of Idaho Springs.

Approved by the City of Idaho Springs City Council this ____ day of _____, A.D., 20____.

Mayor

ATTEST:

City Clerk

- (10) Legal description of property: The method of description shall be by use of the standard land measurement and/or by use of metes and bounds, except that in resubdivision, the subdivision, block, tract and/or lot shall also be described. A complete legal description is also required of all the property being subdivided, shown by reference to maps or deeds of the property shown thereon, as shall have been previously recorded or filed. Each reference to such description of any tract or subdivision, shall be spelled and worded identically with the original record thereof, and must show book and page reference to records of the County. The description shall also include reference to any vacated area with the book and page number of the instrument of vacation, and any excepted tract shall be described as in the original instrument.
- (11) Other affidavits: The title shall contain such other affidavits, certificates, acknowledgments, endorsements and notarial seals as are required by law or these regulations.
- (Ord. 8 §1, 2006)

Sec. 24-125. Subdivision boundary.

An accurate and complete boundary survey shall be made of the land to be subdivided. A traverse of the exterior boundaries of the tract, and of each block, when computed from field measurements on the ground, must close within a limit of one (1) foot to ten thousand (10,000) feet of perimeter. The boundary of the subdivision shall be clearly indicated on the final plat. All lines shown on the plat which do not constitute a part of the subdivision shall be dashed. Any area enclosed by the subdivision, but not a part thereof, shall be labeled "NOT A PART OF THIS SUBDIVISION."

(Ord. 8 §1, 2006)

Sec. 24-126. Dimensions, bearing, other data.

The final plat shall show all survey and mathematical information and data necessary to locate all monuments and to locate and retrace any and all interior and exterior boundary lines appearing thereon, including bearings or angles, continued with distances of straight lines, radii, arc lengths, tangent distances and deflection angles for all circular curves. Where, under unusual circumstances, curves other than circular are used, the final plat must indicate type of curve and all pertinent data.

(Ord. 8 §1, 2006)

Sec. 24-127. Lots and blocks.

All lots and blocks and all parcels offered for dedication for any purpose shall be particularly delineated and designated with all dimensions, boundaries and courses clearly shown and defined in every case. Parcels offered for dedication other than for streets or easements shall be designated by letter or number. Sufficient linear, angular and curve data shall be shown to determine readily the bearing and length of the boundary lines of every block, lot and parcel which is a part thereof. All lots and, wherever practicable, blocks, in their entirety shall be shown on one (1) street. No ditto marks shall be used for lot dimensions. All lots and blocks shall be numbered systematically. The square footage of each block or parcel shall also be listed.

(Ord. 8 §1, 2006)

Sec. 24-128. Streets.

The plat shall show the right-of-way lines of each street and the width of any portion being dedicated, and widths of any existing dedications. The width and locations of adjacent streets and other public properties within fifty (50) feet of the subdivision shall be shown. If any street in the subdivision is a continuation or approximately a continuation of an existing street, the conformity or the amount of nonconformity of such street to such existing streets shall be accurately shown. Whenever the centerline of a street has been established or recorded, the date shall be shown on the final plat. Street names shall be clearly shown.

(Ord. 8 §1, 2006)

Sec. 24-129. Easements; rights-of-way.

(A) The sidelines of all easements shall be shown by fine dashed lines. If any easement already of record cannot be definitely located, a statement of the existence, the nature thereof and its recorded reference must appear on the title sheet. Distances and bearings on the sidelines of lots which are cut by easement must be arrowed or so shown that the plat will indicate clearly the actual length of the lot lines. The widths of all easements and sufficient ties thereto to definitely locate the same with respect to the subdivision must be shown. All easements must be clearly labeled and identified. If an easement shown on the plat is already of record, its recorded reference must be given. If an easement is being dedicated by the plat, it shall be set out in the owner's certificate of dedication and be dedicated to the City.

(B) All other existing or proposed rights-of-way shall be shown, labeled and dimensioned. If already of record, the recorded reference shall be shown.

