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ARTICLE I

Administrative Provisions

Sec. 17-1-10. Title and authority.

For the purpose of brevity, this Chapter shall also be referred to as the *Subdivision Code*, the *Subdivision Chapter* or *this Chapter*. (Ord. 08-07 Art. 3)

Sec. 17-1-20. Purpose.

In order to achieve quality development, this Chapter is designed and enacted for the following purposes:

- (1) To promote the general health, safety and welfare of the present and future inhabitants of the City. Land proposed for subdivision shall be such that it can be used safely for the intended purpose without danger to health or peril from fire, flood, geologic hazards or other natural hazards.
- (2) To guide future growth and development within the City that provides adequate and efficient transportation, water, waste disposal, schools, fire and police protection, recreation and open space opportunities and other services and facilities; and to encourage a diversity of housing types and densities in order to assure adequate housing for all persons.
- (3) To provide for the preservation and conservation of unique or distinctive natural areas, natural landmarks, critical wildlife habitats, wetlands, historic features and archaeologically sensitive sites recognizing the irreplaceable character of such resources and their importance to the quality of life in the City. Subdivisions shall provide for the preservation and conservation of significant stands of vegetation; unique or distinctive topographic features, including buttes and rock outcroppings; drainage, riparian and wetland areas; significant wildlife habitats, including breeding grounds, nesting areas, migration routes and wintering areas; scenic views; identified aquifer recharge areas; and important historical or archaeological sites.
- (4) To protect both urban and nonurban development by minimizing the conflicts between the land uses and structures. Subdivisions shall be designed to provide for lots that are of an appropriate size and configuration for the site characteristics and intended uses; connections between neighborhoods, shopping and recreational areas that are safe and convenient; adequate buffering from the adverse impacts of adjoining uses through lot orientation, setbacks, landscaping or other appropriate methods; the conservation of water, land and energy resources; minimization of grading, road cuts and fills; and a road system designed to preserve the integrity and function of the arterial and local roadway network.
- (5) To ensure that the necessary services and facilities are available and have sufficient capacity to serve the proposed subdivision. Land proposed for subdivision shall not be approved until the necessary provisions have been made for subdivision design, access, parks, trails, recreation and open spaces, schools, drainage, water, wastewater disposal, traffic controls, road improvements, police and fire protection or other reasonably necessary improvements and

services. The cost and installation of such improvements, which primarily benefit the land being subdivided, shall be borne by the owners/developers of such land.

(6) To provide for an adequate and accurate system to record land subdivisions, ensuring proper legal descriptions and survey monumentation, in order to inform the public and especially future residents of the facts about the subdivision, thereby safeguarding the interests of the public, the homeowner, the subdivider and the City. (Ord. 08-07 Art. 3)

Sec. 17-1-30. Authority.

This Chapter governing the subdivision of property is adopted pursuant to Part 2, Article 23 of Title 31, C.R.S. (the "Act"). In the event of a conflict between this Chapter and the Act, the Chapter shall control. All subdivision approvals shall be in conformance with the City's Comprehensive Plan (hereafter "Comprehensive Plan"), Chapter 16 of this Code, approved and recorded Development Guides and Plans, where property is zoned Planned Development (PD) and any other applicable regulations. (Ord. 08-07 Art. 3)

Sec. 17-1-40. Jurisdiction.

This Chapter shall apply to the subdivision of land in the incorporated area of the City and as provided in Section 31-23-212, C.R.S., unless the latter is superseded by any provision in the Charter. (Ord. 08-07 Art. 3)

Sec. 17-1-50. Interpretation.

The following standards shall be used to interpret this Chapter:

- (1) The regulations contained herein shall be regarded as minimum requirements.
- (2) Whenever a provision of this Chapter or any provision in any applicable law, ordinance, resolution, rule or regulation contains restrictions covering the same subject matter, that which is most restrictive or imposes higher standards, except as may be otherwise provided in an approved development guide and plan, shall govern.
- (3) This Chapter is not intended to abrogate any easement or any other private agreement or restriction; provided, however, that where the provisions of this Chapter are more restrictive or impose higher standards or requirements than such easement, covenant or other private agreement or restriction, the provisions of this Chapter shall govern. (Ord. 08-07 Art. 3)

Sec. 17-1-60. Effective date.

