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RECOMMENDED SUBDIVISION REGULATIONS

CITY OF MONTROSE

MONTROSE COUNTY

COLORADO

July 1960

Eugene D. Sternberg & Associates  
Planning Consultants  
Denver, Colorado

Urban Planning Grant: Project No. Colo P-12. Prepared under Contract for the Colorado State Division of Planning, by: Eugene D. Sternberg & Associates, Planning Consultants. The preparation of this report was financed in part through an urban planning grant from the Housing and Home Finance Agency, under the provisions of Section 701 of the Housing Act of 1954, as amended.

Denver, Colorado  
July 30, 1960

Montrose Planning Commission  
Montrose, Colorado  
Attention Mr. Jack Pixier, Chairman

Gentlemen:

Transmitted herewith are thirty copies of the recommended Subdivision Regulations for the City of Montrose, Colorado. These recommendations are prepared for your consideration.

The regulations furnish information regarding subdivision requirements for use in the development of the City. This study, upon adoption of the subdivision regulations, will become part of the Comprehensive Plan.

After your review, revisions will be made for your consideration.

Yours truly,

EUGENE D. STERNBERG & ASSOCIATES  
Planning Consultants

BY   
Edward E. Houk

Enclosures

## I N T R O D U C T I O N

This section of the Comprehensive Plan is a revision of existing subdivision regulations from many areas within the State and from various agencies such as F. H. A. The purpose is to assist members of the Planning Commission and the City Council in the preparation and administration of subdivision regulations for the City of Montrose which can be enforced.

This study suggests a procedure to be followed by the subdivider, the Planning Commission, Administrative Officials, and the City Council in the review and approval of subdivisions. It is recognized that the suggested minimum standards of design and construction may have to be further modified to meet the local conditions and that it may be necessary to change certain provisions to conform more closely with the thinking of the City Attorney with regard to the local laws. However, the basic elements which should be contained in local subdivision regulations are included. It is our hope that such regulations will aid in attaining a greater understanding among and between the subdividers, the City Administration, the Planning Commission and the City Council; and, will provide a basis for the future development of the City.

### P A R T I

#### THE PROBLEM

As the State Statutes point out "every plat approved by the Commission, by virtue of such approval, shall be deemed to be an amendment of or an addition to or a detail of the municipal plan and a part thereof", (139-59-15, CRS, 1953). Therefore, it is of utmost importance that the Planning Commission, the Administrative Officials of the City, and the City Council establish a sound policy for the approval of Subdivision Plats. These regulations must be reasonable and just and they must be applied fairly and equally to all persons subdividing land within the jurisdiction of subdivision regulations as provided by law.

Each new subdivision accepted in the City of Montrose becomes a permanent unit in the complete physical lay-out of the City and its environs. As an integral part of the over-all city structure, each subdivision should be properly co-ordinated with existing streets, utilities, public facilities, and plans for developing these entities. In general, both the prospective subdivider and the city will benefit from the mutual understanding of the problems and plans.

Most of the expansion of the City of Montrose must take place in the areas now unplatted, and thus the manner in which these are subdivided will determine to a major degree the desirability of new City growth. To individual developers a subdivision may seem to be a project complete in itself, but to the City and entire region, it represents a dependent unit with definite relationships to existing streets, utilities, parks, schools and other municipal facilities and service. Before raw

land can be considered completely developed for residential use at least fourteen improvements are necessary, as follows:

- |                                     |  |
|-------------------------------------|--|
| 1. Street and utility rights-of-way | 8. Sanitary sewer system                             |
| 2. Street pavements                 | 9. Gas Service                                       |
| 3. Curb and gutters                 | 10. Electric Service                                 |
| 4. Sidewalks                        | 11. Telephone Service                                |
| 5. Street Lights                    | 12. Grading and Landscaping                          |
| 6. Street Signs                     | 13. Storm and Sewer Drainage System                  |
| 7. Water System                     | 14. Nearby School and Recreation land and buildings. |

Each of these preceding improvements will need to be financed by either the original owner of the raw land (the subdivider) or by future buyers of property in the subdivision or by the general public with money collected chiefly from areas surrounding the subdivision. To be sure that each new subdivision does not create a financial hardship on the general public or on persons buying lots in the subdivision, an ordinance regulating subdivision development has been passed by the City Council. This ordinance authorizes the City Planning Commission to adopt regulations governing the subdivision of land as is provided in Chapter 139, Article 59, Section 15 of the Revised Statutes of the State of Colorado. Contained herein are a set of subdivision standards and development requirements necessary for the fulfillment of the Subdivision Ordinance. It is believed that these subdivision standards may be helpful in the following ways:

A. EACH SUBDIVIDER SHOULD

1. KNOW IN ADVANCE THE TYPE OF SUBDIVISION DESIGN WHICH IS EXPECTED
2. BE ABLE TO USE ESTABLISHED PRINCIPLES OF DEVELOPMENT FOR INCREASED BENEFIT TO HIS SUBDIVISION
3. HAVE ASSURANCE THAT LENDING AGENCIES ORDINARILY WILL FAVOR HIS PLAN

B. ADJOINING LAND OWNERS SHOULD

1. Have assurance that at a later date their area can be subdivided without conflict with present plats.
2. Be protected against poor land use practices which would destroy values along their property boundaries.

C. ALL TAXPAYERS SHOULD

1. Save money by coordinated, properly financed rights-of-way and utility expansions.
2. Be able to secure necessary land for public purposes in advance of high land values.

D. FUTURE PROPERTY OWNERS SHOULD

1. Be able to purchase sites in newly subdivided areas with the knowledge that deeds and other legal descriptions are accurate.
2. Be protected against unexpected improvement costs.

GENERAL INFORMATION REGARDING THE  
PURPOSES AND OBJECTIVES OF SUBDIVISION REGULATIONS

The regulation of land subdivision for residential and other uses is widely accepted as a function of municipal and county government in the United States. It has become widely recognized as a method of insuring sound community growth and the safeguarding of the interests of the taxpayer, the developer, the local government and the future property owner. The business of building a city, and its environs, requires the safeguarding of these interests and the assurance that residential land subdivision will provide permanent assets to the locality and at the same time prohibit excessive utility expenditures. A large part of land subdivision and development continues to occur in unincorporated areas, and so the regulation of land subdivision is of as great a concern to unincorporated areas as it is to incorporated areas.

Subdivision regulations should prevent excessive governmental operating costs. At the same time, they should assure to the maximum degree possible the means whereby land can be developed for the most desirable use with all of the necessary protections against deterioration and obsolescence.

Regulations for control of land subdivision are instruments of local government which require the greatest amount of cooperation between the developer and the municipality.

The subdivision of land is a technical and business venture which not only affects the immediate return to the investor in land and the value of the land on which he may wish to build, but it also determines for the local government cost and income for the years to come which must be weighed at the time that a subdivision is under consideration.

These Recommended Subdivision Regulations are expected to help guide the Planning Commission in preparation of the changes which it may wish to adopt. It covers the technical elements of land subdivision control designed to assure the maximum return on the local government's investment, and at the same time to assure the developer full consideration of his interests and responsibilities. It also assures developers that they will all be treated fairly, and in a like manner.

Every subdivision plan requires the most careful checking for consistency with the general community plan so that it is related to other land use proposals and coordinated with other developmental programs of the community. Such coordination includes review of the subdivision plan by appropriate officials for certification as to conformity with zoning, building and other regulations which affect the sale and development of land or the restriction of buildings. A planning commission's role as coordinator of local developmental activities means that IN ORDER TO ACHIEVE A CONSISTENCY OF INTEREST, IT HAS THE RESPONSIBILITY NOT ONLY FOR INSURING THAT

REVIEWS FOR SUCH CERTIFICATIONS ARE MADE BUT ALSO FOR APPROVING THE DESIGN OF THE PLAN--i.e., THE LAYOUT OF ROADS AND PUBLIC OPEN SPACES AND LOTS.