(Ord. 8 §1, 2006)

Sec. 24-130. Building setback line.

The plat shall show building setback lines, where required to be shown, by long thin dash lines. Said setback lines shall be in accordance with the City's zoning regulations.
(Ord. 8 §1, 2006)

Sec. 24-131. High water line.

The plat shall show by a fine continuous line the areas subject to inundation within the one-hundred-year floodplain, citing the source of information. If such area does not exist, this must be stated.
(Ord. 8 §1, 2006)

Sec. 24-132. Monumentation.

(A) The final plat shall show fully and clearly what stakes, monuments and/or other evidence to determine the boundaries of the legal description of the subdivision were found on the ground.

(B) The final plat shall show the location of all monuments placed in making the survey and, if any points were reset by ties, that information shall be stated. The external boundaries of all subdivisions shall, prior to the recording of any plat thereof, be monumented on the ground by reasonably permanent monuments solidly embedded in the ground. Affixed securely to the top of each monument established after July 1, 1968, shall be the Colorado registration number of the land surveyor responsible for the establishment of said monument. These monuments shall be set not more than one thousand four hundred (1,400) feet apart along any straight boundary line, at all angle points, and at the beginning and end points of change of direction or change of radius of any curved boundaries. Monuments may be set after acceptance of the final plat by the City Council and in the manner recommended by the City Engineer and approved by the Commission. Staking and monumenting of the subdivision shall comply with the applicable provisions of Section 38-51-101 *et seq.*, C.R.S., as amended. Concrete and metal monuments depressed below street grade with cast-iron ring and cover, of a type approved by the City Engineer, shall reference intersections of street centerlines.
(Ord. 8 §1, 2006)

Sec. 24-133—24-140. Reserved.

ARTICLE X

Exceptions

Sec. 24-141. Process.

Where strict compliance with these regulations would create unusual hardships or exceptional practical difficulties, the Commission and the City Council may consider granting an exception from the requirements stated herein. However, no such exception shall be granted unless the Commission and the City Council find that such exception shall not be injurious to the public health, safety or welfare and that unique conditions are presented that are project-specific. Upon appeal from an adverse ruling of the Commission to any request for an exception, the City Council may grant such exception without Commission approval. No application for exception hereunder shall be accepted by the City unless accompanied by the deposit and executed agreement required by Section 24-4 of this Chapter.
(Ord. 8 §1, 2006; Ord. 11 §14, 2007)

Sec. 24-142—24-150. Reserved.

ARTICLE XI

Minor Subdivision

Sec. 24-151. Purpose; scope.

This Article is intended to waive certain procedural requirements pursuant to the authority in Section 31-23-215(1), C.R.S., as amended, in order to permit the expeditious and economical processing of subdivisions defined in Section 24-152 below, whose impacts upon other properties are nominal. Where applicable, the provisions of this

Article supersede conflicting or inconsistent provisions of other Sections of this Chapter. Notwithstanding any provision of this Section to the contrary, the City Council may by resolution authorize a subdivision application not meeting the strict requirements of Section 24-153 below to be processed in accordance with this Article if it finds the same to be in the best interests of the City.

(Ord. 8 §1, 2006)

Sec. 24-152. Definition.

For the purposes of this Article, *minor subdivision* means a subdivision which does not create more than five (5) lots, and does not involve or require the construction of any additional public improvements.

(Ord. 8 §1, 2006)

Sec. 24-153. Procedure.

(A) A person who desires to utilize the provisions of this Article shall file the submittals described in Section 24-154 below with the City. The filing shall be deemed made when the City Planner determines that the submittals are complete. All complete applications shall be promptly referred to the Commission.

(B) Planning Commission. Subject to direction from the City Council pursuant to Section 24-151 above, the Commission shall first determine whether the application qualifies for processing under this Article and summarily deny any application which does not so qualify. Qualifying applications shall be set for public hearing with notice given and the public hearing conducted as provided in Article IX of this Chapter. At the conclusion of the public hearing, the Commission shall act upon the application as provided in Article IX.