The ordinance codified herein shall take effect on May 14, 2008. (Ord. 08-07 Art. 3)

Sec. 17-1-70. Repeals.

Any subsequent repeal of this Chapter shall not affect or prevent the prosecution or punishment of any person for the violation of any resolution or ordinance repealed hereby for any offense committed prior to the repeal. (Ord. 08-07 Art. 3)

Sec. 17-1-80. Rules of construction.

- (a) The particular controls the general.
- (b) In case of any difference of meaning or implication between the text of this Chapter and the captions for each Section, the text shall control.
- (c) The word *shall* is always mandatory, and the word *may* is permissive.
- (d) Words used in the present tense include the future, unless the context clearly indicates the contrary.
- (e) Words used in the singular include the plural, and words used in the plural include the singular, unless the context clearly indicates the contrary. (Ord. 08-07 Art. 3)

Sec. 17-1-90. Definitions.

As used in this Chapter, the following words shall be interpreted and defined in accordance with the provisions set forth herein:

Adjacent means separated from the lot or parcel by one (1) of the following: lot line, street, alley or easement.

Applicant means the landowner or authorized representative who formally requests action on a land use proposal submitted in accordance with this Chapter.

Business day means Monday, Tuesday, Wednesday, Thursday or Friday unless one (1) of those days is a national holiday.

City means the City of Lone Tree, Colorado.

City Attorney means the City's general counsel or attorney as authorized by resolution, contract or other Council action, who performs the legal functions as set forth in this Chapter.

City Engineer means the City's designated engineer as authorized by resolution, contract or other Council action, who performs the engineering functions as set forth in this Chapter.

Common open space means a parcel of land, an area of water or a combination of land and water within the site designated for a Planned Development designed and intended primarily for the use of residents, occupants and owners of the Planned Development.

Comprehensive Plan means the City's duly adopted Comprehensive Plan.

Condominium means an individual air space unit, together with the interest in the common elements appurtenant to such unit.

Council means the City Council.

County means Douglas County, Colorado.

Dedicated land means land transferred to the City by platting, title, deed or other legal method approved by the City Attorney. This land shall be used for public purposes, such as school sites, fire stations, parks, open space or such other uses or facilities as approved by the Council or indicated within approved development guides or plans.

Department means the City Department of Community Development.

Development means the construction on land of improvements for residential, institutional, commercial, industrial, transportation, public flood control and recreational and similar uses, in contrast to use of the land for growing crops, grazing of farm animals and other agricultural pursuits. The term also applies to vacant land which has been or is being prepared for development by such steps as installation of water and sewer lines, construction of access streets and construction of a railroad spur or branch tracks.

Director means the City's designated Director of Community Development, or the Community Development Department, as set forth by resolution, contract or other Council action, who is responsible for the administration of this Chapter.

Disposition means a contract of sale resulting in the transfer of equitable title to an interest in subdivided land; an option to purchase an interest in subdivided land; a lease or an assignment of an interest in subdivided land; or any other conveyance of an interest in subdivided land.

Engineer means a professional engineer, currently registered by the State of Colorado.

Evidence means any map, table, chart, contract or any other document or testimony prepared or certified by a qualified person to attest to a specific claim or condition. Evidence shall be relevant and competent and shall support the position maintained by the claimer.

Exemption means exclusion from the subdivision process by action taken by the Council who, in making the exemption, decide that the purpose of the subdivision process will not be met if the subdivision process is required.

Final plat means a map and supporting materials of certain described land prepared in accordance with this Chapter as an instrument for recording of real estate interests with the County Clerk and Recorder.

Landowner means all persons having legal title to or sufficient proprietary interest in the land sought to be subdivided.

Legal description means a written metes-and-bounds description of the boundary of a parcel of real property by a professional licensed surveyor, for the purpose of perpetuating location and title. The description must recite all ties and monuments, recorded or physical, which will determine the correct position of the boundary, all references to adjoining lands by name and record and a full dimensional recital of the boundary courses in succession which shall be mathematically correct. The description must be accompanied by an exhibit or map showing all pertinent information as described in the narrative.