There have been many instances where subdivisions have been designed and developed without careful check with the city engineer on availability of water supply or the feasibility of sewer and drainage systems well in advance of the actual platting and sale of the land. Where the responsibility for installation of utilities and streets has not been defined in relation to new subdivisions, it is often necessary to levy special improvement taxes for subdivision improvements after lots have been sold. Often such taxes have been in excess of the economic return possible from the lots. Tax delinquency is an all too common result of this kind of situation and there are many thousands of properties in the United States with improvement liens against them in excess of their assessed or sales value. Such properties become liabilities to the community and can only be made available for development if the community is able to and wishes to take development loss.

The city engineer who is also responsible for the construction of streets and roads and for the proper location, construction and size of utilities, must be certain that his specifications are met as a subdivision is developed in order to assure both soundness of layout and economy of construction and maintenance.

A fire department must be able to service an area effectively. Streets and utilities must be laid out so that equipment may be moved readily and be provided easily with an adequate water supply at the proper pressures.

The layout of the subdivision should be such as to facilitate the provision of adequate police protection, not only for general purposes, but also for traffic control and school patrol.

One of the major difficulties faced in any locality in the development of a school program is anticipating the needs of new subdivisions. A new subdivision may affect a school plant planning program in two ways: (1) by increasing the child population in an area and (2) by draining the child population from other areas. Even though it is impossible to anticipate accurately the age composition of families moving into a new area, it is important that the school board be given immediate information on every new subdivision being planned. The stability of a residential neighborhood depends to a large degree on the availability of schools for the complete range of school grades. In many instances the locality has taken the responsibility of requiring a subdivider to reserve areas or provide funds for school and other public purposes.

PROVISION OF ADEQUATE RECREATION FACILITIES, INCLUDING PLAYGROUNDS AND SMALL PARKS, IS A FACTOR WHICH CANNOT BE MINIMIZED IN THE ACCEPTABILITY OF A PLAT. Sidewalks and streets are not safe recreation areas. Multifamily dwellings, duplexes, and other types of dwellings establishing concentrations of population may aggravate the recreation problem. The health, welfare and stability of a residential community requires a careful analysis of the anticipated child age composition and adequate attention to the needs and convenience of a recreation program for the community as a whole. The local governing body has an interest in negotiating with the subdivider for the reservation or dedication of space for necessary playgrounds and parks in appropriate locations.

The development of a subdivision affects the local tax structure in several ways including its income and the use of public funds. Budget officers are becoming more and more aware of the fact that a capital improvement program is necessary in every locality. Suburban bankruptcies, a not uncommon condition at the periphery of many American cities, including Montrose, have been due in many instances to land subdivision or to subdivision which has not been geared to the ability of the locality to finance its public improvements.

All subdivision plats require recording, including accurate legal descriptions of boundaries and clear title. The recording of every plat must be in accordance with State law and county and municipal codes. The legal requirements of subdivision development are strict and definite with respect to accuracy of plat and legal descriptions.

#### FEDERAL GOVERNMENT INTERESTS AND NATIONAL POLICY

It should be clear from the above that the development of a subdivision is a complex, technical job requiring the closest possible cooperation between private enterprise and public agencies. The Federal Government has long recognized the importance of providing for subdivision regulations at the local level and incorporated such provisions in the publication, A Standard City Planning Enabling Act, issued in 1928 by the Department of Commerce, which served as the basis of much State enabling legislation. To further encourage the local adoption of such regulations, Model Subdivision Regulations, developed by the Advisory Committee on City Planning and Zoning appointed by the Secretary of Commerce, was published in 1936 by the National Resources Committee, and have since been revised.

Good subdivision regulations and the resulting sound community growth are of special interest to the Federal Government in its programs of financial aids and guarantees. The Federal Housing Administration provides mortgage insurance to private lending institutions for loans on privately-owned homes built by private builders. Its mortgage insurance risks have been kept within reasonable limits by requiring conformity with sound housing and planning standards. Local FHA Insuring Offices with the assistance of its Land Planning Consultants advise subdividers and their technicians on specific subdivision proposals and offer planning suggestions for sound land development.

Under the Housing Act of 1954, the Housing and Home Finance Agency renders financial assistance to local public agencies for the clearance of slums and blighted areas and making such areas available for appropriate redevelopment.

It is important to recognize that the Declaration of National Housing Policy stipulates that HHFA and its constituent agencies will encourage and assist "The development of well-planned, integrated, residential neighborhoods and the development and redevelopment of communities." Throughout the Housing Act of 1954 there is emphasis on assistance to be given to private enterprise and on the conformity of proposed developments to general planning requirements of the locality.

In other words, the assistance by the Federal Government in insuring mortgages or in the acquisition of land for redevelopment purposes, is predicated on sound subdivision layout and development.

It should be noted that the following recommended regulations not only apply to the more customary subdivisions providing lots for individual dwellings, but also reflect full recognition of the important growing trend toward large-scale developments such as complete residential communities and integrated neighborhood units, involving special problems of community planning. Each of the large-scale, community-type developments will have to be judged on the basis of its particular characteristics as measured against the general objectives of subdivision control, and local officials should be granted discretionary authority under proper safeguards, to modify the standards and requirements as may be necessary.

### P A R T    I I I

#### RECOMMENDED SUBDIVISION REGULATIONS

(tentative only--Subject to review and correction and subsequent adoption)

The proposed amendments to the regulations which follow, contain an ordinance for later consideration by the Council.

These regulations are for the preliminary review and consideration of the administrative officials, Planning Commission, and City Council and represent the preliminary recommendations of the Consultant and the Housing and Home Committee. The suggestions and recommendations of the officials, Commission, Council and Housing and Home Committee are indispensable if these regulations are to be workable in Montrose. Subsequent to these recommendations the regulations should be put in legal form, by the City Attorney, for hearings and presentation as ordinances or resolutions as the case may be.

#### RECOMMENDED SUBDIVISION REGULATIONS

##### Section:

4-7- 1:	Interpretation and Purpose	4-7-11:	Penalties
4-7- 2:	Scope	4-7-12:	Separability
4-7- 3:	Approving Agency	4-7-13:	Ordinances Relealed
4-7- 4:	Definitions		
4-7- 5:	Application of Regulations		
4-7- 6:	Enforcement		
4-7- 7:	Procedure		
4-7- 8:	Subdivision Regulations		
4-7- 9:	Required Improvements		
4-7-10:	Variances		

4-7-1:        **INTERPRETATION AND PURPOSE:** In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements adopted for the protection of the public health, safety and welfare. To protect the public, among other purposes, such provisions are intended to provide for permanently wholesome community environment, adequate Municipal services and safe streets.

4-7-2:        **SCOPE:** This Chapter shall not apply to any lot or lots forming a part of a subdivision created and recorded prior to the effective date of this Chapter. Nor is it intended by this Chapter to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or regulations, except those specifically repealed by this Chapter, or with



private restrictions placed upon property by deed, covenant or other private agreement, or with restrictive covenants running with the land to which the City is a party. Where this Chapter imposes a greater restriction upon land than is imposed or required by such existing provisions of laws, regulations, contract or deed, the provisions of this Chapter shall control.

4-7-3: APPROVING AGENCY: The provisions of this Chapter shall be administered by the City Council, but said Council shall require the consideration of and recommendations from the City Planning Commission as hereinafter provided before taking final action in any matter placed before it under the provisions of this Chapter.