(C) City Council. Not later than at its first regularly scheduled meeting following receipt of the Commission's recommendations, the City Council shall review the application and act thereon generally as provided in Article IX of this Chapter. Action of the City Council shall be deemed the final order of the City. Approved plats shall be recorded and otherwise processed the same as provided in this Chapter.

(Ord. 8 §1, 2006)

Sec. 24-154. Submittals.

Required submittals include the following:

- (1) A written application signed by the record owner of the property involved, on a form provided by the City.
- (2) A Mylar and twelve (12) copies of the proposed plat meeting the requirements for a final plat as provided in Article IX of this Chapter.
- (3) Evidence of fee ownership of each parcel of land included within the proposed minor subdivision. Such evidence shall consist of a commitment for or a title insurance policy, a written attorney title opinion, a subdivision certificate or a written ownership and encumbrance report, all dated within thirty (30) days before the date of submission to the City. Copies of deeds and tax notices ARE NOT sufficient. If a corporation, partnership or joint venture owns the property, the subdivider shall furnish such additional information (i.e., partnership agreement, joint venture affidavit as provided by Section 38-30-166, C.R.S., as amended, etc.) as may be requested by the City in order to determine that the signatories have been authorized by that entity to execute such documents.
- (4) Written comments from telecommunications, gas and electric utilities serving the property, and any and all cable television operators franchised to do business in the City.
- (5) Written acknowledgement from Clear Creek County School District RE-1 that the subdivider has furnished to it a copy of the proposed plat and has notified the school district of his or her intent to file a subdivision application for the same with the City.
- (6) A statement that the subdivider has performed the records searches and other investigations necessary to comply with Section 24-75.5-103, C.R.S., as amended, regarding notice to mineral estate owners, and that the subdivider is then fully prepared to give notice of the public hearing on the preliminary submittal immediately upon scheduling thereof. The subdivider shall attach a complete mailing list of the persons entitled to receive such notice to the statement required by this Paragraph.

(7) An application fee in an amount set forth in the City's fee schedule.
(Ord. 8 §1, 2006)

Sec. 24-155. Conformity with zoning.

No minor subdivision shall cause or continue any nonconforming lot as defined for zoning purposes unless a variance therefor is first approved pursuant to the zoning regulations.
(Ord. 8 §1, 2006)

Sec. 24-156—24-160. Reserved.

ARTICLE XII

Administrative Plat Amendment

Sec. 24-161. Purpose; scope.

This Article is intended to provide a prompt, efficient process to correct clerical and other nonmaterial errors in approved plats and to approve minor lot line adjustments pursuant to the authority in Section 31-23-215(1), C.R.S., as amended, in cases meeting the requirements of Section 24-162 below. Where applicable, the provisions of this Article supersede conflicting or inconsistent provisions of other sections of this Chapter.
(Ord. 8 §1, 2006)

Sec. 24-162. Definition.

For the purposes of this Article, *administrative plat amendment* means a subdivision of lands already in an approved plat which meets one (1) or more of the following criteria:

- (1) The amendment involves minor lot line adjustments, including the consolidation of contiguous lots under common ownership, which do not increase the number of lots previously included within the area involved in the amendment.
- (2) The amendment affects minor adjustments in the boundaries of streets or utility easements.
- (3) The amendment changes the names of streets or the name of the existing plat.
- (4) The amendment corrects minor errors on a plat, including but not limited to typographical and spelling errors or transpositions, incorrect seal, incorrect dates, monumentation incorrectly noted or drawn, incorrect or missing interior dimensions on the drawing and missing or incorrectly displayed arrows or symbols.

(Ord. 8 §1, 2006)

Sec. 24-163. Procedure.