Lot means the unit into which land is divided on a subdivision plat or deed with the intention of separate ownership or use. *Lot* shall include parcel, plot, site or any similar term.

Minor development means a streamlined review process for the creation of four (4) or fewer single-family lots or nonresidential and multifamily subdivisions.

Official publication means the newspaper identified by the City for the publication of public notices as required in this Chapter.

Open space means an unoccupied, unobstructed space open to the sky except for trees, shrubbery, vegetation or improvements relating to recreation exclusive of buildings or structures.

Park means an area set aside excluding residential or commercial development and intended for use as open areas, fields, play fields, trails, national areas, historic areas, wildlife areas or other areas.

Plan means the maps for development which includes, but is not limited to, lots, blocks, easements, rights-of-way, pedestrian ways, park and school sites, open space areas and conservation areas, in accordance with the requirements of this Chapter.

Planned Development means an area of land, controlled by one (1) or more landowners, to be developed under unified control or unified plan of development for a number of dwelling units, commercial, educational, recreational or industrial uses or any combination of the foregoing.

Planned development plan means the provisions for development of a Planned Development, which may include, and need not be limited to, easements, covenants and restrictions relating to use; location and bulk of buildings and other structures; intensity of use or density of development; utilities, private and public streets, ways, roads, pedestrian areas and parking facilities; common open space and other public facilities. *Guide* means the written and graphic materials referred to in this definition.

Planning Commission means the City Planning Commission.

Plat means the final maps and supporting materials of a proposed subdivision, prepared in accordance with the requirements of this Chapter and utilized as an instrument for recording real estate interests with the County Clerk and Recorder.

Preliminary plan means the map of a proposed subdivision and specified supporting materials, drawn and submitted in accordance with the requirements of this Chapter, to permit the evaluation of the proposal prior to final engineering and design.

Replat means any change in a recorded plat; an amended plat.

Right-of-way means a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main or for another special use. The usage of the term *right-of-way* for land platting purposes shall mean that every right-of-way established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the

dimensions of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains or any other use involving maintenance by a public agency shall be dedicated to public use on the plat on which such right-of-way is established.

Roadway Design and Construction Standards means the City's duly adopted Roadway Design and Construction Standards.

Site-specific development plan means the final plat which, when designated by the Council pursuant to Article XI of this Chapter, establishes a vested property right.

Sketch plan means a map of a proposed subdivision and specified supporting materials drawn and submitted in accordance with the requirements of this Chapter to evaluate feasibility and design characteristics at a conceptual state in the planning.

Storm Drainage Design and Technical Criteria manual means the City's duly adopted Storm Drainage Design and Technical Criteria manual.

Street means a way for vehicular traffic, including but not limited to streets, highways, thoroughfares, parkways, roads, avenues, boulevards and lanes designed and planned in accordance with the Roadway Design and Construction Standards.

Subdivider (or *developer*) means any person, firm, partnership, joint venture, association or corporation participating as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale or lease of a subdivision.

Subdivision (or *subdivided land*) means any parcel of land which is to be used for single-family dwellings, condominiums, apartments or any other multifamily dwelling units or other land uses, unless such land when previously subdivided was accompanied by a filing which complied with the provisions of this definition with substantially the same density, or which is divided into two (2) or more parcels, separate interests or interests in common, unless exempted under Paragraphs (1), (2) or (3)a., b. or c. of this definition. *Interests* include any and all interests in the surface of land, but excludes any and all subsurface interests.

a. The terms *subdivision* and *subdivided land* shall not apply to any division of land which creates parcels of land each of which comprises thirty-five (35) or more acres of land and none of which is intended for use by multiple owners.

b. Unless the method of disposition is adopted for the purpose of evading, the terms *subdivision* and *subdivided land*, as defined, shall not apply to any division of land which:

1. Creates parcels of land such that the land area of each of the parcels, when divided by the number of interests in any such parcel, results in thirty-five (35) or more acres per interest;