4-7-4: DEFINITIONS: For the purposes of this Section, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(A) "City" is the City of Montrose, Colorado.

(B) "City Council" or "Council" is the City Council of the City of Montrose, Colorado.

(C) "Final Plat" is the final map, drawing or chart on which the subdivider's plan of subdivision is presented to the Planning Commission for approval, and which, if finally approved by the Council, will be submitted to the County Clerk for recording.

(D) "Lot" is a parcel or portion of land in a subdivision or plat 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 the purpose of sale or lease to, or separate use of another.

(E) "Master Plan" is a comprehensive plan prepared or to be prepared by the Planning Commission which indicates the general locations recommended for the various functional classes of public works, places and structures and for the general physical development of the City of Montrose, Colorado, and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

(F) "Official Map" is the map established by the City Council showing the streets, highways and parks theretofore laid out, adopted and established by law and any amendments thereto adopted by the City Council or additions thereto resulting from the approval of subdivision plats by the Planning Commission and the subsequent filing of such approved plats.

(G) "Owner" is any individual, firm, association, syndicate, copartnership, corporation, trust or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this Chapter.

(H) "Planning Commission" or "Commission" is the Planning Commission of the City of Montrose, Colorado.

(I) "Preliminary Plat" is the preliminary map, drawing or chart indicating the proposed layout of the subdivision to be submitted to

the Council and referred by the Council to the Planning Commission for its consideration and recommendations.

(J) "Subdivider" is any individual, firm, association, syndicate, copartnership, corporation, trust or any other legal entity commencing proceedings under this Chapter to effect a subdivision of land hereunder for himself or for another.

(K) "Subdivision" is the division of a parcel of land into two (2) or more lots or parcels for the purpose, whether immediate or future, of transfer of ownership or building development, or if a new street is involved, any division of a parcel of land; provided that a division of land for agricultural purposes into lots or parcels of five (5) acres or more and not involving a new street shall not be deemed a subdivision. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

4-7-5: APPLICATION OF REGULATIONS: Except as provided in this Chapter:

(A) Conformity of Subdivision. No person shall subdivide any tract of land which is located within the City or which is located entirely or in part within three (3) miles of the nearest Limits of the City, except in conformity with the provisions of this Chapter; provided that as to tracts of land situated outside the City Limits, this shall not be effective until a major street plan has been adopted in accordance with the Colorado Revised Statutes.

(B) Connection of Public Utilities. Unless and until a plat of an urban subdivision has been approved, and the subdivider has constructed the required improvements therein in the manner provided in this Chapter, or complied with the alternative provisions of this Chapter, it shall be unlawful for any official of the City to serve or connect any public utilities owned, controlled or distributed by the City to any land or any part thereof, covered by a plat as required herein, or to the owners or purchasers of the land, or any part thereof.

4-7-6: ENFORCEMENT:

(A) Recording of the Plat. No plat of any subdivision shall be entitled to record in the County Clerk's office or have any validity until it shall have been approved in the manner prescribed herein. In the event any such unapproved plat is recorded it shall be considered invalid and the Council shall institute proceedings to have the plat stricken from the records of Montrose, Colorado.

(B) Sale of Land in Subdivision. No owner or agent of the owner of any land located within a subdivision shall transfer, sell, agree to sell, or negotiate to sell any land by reference to, exhibition of, or by the use of a plat or plan of a subdivision before such plan or plat has been approved and recorded in the manner prescribed herein. Any sale or transfer contrary to the provisions of the Section is voidable within ninety (90) days at the option of the buyer. The description of such lot or parcel by metes and bounds used in the process of selling or transferring shall not exempt the transaction from the provisions of this Chapter.

(C) Permits. No permits shall be issued by an Administrative officer of the City for the construction of any building, or other improvement

requiring a permit, upon any land for which a plat is required by this Chapter, unless and until the requirements hereof shall have been complied with.

(D) **Public Improvements.** The City hereby defines its policy to be that the City will withhold all public improvements of whatsoever nature, including the maintenance of streets and the furnishing of sewerage facilities and water service from all subdivisions which have not been approved, and from all areas dedicated to the public which have not been accepted by the Council, in the matter prescribed herein.

(E) **Revision of Plat after Approval.** No changes, erasures, modifications or revisions shall be made in any plat of a subdivision after approval has been given by the Commission, and endorsed in writing on the plat, unless the said plat is first resubmitted to the Commission.

(F) **Filing Fees.** The subdivider shall pay a filing fee of ten dollars (\$10.00), plus an additional fee of five dollars (\$5.00) per acre or fraction thereof, for the first five (5) acres; two dollars (\$2.00) per acre, or fraction thereof, for the next forty-five (45) acres; and ten cents (10¢) per acre for all additional acreage of land being subdivided.

4-7-7:           PROCEDURE:

(A) **Preliminary Plat.** The preliminary plat shall be filed with the City Council and shall be referred by the Council to the Planning Commission for the consideration and recommendations of such Commission.

1. **Form** The Preliminary Plat shall be prepared by a registered engineer or surveyor and shall be clearly and legibly drawn. The size of the map shall not be less than twelve (12) inches by eighteen (18) inches. The map of a subdivision containing fifty (50) acres or less shall be drawn at a scale of one (1) inch equal to one hundred (100) feet. All other subdivisions shall be drawn at a scale of one (1) inch equals two hundred (200) feet, unless otherwise required by the Commission.
2. **Map Contents** The preliminary plat shall contain the following information:
  - (a) **Description**
    - (a-1) Proposed name of the subdivision. The name shall not duplicate by the same in spelling or alike in pronunciation with any other recorded subdivision.
    - (a-2) Names of adjacent subdivisions and owners of adjoining parcels of unsubdivided land.
    - (a-3) Names and addresses of the subdivider, owner and engineer.
    - (a-4) Location by section, town, range, township, county, state.
    - (a-5) Names of streets within the adjoining plat.
  - (b) **Existing Conditions**
    - (b-1) Boundaries of the subdivision indicated by a heavy line and approximate acreage.

(b-2) Location, widths, and names of existing or platted streets, railroad rights-of-way, easements, parks, permanent buildings, section and corporation lines.

(b-3) Zoning districts, if any.

(c) Survey Data

Existing contours with intervals of not more than five feet where the slope is greater than two per cent and less than two per cent, show spot elevations at break in grades, along all drainage channels or swales, and at elected points not more than 100 feet apart in all directions. Elevations are to be based on sea level datum.

(c-1) Irrigation ditches, wooded areas, power transmission poles and lines, and any other significant items should be shown.

(c-2) Vicinity sketch.

(d) Drafting of Plat Date of preparation, scale of map, North point.

(e) Proposals Location and principal dimensions for all proposed streets, alleys, easements, lot lines, and areas to be reserved for public use.

3. Other Information

(a) Statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units; type of business or industry, so as to reveal the effect of the development on traffic, fire hazards of congestion of population.

(b) Proposed covenants and restrictions.

(c) Source of water supply.

(d) Provisions for sewage disposal, drainage and flood control.

(e) If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions.

4. Filing The subdivider, three weeks prior to the Commission meeting at which consideration is desired, shall file an application for preliminary approval with the Commission and as many copies of the preliminary plat as may be required by the Commission, according to the standards and other provisions of these regulations. The preliminary plat shall be considered officially filed after it is examined by the Chairman of the Commission and is found to be in full compliance with the formal provisions of these regulations.

5. Approval

(a) Official Recommendation The Commission shall within fifteen days after the filing of the preliminary plat transmit copies of the plat for their study and recommendations to the:

- (a-1) City Manager
- (a-2) City Attorney
- (a-3) City Engineer
- (a-4) City Clerk
- (a-5) City Health Officer
- (a-6) City Recreation Commission
- (a-7) City Fire Department
- (a-8) County Planning Commission, if one exists
- (a-9) County Recorder
- (a-10) Each company or agency furnishing water, electric or gas service.
- (a-11) Such other official, body, company or agency as may be directed by the Commission.