A person who desires to utilize the provisions of this Article shall file the submittals described in Section 24-164 below with the City. The filing shall be deemed made when the City staff determines that the submittals are complete. All complete application shall promptly be referred to the Public Works Department, the City Planner and the City Attorney, who shall provide their written comments thereon to the City Planner within twenty (20) days of their receipt of the referral. If the City Planner, Public Works Department and City Attorney find that the submittal meets the requirements set forth in Section 24-164 below, the City Planner shall approve the same. The City Planner shall be authorized to execute the City certificate of approval on the plat or the City approval of an affidavit of correction made pursuant to Section 24-165 below. Approved plats shall be recorded and otherwise processed as provided in Article IX of this Chapter.

(Ord. 8 §1, 2006)

Sec. 24-164. Submittals.

Required submittals include the following:

- (1) A written application signed by the record owner of the property involved on a form provided by the City.

- (2) A Mylar and twelve (12) copies of the proposed plat meeting the requirements for a final plat as provided in Article IX of this Chapter, except that the approval certificate for the City shall be prepared for the signature of the City Planner only.
- (3) Evidence of fee ownership of each parcel of land included within the proposed plat amendment. Such evidence shall consist of a commitment for or a title insurance policy, a written attorney title opinion, a subdivision certificate or a written ownership and encumbrance report, all dated within thirty (30) days before the date of submission to the City. Copies of deeds and tax notices ARE NOT sufficient. If a corporation, partnership or joint venture owns the property, the subdivider shall furnish such additional information (i.e., partnership agreement, joint venture affidavit as provided by Section 38-30-166, C.R.S., as amended, etc.) as may be requested by the City in order to determine that the signatories have been authorized by that entity to execute such documents.
- (4) Written comments from telecommunications, gas and electric utilities serving the property, and any and all cable television operators franchised to do business in the City.
- (5) An application fee in an amount set forth in the City's fee schedule.
(Ord. 8 §1, 2006)

Sec. 24-165. Affidavit of correction.

If the purpose of the administrative plat amendment is to correct one (1) or more minor errors or omissions in an approved plat, *e.g.*, a name or an internal dimension, and such correction can be accomplished by a narrative statement, in lieu of submitting a plat as required by Paragraph 24-164(2) above, the applicant may submit an affidavit of correction prepared, signed and stamped by a professional land surveyor and signed by the owner, which fully and adequately describes each error and each correction to be made, by specific reference to the approved plat. Upon approval of the administrative plat amendment, the affidavit of correction shall be recorded in lieu of a plat, along with appropriate evidence of approval thereof by the City.
(Ord. 8 §1, 2006)

Sec. 24-166. Conformity with zoning.

No administrative plat amendment shall cause or continue any nonconforming lot as defined for zoning purposes unless a variance therefor is first approved pursuant to the zoning regulations.
(Ord. 8 §1, 2006)

Sec. 24-167—24-170. Reserved.

ARTICLE XIII

Enforcement

Sec. 24-171. Enforcement.

(A) It is unlawful for any person, firm, corporation, owner or agent of the owner of any land located within any subdivision or proposed subdivision, to sell, agree to sell or offer or negotiate to sell any land by reference to or by use of a plan or plat of a subdivision until such subdivision has received final approval by the Commission and the City Council and a plat is filed in the office of the County Clerk and Recorder.

(B) Whoever, being the owner or agent of the owner of any land located within a subdivision, transfers, sells, offers to sell, agrees to sell or negotiates to sell any land by reference to, by exhibition of or by use of a plat of a subdivision before such plat has been approved by the Commission and the City Council and recorded or filed in the office of the County Clerk and Recorder shall pay a penalty of one hundred dollars (\$100.00) to the City for each lot or parcel so transferred, sold or agreed or negotiated to be sold. Each and every day which the violation continues shall be deemed a separate offense. The description of such lot or parcel in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies provided in this Section. The City may enjoin such

transfer, sale or agreement by action for injunction brought in any court of competent jurisdiction, and may recover the penalty by civil action in any court of competent jurisdiction.