2. Could be created by any court in this State pursuant to the law of eminent domain, by operation of law or by order of any court in this State if the Council is given timely notice of any such pending action by the court and given opportunity to join as a party in interest in such proceeding for the purpose of raising the issue of evasion of this definition prior to

entry of the court order and, if the Council does not file an appropriate pleading within twenty (20) days after receipt of such notice by the court, then such action may proceed before the court;

3. Is created by a lien, mortgage, deed of trust or any other security instrument;

4. Is created by a security or unit of interest in any investment trust regulated under the state law or any other interest in an investment entity;

5. Creates cemetery lots;

6. Creates an interest in oil, gas, minerals or water which is severed from the surface ownership of real property;

7. Is created by the acquisition of an interest in land in the name of a husband and wife or other persons in joint tenancy or as tenants in common, and any such interest shall be deemed for the purpose of this definition as only one (1) interest;

8. Is created by the combination of contiguous parcels of land into one (1) larger parcel. If the resulting parcel is less than thirty-five (35) acres in land area, only one (1) interest in said land shall be allowed. If the resulting parcel is greater than thirty-five (35) acres in land area, such land area divided by the number of interests in the resulting parcel must result in thirty-five (35) or more acres per interest. Easements and rights-of-way shall not be considered interests for purposes of this Subparagraph; or

9. Is created by a contract concerning the sale of land which is contingent upon the purchaser's obtaining approval to subdivide, pursuant to this Chapter and any applicable regulations, the land which is to be acquired pursuant to the contract.

c. The Council may, by resolution, exempt from the definition of the terms *subdivision* and *subdivided land* any division of land, if the Council determines that such division is not within the purposes of this definition.

Subdivision improvements agreement (or *subdivision agreement*) means one (1) or more security arrangements which the City shall accept to secure the actual cost of construction of such public improvements as are required by this Chapter or other applicable regulations within the subdivision. The subdivision improvements agreement (SIA) may include any one (1) or a combination of the types of security or collateral listed in this Subsection, and the subdivider may substitute security in order to release portions of the subdivision for sale.

Super block means the subdivision of land into large blocks that are to be replatted, at a later date, into custom lots.

Surveyor means a professional land surveyor currently registered by the State.

Vested property right means the right to undertake and complete the development and use of property under the terms and conditions of a site-specific development plan, as authorized under Part 1, Article 68 of Title 24, C.R.S.

Zoning Code means the City's duly adopted zoning code, codified as Chapter 16 of this Code. (Ord. 08-07 Art. 3)

Sec. 17-1-100. Severability.

The provisions of this Chapter shall be severable in accordance with the following provisions:

(1) If any provision of this Chapter is declared to be invalid by a decision of any court of competent jurisdiction, the effect of such decision shall be limited to that specific provision held to be invalid as expressly stated in such judgment. Such decision shall not affect, impair or nullify this Chapter as a whole or any other part thereof, but the rest of this Chapter shall continue in full force and effect.

(2) If the application of any provision of this Chapter to any tract of land is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared to be the legislative intent that the effect of such decision shall be limited to that specific tract of land immediately involved in the controversy, action or proceeding in which judgment or decree of invalidity was rendered. Such decision shall not affect, impair or nullify this Chapter as a whole, or the application of any provision thereof, to any other tract of land. (Ord. 08-07 Art. 3)

Sec. 17-1-110. Enforcement.

This Chapter shall be enforced by the Director or representative duly authorized by the Council.

(1) For the purposes of enforcing this Chapter, the Director is authorized to enter and inspect any building, structure or tract of land under development in the incorporated areas of the City.

(2) When the Director has knowledge of any violation of this Chapter on a particular property, the Director shall issue a written notice requiring the correction of such violation within thirty (30) days, or such shorter or greater period of time as shall be permitted by the Director.

(3) If the alleged violation has not been corrected within thirty (30) days or the applicable time period specified in the notice, a copy of the file shall be forwarded to the City Attorney for further legal action. The Director shall be advised of any actions taken.

(4) The Director may enforce this Chapter by withholding the issuance of building permits.