(b) Time Requirements The Commission shall act on the preliminary plat within thirty days after filing unless such time is extended by agreement with the subdivider or his agent, during which period it shall receive a written report with their recommendations from each City official, body, company or agency enumerated in (a) above. If no action is taken by the Commission within said thirty days after filing or such longer period as may have been agreed upon, the preliminary plat as filed shall be deemed approved and it shall be the duty of the Chairman of the Commission to comply with (c-1) below.

(c) Notice of Action Taken The Commission shall determine whether the preliminary plat shall be approved; approved with modifications; disapproved; and shall give notice to the subdivider in the following manner:

(c-1) If approved, the Chairman of the Commission shall affix his signature to the plat and attach thereto a notation that it has received preliminary approval and return it to the subdivider for compliance with final approval requirements.

(c-2) If approved with modifications or disapproved, the Chairman of the Commission shall attach to the plat a statement of the reasons for such action and return it to the subdivider.

In any case, a notation of the action taken, and requisite reasons therefore, shall be entered in the records of the Commission.

(d) Effect of Approval Approval of the preliminary plat by the Commission shall not constitute final acceptance of the subdivision by the Commission.

6. Right of Subdivider After Approval Preliminary approval shall confer upon the subdivider the right for a 1-year period from the date of the approval that the general terms and conditions under which the preliminary approval was granted will not be changed.

(B) Final Plat

1. The final plat shall be prepared by a registered engineer or surveyor and will have incorporated all changes or modifications required by the Commission, otherwise it shall conform to the preliminary plat, and it may constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at the time, provided that such portion conforms with all the requirements of this Ordinance.

2. Form The final plat shall be clearly and legibly drawn in India ink on tracing cloth. The size of the map shall not be less than twelve inches by eighteen inches. The map of a subdivision containing fifty acres or less shall be drawn at a scale of one inch equals one hundred feet. All other subdivisions shall be drawn at a scale of one inch equals two hundred feet, unless otherwise required by the Commission.

3. Map Contentsa. Description

- (a-1) Name of Subdivision
- (a-2) Names of adjacent subdivisions and owners of adjoining parcels of unsubdivided land
- (a-3) Names and addresses of the subdivider, owner and engineer
- (a-4) Location by section, town, range, township, county, and state
- (a-5) Names of streets within the adjoining plat

b. Existing Conditions

- (b-1) All plat boundaries
- (b-2) Bearings and distances to the nearest established street lines, section corners or other recognized permanent monuments which shall be accurately described on the plat
- (b-3) Municipal, township, county or section lines accurately tied to the lines of the subdivision by distance and bearings
- (b-4) Accurate location of all monuments

c. Survey Data

- (c-1) Length of all acres, radii, internal angles, points of curvature and tangent bearings
- (c-2) When lots are located on a curve or when side lot lines are at angles other than 90 degrees, the width at the building shall be shown

d. Drafting of Plat Date of preparation, scale of map, North Point.e. Proposals

- (e-1) All easements for rights-of-way provided for public services or utilities, and any limitations of such easements.
- (e-2) All lot numbers and lines with accurate dimensions in feet and hundredths and with bearings or angles to street and alley or crosswalk way lines.

- (e-3) Accurate outlines of any areas to be dedicated or temporarily reserved for public use with purpose indicated thereon
- (e-4) Building setback lines with dimensions

#### 4. Other Information

- a. Protective covenants shall be shown on the plat
- b. City Engineer's Certificate as required under Section 8(C)
- c. Certification shall be furnished from the City Auditor that all taxes and assessments have been paid on the land within the proposed subdivision.
- d. If a zoning change is involved, certification from the Zoning Commission shall be furnished indicating that the change requested has been approved and is in effect.
- e. Certification by a registered civil engineer or surveyor to the effect that the plat represents a survey made by him and that all monuments shown thereon actually exist and that their location is correctly shown.
- f. An acknowledgment by the owner or owners of his or their adoption of the plat and of the dedication of streets and other public areas.

#### 5. Filing

- a. Required Matter After receiving notice of the action of the Commission approving the preliminary plat, the subdivider shall proceed to file with the Commission:
  - (a-1) Copies of the final plat in the amount required by the commission.
  - (a-2) A written application for final approval.
  - (a-3) Cross-sections and profiles of streets and all other construction drawings related to the improvements to be constructed in the subdivision.
  - (a-4) A statement by the City Engineer certifying that he is in receipt of a map showing all utilities in exact location and elevation, identifying those portions already installed and those to be installed and that the subdivider has complied with (B) above.
  - (a-5) All other material needed to enable the Commission to determine that the plat as finally constituted is satisfactory from the standpoint of public interest.
- b. Time Limits The final map shall be filed not later than one year after the date of approval of the preliminary plat, otherwise it will be considered void unless an extension is requested in writing by the subdivider and for good cause granted by the Commission. The final plat shall be filed at least fifteen working days prior to the meeting at which it is to be considered. The final plat shall be considered officially filed after it is examined by the Chairman of the Commission, and is found to be in full compliance with the formal provisions of these regulations.

#### 6. Approval

- a. Official Recommendation Cross-sections, profiles and other

construction drawings shall be forwarded by the Commission to the City engineer for his study and recommendations.

- b. Notice of Hearing The Commission shall provide for an adequate hearing and shall notify by mail at least five days prior to the hearing all property owners adjacent to or within two hundred feet of the extreme limits of the subdivision as their names appear on the county tax records. Said notice shall state the time and place of hearing, a brief description of the subdivision and that a copy of the final plat is on file with the City Clerk for public inspection. The Commission shall also cause notice of the hearing to be published in the official newspaper, or a newspaper of general circulation in the City of Montrose at least ten days prior to the hearing.
- c. Final Tracing After receiving a written report from each City official, body, company or agency enumerated in Section 9 4.a., the Commission shall notify the subdivider of any recommended changes or suggestions so that the subdivider may correct the final tracing and submit same for final approval.
- d. Time Requirements The final plat, in the form of a final tracing, shall then be resubmitted at least ten working days prior to the meeting at which the plan is to be considered by the Commission. The Commission shall act on the final plat within thirty days after filing unless such time is extended by agreement with the subdivider or his agent. If no action is taken by the Commission within said thirty days after filing, or such longer period as may have been agreed upon, the final plat shall be deemed approved and it shall be the duty of the Chairman of the Commission to comply with (e-1) below.
- e. Notice of Action Taken The Commission shall determine whether the final plat shall be approved or disapproved and shall give notice to the subdivider in the following manner:
- (e-1) If approved, the Chairman of the Commission shall affix his signature to the plat and forward it to the City Council for final action.
  - (e-2) If disapproved, the Chairman of the Commission shall attach to the plat a statement of the reasons for such action and return it to the subdivider.
- In any case a notation of the action taken and requisite reasons therefore shall be entered in the records of the Commission.
- f. Recording The subdivider shall record the final plat in the office of the County Recorder of Montrose County, Colorado, within seven days after the date of approval, otherwise the final plat shall be considered void.



g. Photolitho Prints The subdivider shall, immediately upon recording, furnish the Commission with as many photolitho prints of the final plat as may be required by the Commission.

7. Council Approval The Mayor shall affix his signature and the seal of the City to all plats approved by the Council.

#### 4-7-8: SUBDIVISION REGULATIONS

(A) Conformity with Master Plan and Official Map The proposed subdivision shall conform to the Official Map and to the Master Plan when such Master Plan is adopted.