(C) It is unlawful to erect, construct, reconstruct, use or alter any building or structure or to use any land in violation of these subdivision regulations; and the City Council may enforce obedience to such regulations by fine or imprisonment as provided in Section 31-16-101, C.R.S., as amended. In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered or used or any land is or is proposed to be used in violation of these subdivision regulations, the City, in addition to other remedies provided by law, may institute an appropriate action to prevent, enjoin, abate or remove the violation to prevent the occupancy of the building, structure or land or to prevent any illegal act or use in or on such premises.

(Ord. 8 §1, 2006)

Sec. 24-172—24-180. Reserved.

ARTICLE XIV

Vested Rights

Sec. 24-181. Effect.

A vested right insulates a development that is in progress from changes in these regulations for a specified period of time, allowing the project to proceed as originally approved. Vested rights may be established through the approval of a site specific development plan or the execution of a development agreement, as described herein.

(Ord. 8 §1, 2006)

Sec. 24-182. Creation.

(A) Any existing provisions or regulations previously adopted by the City which conflict with any provision of these regulations required by the provisions of Title 24, Article 68, C.R.S., as amended, are hereby declared to be null, void and repealed.

(B) As used herein, the following definitions shall apply:

Applicant. Landowner or subdivider.

Landowner. Any owner of a legal or equitable interest in real property, including the heirs, successors and assigns of such ownership interest.

Property. All real property subject to land use regulations in the City.

Site specific development plan. A previously approved and valid final subdivision plat, a fully executed development agreement in full compliance with this Chapter, a site plan approved in conformance with the requirements of Chapter 21, Article V of this Code and a building permit obtained after full compliance with the provisions of Chapter 21 of this Code.

(C) Approval of a site specific development plan shall be dependent on compliance with the provisions of these regulations and subject to such conditions and safeguards as may be imposed in order that the plan comply with the general intent and specific provisions of these regulations and as may be reasonably necessary to protect the public health, safety and welfare.

(D) Approved site specific development plans shall result in the creation of vested property rights for a duration of time of three (3) or more years, the duration of time depending on the request of the landowner and the decision of the City Council to approve said right for three (3) or more years. All site specific development plans approved by the City Council are subject to periodic review yearly or otherwise as often as the City Council deems appropriate and reasonable. In addition, the City Council may, in its discretion and for proper cause, revoke a previously granted approval of a site specific development plan and cause a previously granted vested property right to cease to exist.

(Ord. 8 §1, 2006; Ord. 11 §15, 2007)

Sec. 24-183. Limitations.

(A) Any vested rights created by the authority of these regulations may be modified, diminished or abolished, by decision of the City Council, by circumstances that include, but are not limited to, the following:

- (1) Failure of the landowner to conform to the provisions of these regulations or the development agreement;
- (2) Discovery of natural or man-made hazards on or in the immediate vicinity of the development which, if uncorrected, would pose a serious threat to public health, safety and welfare;
- (3) Payment of just compensation to an affected landowner, except that such compensation shall not include remuneration for any diminution in the value of the property which is caused by such action; or
- (4) The application of land use and related regulations which are general in nature and applicable to all property subject to land use regulation by the City, including but not limited to building, fire, plumbing, electrical and mechanical codes.

(B) Approval of a site specific development plan shall not constitute an exemption from or a waiver of any provisions of the land use regulations or other lawfully established provisions of the City pertaining to the development, use or exchange of property unless such exemption or waiver is expressly granted by the City Council.

(Ord. 8 §1, 2006)

Sec. 24-184. Notice of established rights.

Any vested rights created by the approval of a site specific development plan shall be deemed established upon the approval or conditional approval of that plan and the accompanying development agreement. Within fourteen (14) days after such approval, the City Clerk shall publish, in a newspaper of general circulation, a notice of the approval or conditional approval of the site specific development plan and creation of a vested right.

(Ord. 8 §1, 2006)

Sec. 24-185—24-190. Reserved.