(5) Any owner or agent of the owner of any land located within a subdivision, who transfers or sells, agrees to sell or negotiates to sell any land by reference to, exhibition of or use of a plat of a subdivision before such plat has been approved by the Council and recorded or filed in the County Clerk and Recorder's office shall pay a penalty of five hundred dollars (\$500.00) to the City for each lot or parcel so transferred or sold, or agreed or negotiated to be sold, unless provided otherwise by Section 31-23-216, C.R.S. In the latter case, the provisions of Section 32-23-216, C.R.S., shall control.

a. The description of such lot or parcel by metes and bounds in the transfer document used in the sale or transfer shall not exempt the transactions from such penalties or from the remedies provided in this Chapter.

b. The City may enjoin such transfer or 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.

(6) Any official or employee, charged with the enforcement of this Chapter, acting in good faith and without malice on behalf of the City in the discharge of this person's official duties, shall not thereby be rendered personally liable for any damages which may accrue to persons or property resulting from any such act or omission committed in the discharge of such duties.

(7) This Chapter shall not be construed to hold the City in any manner responsible for any injury to persons or property resulting from any inspection as herein authorized or resulting from any failure to so inspect, or resulting from the issuance or denial of a building permit as herein provided, or resulting from the institution of court action as herein set forth or the forbearance by the City to proceed. (Ord. 08-07 Art. 3)

Sec. 17-1-120. Amendments.

These regulations may be amended in the following manner:

(1) Amendment proposals may be initiated by the Council, the Planning Commission or the Director. Any resident or property owner may submit a written request to the Planning Commission to amend this Chapter.

(2) The Director shall review all amendment proposals, make recommendations and schedule public hearings before the Planning Commission and Council. Public notice is required as follows: At least fourteen (14) days prior to the public hearing before the Planning Commission and fourteen (14) days prior to the public hearing before the Council, a notice shall be published in the official publication. The notice shall read as follows:

NOTICE OF PUBLIC HEARING

A public hearing will be held before the Planning Commission on (day of week), (date), at (time), and before the Council on (day of week), (date), at (time) in the City Council Hearing Room, 8527 Lone Tree Pkwy., City of Lone Tree, CO 80124, for a proposed amendment to the City's Subdivision code. For more information contact the Community Development Department, [303-708-1818].

(3) At a public hearing, the Planning Commission shall consider the proposed amendment and make a recommendation to the Council.

(4) Upon consideration of all written and oral testimony, the Council may revise or alter the proposal before adopting any amendment to this Chapter. Amendments shall be approved by ordinance and shall take effect on the date as provided therein. (Ord. 08-07 Art. 3)

Sec. 17-1-130. Control over platting.

(a) No sketch plan, preliminary plan, final plat or minor development shall be recommended for approval by the Planning Commission or approved by the Council, unless it conforms to the provisions of this Chapter.

(b) The Public Works Director shall withhold all public street improvements and public maintenance from all rights-of-way which have not been accepted for maintenance purposes by the Council.

(c) Prior to the issuance of a building permit or construction of any building or structure within a subdivision, the plat thereof shall be approved by the Council and recorded with the County Clerk and Recorder, and access shall be provided in accordance with the subdivision improvements agreement and the Fire Code adopted by the City.

(d) The Council may suspend or withdraw any approval of a plan or plat or may require certain corrective measures be taken following a determination that the information provided by the subdivider upon which such approval was based is substantially false or inaccurate or that new significant information has been brought to its attention. Suspension of approval may occur at any stage in the platting process and shall be implemented by resolution of the Council adopted at a public meeting.

(1) A written notice from the Director shall be served upon the subdivider, setting out a clear and concise statement of alleged facts and directing the subdivider to appear before the Council not less than ten (10) days or more than thirty (30) days after the date of notification.

(2) The Council shall determine at the public meeting the nature and extent of alleged false or inaccurate information, shall consider any new significant information that has been brought to its attention and shall have the power, upon good cause being shown, to suspend or withdraw any approval of the plat. If the plat was previously recorded, due notice that the plat has been withdrawn and the plat voided shall be recorded in the County Clerk and Recorder's office.

(e) No changes, erasures, modifications or revisions shall be made on the final plat after the approval by the Council, except as required by the approval of the Council. The Director may approve the correction of minor or typographical errors.