#### (B) Definitions

- a. "Alley" is a minor way which is used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.
- b. "Street" is a way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, or however otherwise designated.
- c. "Arterial Street" is a fast or heavy traffic street of considerable continuity and used primarily as a traffic artery for intercommunication among large areas.
- d. "Major or Thoroughfare Street" is a street of considerable continuity which is second to the arterial street in its function.
- e. "Collector Street" is a street which carries traffic from minor streets to major or thoroughfare streets, or to arterial streets, including the principal entrance streets of a residential development and street for circulation within such a development.
- f. "Marginal Access of Street" is a minor street which is parallel and adjacent to arterial streets and which provides access to abutting properties and protection from through traffic.
- g. "Minor Street" is a street used primarily for access to the abutting properties.
- h. "Cul-de-sac" or "Dead-end Street" is a minor street with only one outlet.
- i. "Width, Street" is the shortest distance between the lines delineating the right-of-way of a street.

2. Requirements. The Street Plan shall in every way conform with the Master Plan or Major Street Plan when such plan is adopted and shall further be governed by the following factors:

- a. Conformity The arrangement character, extent, width, grade and location of all streets shall conform to the official map, Master Plan or Major Street Plan when such plans are adopted, and shall be considered in their relation to existing and planned streets to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. Where not shown on the Official Map or Master Plan, the arrangement and other design standards of streets shall conform to the provisions found herein.

- b. Relation to Adjoining Street System The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas.
- c. Projection of Streets Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall make provision for the proper projection of streets.
- d. Streets to be Carried to Property Lines When a new subdivision adjoins unsubdivided land susceptible of being subdivided, then the new streets shall be carried to the boundaries of the tract proposed to be subdivided.
- e. Street Jogs Prohibited Street jogs with centerline offsets of less than 125 feet shall be avoided on all thoroughfares and collector streets.
- f. Dead-end Street or Cul-de-sac Dead-end streets or cul-de-sacs, designed to be so permanently, shall not be longer than 500 feet, and shall be provided at the closed end with a turn-around having an outside roadway diameter of at least eight feet and a street property line diameter of at least 100 feet. If a dead-end street is of a temporary nature, a similar turn-around shall be provided and provision made for future extension of the street into adjoining properties.
- g. Marginal Access Streets Where a subdivision abuts or contains an existing arterial street the Commission may require marginal access streets or other such treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- h. Minor Streets Minor Streets shall be so laid out that their use by through traffic will be prohibited. Curves will be designed to eliminate high speed traffic.
- i. Street Widths Street Widths shall not be less than as follows:

Street	Width	Cross Section Curb through Curb
Arterial	100'	67'
Major or Thoroughfare	90'	56'
Collector	60'	44'
Minor, Multiple Family Units	60'	44'
Minor, Single Family Units	50'	36'
Marginal Access	50'	36'

These are minimum widths. Where conditions warrant, additional rights-of-way and pavement width may be required.

- (i-1) In front of areas designed and zoned or where a petition for a change in zoning is contemplated for commercial use to permit such use, the street width shall be increased by such amount on each side as may be deemed necessary by the Commission to assure the free flow of through traffic without interference by parked or parking vehicles and to provide safe parking space for such commercial or business district.
- j. Intersections The intersection of more than two streets at one point shall be avoided except where it is impracticable to secure a proper street system otherwise. Streets shall intersect one another at an angle as near to a right angle as possible, and no intersections of streets at angles less than sixty degrees shall be approved. Street intersections shall be rounded with a radius of twenty feet measured at the back of curbs when the said intersection occurs at right angles. If an intersection occurs at an angle other than a right angle, it shall be rounded with a curve of a radius acceptable to the Commission. In business districts, the Commission may permit comparable cutoffs or chords. Street jogs, curved streets, or loops shall have a radius of not less than 45 feet and not more than 60 feet to the inside curb on all minor streets.
- k. Street Deflection When connecting center lines deflect from each other, they shall be connected by a curve with a radius adequate to insure a safe turn at the design speed for that class street. Minor streets shall have a radius of not less than 45 feet and not more than 60 feet to the inside curb. Collector streets shall have a radius of not less than 600 feet.
- l. Reverse Curves Reverse curves shall not be permitted on arterial and collector streets. On minor streets the design curves shall be in accordance with street deflection curves and curves for street jogs.
- m. Landscaping and Screening No planting shall be permitted at street intersection, jogs, or curves which will obstruct the line of sight of a person 50 feet from intersections of minor streets, 100 feet from intersections of collector and minor streets and other highly traveled streets.
- n. Reserve Strips Reserve strips on outer boundaries of a subdivision may be established to control access to a partial width street, upon approval of the Planning Commission and provided that each subdivision is accompanied by agreement to dedicate such strip or strips when sufficient ground is made available for public use to permit widening of said strip to its normal width. No reserve strips controlling access to public ways shall be permitted, except when the control and disposition of land comprising such strips are placed within the jurisdiction of the City under conditions specified by the Planning Commission and attached to the plat.

- o. Street Grades No street grade shall be less than 5/10th per cent and shall not exceed the following maximum longitudinal grades with due allowance for reasonable vertical curves:

<u>Street Type</u>	<u>Per Cent Grade</u>
Arterial	5
Major	7
Collector	7
Minor	12
Marginal Access	12

- p. Railroad on or Abutting Subdivision Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Commission may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential district or for commercial or industrial purposes in appropriate district. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.
- q. Half Street Prohibited Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations and where the other half when the adjoining property is subdivided. Wherever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.
- r. Street Names and Numbers Names of new streets shall not duplicate existing or platted street names unless a new street is a continuation of, or in alignment with the existing or platted street. House numbers shall be assigned in accordance with the house numbering system now in effect in the City. All new streets shall be named in the following manner:  
 (r-1) Streets running primarily east-west shall employ the terms "Street", "Road", "Way" or other approved by the Commission.  
 (r-2) Streets running primarily north-south shall employ the terms "Avenue", "Drive", "Place" or others approved by the Commission.
- s. Access to Street Across Ditches The subdivider shall provide access to all proposed streets, across all ditches, in a standard method approved by the City Engineer.
- t. Vacation of Streets The Commission shall not recommend the vacation of any street or part of a street dedicated for public use, if such vacation interferes with the uniformity of the existing street pattern or any future street plans prepared for the area.
- u. Private Streets Private streets shall not be approved nor public improvements be approved for any private street.

- v. Hardship to Owners of Adjoining Property Avoided The street arrangements shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.
- w. Street Interval In general, provisions should be made for collector streets at intervals not exceeding 1,500 feet.

C. Alleys

- 1. Residential Areas Alleys shall not be required in residential areas, except as may be deemed necessary in the determination of the Planning Commission.
- 2. Commercial and Industrial Districts Alleys shall be provided in commercial and industrial districts, except that the Commission may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading and parking consistent with and adequate for the uses proposed.
- 3. Width The right-of-way width of an alley shall be 20 feet.
- 4. Dead-end Dead-end alleys shall not be permitted except that the Commission may waive this requirement where such dead-end alley is unavoidable and where adequate turn-around facilities have been provided.

D. Easements

- 1. Provided for Utilities Easements with a right-of-way width of ten feet shall be provided on each side of all rear lot lines and along certain side lot lines where necessary for utilities.
- 2. Provided for Drainage Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course, and such further width or construction, or both, as will be adequate for the purpose.