(f) No plat for subdivided land shall be approved by the Council unless all ad valorem taxes applicable to such subdivided land, for years prior to that year in which approval is granted, have been paid.

(g) It is unlawful to file for recording any such plan or plat as identified above in any public office unless it has been reviewed by the Planning Commission as applicable and bears, by endorsement or otherwise, the approval of the Council. (Ord. 08-07 Art. 3)

Sec. 17-1-140. Review fees.

(a) The Council shall establish and adopt by resolution a schedule of fees, to be paid by all applicants (with the exception of City departments or agencies) to cover anticipated expenses incurred by the City in the review and hearing of the proposed application or request for approval of a subdivision, amendment, replat, exemption or other process provided for herein.

(b) All fees are nonrefundable, except that if the applicant withdraws the application prior to the mailing of copies of the application to referral agencies by the Department, the Director shall be

authorized to refund up to one-third (1/3) of the application fees. Any request for withdrawal must be made in writing by the applicant.

(c) The Council may consider a waiver of the fees on a case-by-case basis, upon written request of the applicant, submitted to the Department. (Ord. 08-07 Art. 3)

Sec. 17-1-150. Impact fees.

The Council may adopt impact fees as authorized by law. An applicant for a building permit for the construction of any residential unit or nonresidential building within an area subject to impact fees shall pay the applicable impact fee to the City prior to the issuance of a building permit for said residential unit or nonresidential building. (Ord. 08-07 Art. 3)

Sec. 17-1-160. Waivers.

(a) Waivers from the requirements of this Chapter may be approved, provided that the Council finds that the waiver does not have the effect of nullifying the intent and purpose of this Chapter.

(b) Such waiver shall be approved only with findings, based upon the evidence presented in each specific case, that:

(1) The granting of the waiver will not be detrimental to the public safety, health or welfare or injurious to other property;

(2) The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable to other property;

(3) A particular non-economic hardship to the owner would result from a strict application of this Chapter;

(4) The waiver will not in any manner vary the provisions of Chapter 16 of this Code or the Building Code;

(5) The proposed development will be in conformance with the Comprehensive Plan; and

(6) The provisions of this Chapter will be served.

(c) The Council may impose conditions of approval that in its judgment substantially secure the objectives of this Chapter. The conditions shall be stated in the Council minutes with the justification set forth.

(d) A written waiver request shall be submitted no later than at the time of the preliminary plan application. If the waiver request substantially alters the design, location, anticipated construction, phasing, impacts on adjacent properties or roads, impacts on designated protected areas, or other special circumstances that were reviewed during the sketch plan review, the sketch plan must be amended to include the waiver request conditions and shall be reviewed by the Planning Commission.

(e) The written request for a waiver shall state in detail the extent of the waiver, the grounds for the requested waiver and all of the facts relied upon by the applicant.

(f) The Planning Commission, as part of the hearing on a specific application, will hear the request for a waiver from the standards and make recommendations to the Council.

(g) The Council, as part of the hearing on a specific application, will hear the request for a waiver from the standards and decide to accept or reject the request, or make modifications in the request. Approval may be granted only if the Council finds that the request is in conformance with Subsection (b) above. (Ord. 08-07 Art. 3)

Sec. 17-1-170. Powers of Planning Commission.

The Planning Commission shall have the powers specifically granted in this Chapter, including but not limited to the following:

- (1) Review applications and proposals for compliance with this Chapter, Chapter 16 and the Comprehensive Plan, and make recommendations to the Council.
- (2) Review requests for waivers from this Chapter.
- (3) Initiate, review or recommend amendments to this Chapter to the Council. (Ord. 08-07 Art. 3)

Sec. 17-1-180. Powers of City Council.

The Council shall have the powers provided in this Chapter and any other specific or implied powers granted by state law or other applicable law, including but not limited to the following:

- (1) Review applications and proposals for compliance with this Chapter and conformance with the Comprehensive Plan, and approve, conditionally approve or deny them.
- (2) Rescind, nullify or terminate, as applicable, plats, subdivision agreements or other official documents or agreements if it is found that there has been a misrepresentation of fact which impacts the design or legal or physical status of the subdivision.
- (3) Grant requests for waivers from this Chapter.
- (4) Modify and amend this Chapter in accordance with Section 17-1-120 of this Article. (Ord. 08-07 Art. 3)

Sec. 17-1-190. Standards for approval.

The following criteria shall be considered by the Planning Commission and Council in the review of all sketch plan, preliminary plan, final plat and minor development applications:

- (1) Whether the application is in compliance with the requirements of this Chapter, Chapter 16 and the Comprehensive Plan.
- (2) Whether the application is in compliance with all applicable statutory provisions and regulations. (Ord. 08-07 Art. 3)

Sec. 17-1-200. Major activity notice.

When a subdivision or commercial or industrial activity is proposed that is adjacent to a county boundary, the City shall send a referral notice of the proposal to the county prior to approval of any zoning change or subdivision application. The City shall not be required to provide any additional major activity notice pursuant to Title 31, Article 23, Part 2, C.R.S., other than that provided for in this Section. (Ord. 08-07 Art. 3)

ARTICLE II

General Standards, Procedures and Requirements

Sec. 17-2-10. Intent.

The following provisions apply to all subdivisions of land in the City, to assure the creation of lots which can be developed in conformance with this Chapter, Chapter 16, the Building Code, Roadway Design and Construction Standards, Storm Drainage Design and Technical Criteria manual, Design Guidelines and other applicable City regulations. (Ord. 08-07 Art. 3)

Sec. 17-2-20. Description of subdivision process.

(a) The steps required to obtain approval of a subdivision are:

(1) Sketch plan: the review of the feasibility of the project, including conceptual design, legal ability to obtain water and sanitation, location of geologic hazards, identification of environmentally sensitive areas and wildlife habitat areas, source of required services, vehicular and pedestrian circulation, relationship to surrounding land use, and conformance with the Comprehensive Plan;

(2) Preliminary plan: a review of an increase in the level of technical engineering; and

(3) Final plat: a review of all final engineering plans, subdivision improvement agreements and other legal requirements.

(b) Each is a distinct process involving the submittal of an application, an application fee, required plans and reports, referrals of the proposal to other agencies and public hearings/meetings. At each step of the process, the level of design and engineering increases in order to relieve the applicant from major and potentially unnecessary expenses in situations that may require a redesign and, therefore, a revision of expensive engineering or planning reports. Approval at any step in the process does not ensure approval at the next step.

(c) The sketch plan shall be reviewed by the Planning Commission and reviewed and approved by the Council at a public hearing prior to submittal of the preliminary plan. The preliminary plan and final plat processes may be combined upon the approval of the Director based upon, but not limited to, the following factors: design, size, public concern, public facilities, services, access and transportation network.

(d) Minor development plat. A minor development plat process may be used for single-family residential when four (4) or fewer lots are being created, or for nonresidential and multifamily subdivisions. A minor development plat shall be reviewed by the Planning Commission and reviewed and approved by the City Council. It is an abbreviated process as it does not require sketch or preliminary plan review and approval.

(e) Condominium plat. The condominium plat process can be used to subdivide individual units within a building or buildings and related common elements. The condominium plat and minor development plat process for multifamily subdivisions may be combined upon approval of the Director based upon, but not limited to, the following factors: design, size, public concern, public facilities, services, access and transportation network.

(f) If any proposed plan or plat is denied by the Council, a new subdivision application for the same or substantially the same request, as determined by the Director, shall not be accepted within one (1) year of such denial. The applicant may appeal the decision of the Director, in writing, to the Council within ten (10) days from the date of the decision. (Ord. 08-07 Art. 3)

Sec. 17-2-30. Subdivision improvements.

In each subdivision, the Council shall determine the type, location and extent of necessary public improvements, depending upon the characteristics of the proposed development and its relationship to surrounding areas. Improvements shall be made by the applicant at the applicant's expense according to plans and specifications prepared by a qualified professional engineer in accordance with the Roadway Design and Construction Standards, the Storm Drainage Design and Technical Criteria manual, the Grading, Erosion and Sediment Control manual, the Building Code and other applicable regulations. Underground placement of utility lines shall be required in all subdivisions. (Ord. 08-07 Art. 3)

Sec. 17-2-40. Site characteristics.