E. Blocks

- 1. Factors Governing Dimensions Block length and width or acreage within bounding roads shall be such as to accommodate the size of lot required in the area by the zoning ordinance and to provide for convenient access, circulation control and safety of street traffic.
- 2. Lengths Block lengths shall not exceed fifteen hundred feet or be less than four hundred feet.
- 3. Arrangement A block shall be so designed as to provide two tiers of lots. Double frontage and reverse frontage lots, should be avoided, but may be permitted to provide separation of residential development from traffic arteries and where essential to overcome specific disadvantages, topography and orientation. A planting screen easement of ten feet shall be provided along the line of lots abutting such traffic artery or other disadvantageous use, across which there shall be no right of access.
- 4. Cross-walks In blocks over eight hundred feet long, pedestrian cross-walks may be required by the Commission in locations deemed necessary to public health, convenience and necessity. Such cross-walk shall be

ten feet wide.

F. Lots

1. Dimensions Lot dimensions and area shall not be less than the requirements of the zoning ordinance
2. Location All lots shall abut by their full frontage on a publicly-dedicated street or a street that has received the legal status as such.
3. Lines Side lot lines shall be substantially at right angles to straight lines or radial to curved street lines, except as may be approved by the Planning Commission and the City Council.
4. Corner Lots Corner lots for residential use shall have extra width to permit appropriate building setback from and orientation to both streets. Lots abutting on a pedestrian walkway shall be treated as a corner lot.
5. Uninhabitable Lots Lots subject to flooding and lots deemed by the Commission to be uninhabitable shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life, or property or aggravate the flood hazard, but such land within the plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or shall not produce unsatisfactory living conditions.
6. Lot Remnants All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots, rather than allowed to remain as unusable parcels.

G. Public Sites

1. Shown on Master Plan Where a proposed park, playground, school or other public use shown in a Master Plan is located in whole or in part within a subdivision, the subdivision shall dedicate or reserve adequate space for such purpose in such area within the subdivision when the Commission finds the requirement to be reasonably necessary to the public health and welfare.
2. Commission's Action on Constituting Acceptance The requiring of the dedication of public spaces are provided in 1. above shall not constitute an acceptance of the dedication by the City.

PART III - REQUIRED IMPROVEMENTS

Prior to the granting of final approval of the Council, the subdivider shall have installed the following improvements, or in the alternative shall have filed with the Council the necessary documents to comply with the alternative provisions as set forth herein:

- A. Monuments Monuments shall be placed at all block corners, angle points, points of curves in streets, and at intermediate points as shall be required by the City Engineer.
- B. Curbs, Gutters and Drainage Curbs, gutters and drainage structure, including a storm system in accordance with specifications of the City.

Such construction shall be subject to the inspection and approval of the City Engineer.

- C. Streets Construction of streets shall be in accordance with the following:
1. Grade and Base All streets shall be properly constructed to comply with the grades approved by the City Engineers, and all base material shall be properly installed. Such construction and installation shall be subject to the inspection and approval of the City Engineer.
  2. Surfacing All streets shall be surfaced with pavement in accordance with the specifications of the City.
- D. Name Signs Street name signs shall be placed at all street intersections within or abutting the subdivision. Such signs shall be of a type approved by the City and shall be placed in accordance with standards of the City.
- E. Lighting The minimum requirement for street lighting facilities shall be one, four thousand candle power light, or equal, at each street intersection within or abutting the subdivision.
1. Installation The Western Colorado Power Company will install street light standards at no cost to the subdivider, but will require the approval of the City Council in order that the cost of operation may be charged to the City.
  2. Steel Standards The subdivider may elect to purchase steel standards for street lighting; provided such standards are approved by the City Council.
- F. Water Supply
1. Water Lines Water lines shall be installed to serve each lot in all subdivisions; provided, however, where only a part of said subdivision is to be developed immediately, plans shall be prepared for future installation of the water distribution system to serve each lot, and those parts of such system and service lines which will lie in the parts of streets and alleys intended for vehicular traffic shall be installed. All plans for such installation shall be made in accordance with the ordinances and regulations of the City under the supervision of the City Engineer.
- G. Sanitary Sewer System
1. Collection Lines Sanitary sewer collection lines shall be installed to serve each lot in all subdivisions; provided, however, where only a part of said subdivision is to be developed immediately, plans shall be prepared for future development and installation of the collecting system to serve each lot, and those parts of such system which will be in the portion of streets and alleys intended for vehicular traffic shall be installed. All plans for such installation shall be approved by the City Engineer, and such installation shall be made in accordance with the Ordinance and regulations of the City under the supervision of the City Engineer.

2. Trunk Lines All trunk lines necessary to serve the subdivision shall be installed by the subdivider; provided, however, that where a trunk line will serve an area other than the said subdivision, the City may participate in the cost of the installation of said trunk to the extent over and above the requirements of the said subdivision; and provided further, that where only a part of said subdivision is to be developed immediately, plans shall be prepared for future development and installation of the trunk line system to serve the remainder of said subdivision and those parts of such system which will be in the portion of streets and alleys intended for vehicular traffic shall be installed. All plans for such installation shall be approved by the City Engineer, and such installation shall be made in accordance with the ordinances and regulations of the City and under the supervision of the City Engineer.

#### H. Natural Gas Utility

1. Distribution Lines All distribution lines for natural gas service when such service becomes available, shall be installed in accordance with the franchise ordinance granting same.
2. Approval and Inspection Construction and installation of service system shall be approved by the City Engineer and subject to his inspection and control at all times.

- I. Utility Easements Adequate easements shall be provided where necessary for utilities.

#### J. Alternative Procedures

1. Performance Bond The subdivider may in lieu of the installation of any or all of the required improvements, elect to file a bond executed by a surety company or such other sureties as may be acceptable to the Council, in an amount equal to the City Engineer's estimated cost of such improvements, conditioned upon the completion of all improvements within two years after approval of the final plat by the Council.
2. Escrow Account Proviso The subdivider may in lieu of the installation of any or all of the required improvements, elect to establish with the City an escrow account into which the subdivider shall pay forthwith for each lot which he sells in said subdivision an amount equal to 150% of the City Engineer's estimated cost to be charged against such lot for installing such improvements. The funds in such escrow account shall for any specific improvements be returned to the subdivider by the City upon completion of that improvement. The subdivider shall complete all improvements within two years after approval of the final plat by the Council, regardless of the number of lots sold.
3. Compliance In the event that all required improvements are not installed in the subdivision within two years from the date of approval of the final plat by the Council, no further building permits, water taps or sewer taps shall be granted by the City in such subdivision until such improvements are completed.

4-7-9      **REQUIRED IMPROVEMENTS:** Prior to the granting of final approval by the Council, the subdivider shall have installed the following to comply with the alternative provisions as set forth herein:



(A) **Monuments.** Monuments shall be placed at all block corners, angle points, points of curves in streets, and at intermediate points as shall be required by the City Engineer.

(B) **Curbs, Gutters and Drainage.** Curbs, gutters and drainage structures including a storm sewer system, in accordance with specifications of the City shall be subject to the inspection and approval of the City Engineer.

(C) **Streets.** Construction of streets shall be in accordance with the following:

1. **Grade and Base.** All streets shall be properly constructed to comply with the grades approved by the City Engineer, and all base material shall be properly installed. Such construction and installation shall be subject to the inspection and approval of the City Engineer.

2. **Surfacing.** All streets shall be surfaced with pavement in accordance with the specifications of the City.

(D) **Name Signs.** Street name signs shall be placed at all street intersections within or abutting the subdivision. Such signs shall be of a type approved by the City and shall be placed in accordance with standards of the City.

(E) **Lighting.** The minimum requirement for street lighting facilities shall be one (1) four thousand (4,000) candle power light, or equal, at each street intersection within or abutting the subdivision.

1. **Installation.** The Western Colorado Power Company will install street light standards at no cost to the subdivider, but will require the approval of the City Council in order that the cost of operation may be charged to the City.

2. **Steel Standards.** The subdivider may elect to purchase steel standards for street lighting; provided, such standards are approved by the City Council.

(F) **Water Supply.**

1. **Water lines.** Water lines shall be installed to serve each lot in all subdivisions; provided however, where only a part of said subdivision is to be developed immediately, plans shall be prepared for future installation of the water-distribution system to serve each lot, and those parts of such system and service lines which will lie in the parts of streets and alleys intended for vehicular traffic shall be installed. All plans for such installation shall be made in accordance with the rules and regulations of the City and under the supervision of the City Engineer.

(G) **Sanitary Sewer System.**

1. **Collection Lines.** Sanitary sewer collection lines shall be installed to serve each lot in all subdivisions; provided however, where only a part of said subdivision is to be developed immediately, plans shall be prepared for future development and installation of the collecting system to serve each lot, and those parts of such system which will be in the portion of streets and alleys intended for vehicular traffic shall be installed. All plans for such installation shall be approved by the City Engineer, and such installation shall be made in accordance with the rules and regulations of the City and under the

supervision of the City Engineer.

2. Truck Lines. All truck lines necessary to serve the subdivision shall be installed by the Subdivider; provided however, that where a truck line will serve an area other than the said subdivision, the City may participate in the cost of the installation of said trunk to the extent over and above the requirements of the said subdivision; and provided further, that where only a part of said subdivision is to be developed immediately, plans shall be prepared for future development and installation of the trunk line system to serve the remainder of said subdivision, and those parts of such system which will be in the portion of streets and alleys intended for vehicular traffic shall be installed. All plans for such installation shall be approved by the City Engineer, and such installation shall be made in accordance with the rules and regulations of the City and under the supervision of the City Engineer.

(H) Natural Gas Utility.

1. Distribution Lines. All distribution lines for natural gas when service becomes available, shall be installed in accordance with the franchise ordinance granting same.

2. Approval and Inspection. Construction and installation of service system shall be approved by the City Engineer and subject to his inspection and control at all times.

(I) Utility Easements. Adequate easements shall be provided where necessary for utilities.

(J) Alternative Procedures.

1. Performance Bond. The subdivider may, in lieu of the installation of any or all of the required improvements, elect to file a bond executed by a surety company or such other sureties as may be acceptable to the Council, in an amount equal to the City Engineer's estimated cost of such improvements, conditioned upon the completion of all improvements within two (2) years after approval of the final plat by the Council.

2. Escrow Account Proviso. The subdivider may, in lieu of the installation of any or all of the required improvements, elect to establish with the City an escrow account into which the subdivider shall pay forthwith for each lot which he sells in said subdivision, an amount equal to fifteen per cent (15%) of the City Engineer's estimated cost to be charged against such lot for installing such improvements. The funds in such escrow account shall, for any specific improvement, be returned by the City to the subdivider upon completion of that improvement. The subdivider shall complete all improvements within two (2) years after approval of the final plat by the Council, regardless of the number of lots sold.

3. Compliance. In the event that all required improvements are not installed in the subdivision within two (2) years from the date of approval of the final plat by the Council, no further building permits, water taps or sewer taps shall be granted by the City in such subdivision until such improvements are completed.

4-7-10: VARIANCES:

(A) Generally. The Commission may recommend a variance from these regulations when in its opinion undue hardship may result from strict compliance.

In recommending any variance, the Commission shall prescribe only conditions that it deems necessary to or desirable for the public interest. In making its findings as required herein below, the Commission shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No variance shall be recommended unless the Commission finds:

1. There are special circumstances or conditions affecting said property such that the strict application of the provisions of this Chapter would deprive the applicant of the reasonable use of his land.

2. The variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.

3. The granting of the variance will not be detrimental to the public welfare or injurious to other property in the territory in which said property is situated.

(B) Complete Neighborhood. The Commission may recommend a variance from these regulations in case of a plan for complete community or neighborhood which, in the judgment of the Commission, provides adequate public spaces and includes provisions for efficient circulation, light and air and other needs. In making its findings, as required herein below, the Commission shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. The Commission shall find that:

1. The proposed project will constitute a desirable and stable community development.

2. The proposed project will be in harmony with adjacent areas.

(C) Applications Required.

1. Generally. Application for any such variance shall be submitted in writing by the subdivider at the time when the preliminary plat is filed for the consideration of the Commission. The petition shall state fully the grounds for the application, and all the facts relied upon by the petitioner.

2. Complete Neighborhood. Application for any such variance shall be made in writing by the subdivider at the time when the preliminary plat is filed for the consideration of the Commission, stating fully and clearly all facts relied upon by the petitioner and shall be supplemented with maps, plans or other additional data which may aid the Commission in the analysis of the proposed project. The plans for such development shall include such covenants, restrictions or other legal provisions necessary to guarantee the full achievement of the plan.

(D) Approval by City Council. All variances from these regulations must be approved by the City Council, and shall be referred to the Council for action at the first official meeting of the Council following the meeting of the Planning Commission giving the recommendation for variance. (Ord. 383; 8-20-59)

4-7-11 PENALTIES: Any person convicted of a violation of any Section of this Ordinance shall be fined in a sum not to exceed three hundred dollars (\$300)

for any one offense or such person may be confined in the City jail for a period of not more than ninety (90) days.

4-7-12 SEPARABILITY. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not effect the validity of the remaining portions hereof.

4-7-13 ORDINANCES REPEALED. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SUGGESTED FORMS FOR FINAL PLAT CERTIFICATIONForm 1  
(on plat)CERTIFICATE OF OWNERSHIP AND DEDICATION

I (we) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby adopt this plan of subdivision with my (our) free consent, establish the minimum building restriction lines, and dedicate all streets, alleys, walks, parks and other open spaces to public or private use as noted.

\_\_\_\_\_, 19\_\_\_\_.  
Date

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Owner

Form 2  
(on plat)CERTIFICATE OF ACCURACY

I hereby certify that the plan shown and described hereon is a true and correct survey to the accuracy required by the \_\_\_\_\_, Colorado, Planning Commission and that the monuments have been placed as shown hereon, to the specifications of the County Engineer or the City Engineer.

\_\_\_\_\_, 19\_\_\_\_.  
Date

\_\_\_\_\_  
Registered Engineer or Surveyor

Form 3  
(attached  
to plat)CERTIFICATION OF THE APPROVAL OF  
WATER AND SEWERAGE SYSTEMS

I hereby certify that the water supply and sewage disposal utility systems installed, or proposed for installation, in the subdivision plat entitled \_\_\_\_\_ fully meet the requirements of the Colorado State Health Department, and are hereby approved as shown.

\_\_\_\_\_, 19\_\_\_\_.  
Date

\_\_\_\_\_  
City or County Health Officer or  
Other Approving Agent

Form 4  
(attached to  
plat)

CERTIFICATION OF THE APPROVAL OF  
STREETS AND UTILITIES

I hereby certify: (1) That streets, utilities and other improvements have been installed in an acceptable manner and according to city (county) specifications in the subdivision entitled:

or, (2) that a security bond in the amount of \$ \_\_\_\_\_ has been posted with the city (or county) legislative body to assure completion of all required improvements in case of default.

\_\_\_\_\_, 19\_\_.  
Date

\_\_\_\_\_  
City of County Road Engineer or  
other Approving Agent

Form 5  
(on plat)

CERTIFICATE OF APPROVAL FOR RECORDING

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations for \_\_\_\_\_, Colorado, with the exception of such variances, if any, as are noted in the minutes of the Planning Commission and that it has been approved for recording in the office of the County Clerk.

\_\_\_\_\_, 19\_\_.  
Date

\_\_\_\_\_  
Chairman or Secretary  
Planning Commission

FINAL PLAT - CHECK LIST

Name of Subdivision \_\_\_\_\_

Location \_\_\_\_\_ Zoning District \_\_\_\_\_

Owner \_\_\_\_\_ Address \_\_\_\_\_ Tel. \_\_\_\_\_

Surveyor or Engineer \_\_\_\_\_

Address \_\_\_\_\_

Preliminary Plat approval granted: \_\_\_\_\_

Submitted for Final Plat approval: \_\_\_\_\_

CHECK LIST

- \_\_\_\_\_ Submitted within 1 year of preliminary approval.
- \_\_\_\_\_ Original and \_\_\_ prints submitted 10 days prior to meeting.
- \_\_\_\_\_ Certificate of ownership and dedication (Form 1).
- \_\_\_\_\_ Certificate of Accuracy (Form 2).
- \_\_\_\_\_ One print transmitted to City Engineer and City (or County) Health Officer.
- \_\_\_\_\_ Certification of the approval of water and sewerage systems (Form 3 attached).
- \_\_\_\_\_ Certification of the approval of streets and utilities (Form 4 attached).
- \_\_\_\_\_ Private deed restrictions on or attached to plat.
- \_\_\_\_\_ Map (drawn to scale of not less than 1" equals 100') contents.

- \_\_\_\_\_ Name and location of subdivision.
- \_\_\_\_\_ Date, true north point, graphic scale.
- \_\_\_\_\_ Reservations, easements, or other non-residential areas.
- \_\_\_\_\_ Location and description of all monuments.

- \_\_\_\_\_ True bearings and distances to nearest established control points or official monuments.
- \_\_\_\_\_ Boundary lines of tract with accurate bearings and lengths.
- \_\_\_\_\_ All dimensions to the nearest 100th of a foot and all angles to the nearest minute.
- \_\_\_\_\_ Length of all arcs - radii, points of curvature and tangent bearings.
- \_\_\_\_\_ Lot lines, street lines and street names.
- \_\_\_\_\_ Building setback lines.
- \_\_\_\_\_ Lots numbered.
- \_\_\_\_\_ Names, locations of adjoining properties and streets.
- \_\_\_\_\_ Street profiles and cross-sections (if required).
- \_\_\_\_\_ Required physical improvements have been made or bond posted in the amount of \$ \_\_\_\_\_.
- \_\_\_\_\_ Certificate of approval for recording (Form 5).
- \_\_\_\_\_ Original drawing and one print of Final Plat returned to owner for recording.

Approved for recording \_\_\_\_\_ (date) Variances granted \_\_\_\_\_

Disapproved \_\_\_\_\_ (date) for the following reasons: \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



## APPENDIX A

### COLORADO REVISED STATUTES, 1953, CHAPTER 139, ARTICLE 59

#### PERTAINING TO PLANNING REGULATIONS AND THE DEVELOPMENT OF THE CITY.

##### PROCEDURE OF COMMISSION (139-59-8)

The commission may adopt the plan as a whole by a single resolution or may by successive resolutions adopt successive parts of the plan, said parts corresponding with major geographical sections or divisions of the municipality or with functional subdivisions of the subject matter of the plan, and may adopt any amendments or extensions thereof or addition thereto. Before the adoption of the plan or any such part, amendment, extension or addition, the commission shall hold at least one public hearing thereon, notice of the time and place of which shall be given by one publication in a newspaper of general circulation in the municipality and in the official newspaper of the county affected. The adoption of the plan, or any part, or amendment, or extension or addition, shall be by resolution of the commission carried by the affirmative votes of not less than two-thirds of the entire membership of the commission. The resolution shall refer expressly to the maps and descriptive and other matter intended by the commission to form the whole or part of the plan, and the identifying signature of the chairman or secretary of the commission. An attested copy of the plan or part thereof shall be certified to the legislative or governing body of the territory affected and after the approval by said body shall be filed with the clerk and recorder of each county affected.

##### LEGAL STATUS OF OFFICIAL PLAN (139-59-9)

Whenever the commission shall have adopted the master plan of the municipality or of one or more major sections or districts thereof, no street, square, park or other public way, ground or open space, or public building or structure, or publicly or privately owned public utility shall be constructed or authorized in the municipality or in such planned section and district until the location, character and extent thereof shall have been submitted for approval by the commission. In case of disapproval, the commission shall communicate its reason to council, which shall have the power to overrule such disapproval by a recorded vote of not less than two-thirds of its entire membership. If the public way, ground, space, building, structure, or utility be one the authorization or financing of which does not, under the law or charter provisions governing same, fall within the province of the municipal council, then the submission to the planning commissions shall be by the board, commission, or body having jurisdiction and the planning commission's disapproval may be overruled by said board, commission or body, by a vote of not less than two-thirds of its membership. The failure of the commission to act within sixty days from and after the date of official submission to the commission shall be deemed approval.

##### JURISDICTION (139-59-12)

The territory of jurisdiction of any municipal planning commission over the subdivision of land shall include all land located within the legal boundaries of the municipality; and, limited only to control with reference to a major street plan, and not otherwise, shall also include all land lying within three miles of the corporate limits of the municipality and not located in any other

municipality except that in the case of any such non-municipal land lying within five miles of more than one municipality, the jurisdiction of each municipal planning commission shall terminate at a boundary line equidistant from the respective corporate limits of such municipalities. The jurisdiction over the subdivision of lands outside the boundary of a municipality shall apply equally in the case of charter home rule cities or noncharter home rule cities.

#### SCOPE OF CONTROL (139-59-13)

Whenever a planning commission shall have adopted a major street plan of the territory within its subdivision control or part thereof, as provided in section 139-59-8, and shall have filed a certified copy of such plan in the office of the county recorder of the county in which such territory or part is located, then no plat of a subdivision of land within such territory or part shall be filed or recorded until it shall have been approved by such planning commission and such approval entered in writing on the plat by the president, chairman or secretary of the commission.

#### SUBDIVISION REGULATIONS (139-59-14)

Before any planning commission shall exercise the powers referred to in section 139-59-13, said commission shall adopt regulations governing the subdivision of land within its jurisdiction and shall publish the same in pamphlet form, which shall be available for public distribution, or at the election of the commission, it may publish said regulations in one issue each week for three consecutive weeks in the official paper of the city or county in which such subdivisions or parts thereof are located. Such regulations may 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 apparatus, recreation, light and air, and for the avoidance of congestion of population, including minimum area and width of lots. In the territory subject to subdivision jurisdiction beyond the city limits the regulations shall provide only for conformance with the major street plan.

Before the adoption of the regulations referred to in this section, a public hearing shall be held thereon in the county or counties in which said territory or any part thereof is situated. A copy of such regulations shall be certified by the commission to the recorders of the counties in which the municipality and territory are located.

#### PROCEDURE--legal effect (139-59-15)

The planning commission shall approve or disapprove a plat within thirty days after the submission thereof to it; otherwise such plan shall be deemed to have been approved, and a certificate to that effect shall be issued by the commission on demand. The applicant for the commission's approval may waive this requirement and consent to an extension of such period. The ground of disapproval of any plat shall be stated upon the records of the commission. Any plat submitted to the commission shall contain the name and address of a person to whom notice of a hearing shall be sent. No plat shall be acted on by the commission without affording a hearing thereon. Notice shall be sent to the address by registered mail of the time and place of such hearing not less than five days before the date fixed therefor. Similar notice shall be mailed to the owners of land immediately adjoining the platted land, as their names appear upon the plats in the county clerk's office and their addresses appear in the directory of the municipality or on the tax records of the municipality or county. Every plat