(a) As deemed appropriate by Council, subdivisions shall provide for the preservation of significant stands of vegetation; unique or distinctive topographic features, including buttes and rock outcroppings; drainage; riparian and wetland areas; significant wildlife habitats, including breeding grounds, nesting areas, migration routes and wintering areas; scenic views; identified aquifer recharge areas; and important historical or archaeological sites.

(b) Land shall be subdivided in such a manner that it can be used safely for the intended purpose without danger to the public health, safety or welfare or peril from fire, flood, geologic hazards or other natural hazards.

(c) Subdivisions shall be designed to provide for lots that are of an appropriate size and configuration for the site characteristics and intended uses; connections between neighborhoods, shopping and recreation areas that are safe and convenient; adequate buffering from the adverse impacts of adjoining uses through lot orientation, setbacks, landscaping or other appropriate methods; conservation of water, land and energy resources; minimization of grading, road cuts and fills and a road system designed to preserve the integrity and function of the arterial and local roadway network. (Ord. 08-07 Art. 3)

Sec. 17-2-50. Streets.

All streets and road rights-of-way shall be constructed in conformance with the roadway standards specified in the Roadway Design and Construction Standards, the Storm Drainage Design and Technical Criteria manual, the Grading, Erosion and Sediment Control manual and other applicable regulations. (Ord. 08-07 Art. 3)

Sec. 17-2-60. Erosion and sediment control plan.

An erosion and sediment control plan shall be submitted which addresses the existing and potential erosion and sediment problems created by the proposed development. Conservation measures used to mitigate these concerns shall be in accordance with Chapter 16 of this Code, the Roadway Design and Construction Standards, the Storm Drainage Design and Technical Criteria manual and the Grading, Erosion and Sediment Control manual. If applicable, the Soil Conservation District shall be consulted regarding erosion and sediment control. (Ord. 08-07 Art. 3)

Sec. 17-2-70. Drainage study.

Drainage studies shall be submitted as part of the subdivision submittal requirements in conformance with the Storm Drainage Design and Technical Criteria manual. The Urban Drainage and Flood Control District shall be consulted regarding drainage and flood hazard concerns when the proposed development lies within its jurisdiction. (Ord. 08-07 Art. 3)

Sec. 17-2-80. Other public improvements.

Other reasonable improvements, not specifically mentioned herein and found appropriate and necessary by the City, shall be constructed at the applicant's expense within such time and in conformance with such specifications as deemed necessary and appropriate. (Ord. 08-07 Art. 3)

Sec. 17-2-90. Guarantee of public improvements.

(a) No final plat shall be approved until the applicant has submitted, and the Public Works Department has reviewed and accepted, one (1) or a combination of the following:

(1) A subdivision improvements agreement (SIA) to construct any required public improvements shown in the final plat documents, together with security in the form of a cashier's check or letter of credit in favor of the City (the "security") in an amount that is sufficient, in the judgment of the Public Works, Department to make reasonable provision for the completion of said improvements in accordance with design and time specifications.

(2) Other agreements or contracts setting forth the plan, method and parties responsible for the construction of any required public improvements shown in the final plat documents which, in the judgment of the Public Works Department, will make reasonable provision for completion of said improvements in accordance with design and time specifications.

(b) The applicant shall provide the City with an itemized estimate of the cost of required improvements on a standardized form available from the Engineering Division in accordance with the

requirements of the Roadway Design and Construction Standards. Security of one hundred fifteen percent (115%) of the total cost of the improvements shall be provided by the applicant.

(c) The City Engineer shall review the SIA and the cost estimates and recommend changes as necessary to complete the required improvements.

(d) The City Attorney shall review any modifications made by the applicant to the SIA and notify the applicant of any deficiencies or required changes. The SIA shall be in the form provided by the City Attorney and approved by the Council.

(e) The City Engineer shall monitor the SIA and any performance agreements. (Ord. 08-07 Art. 3)

Sec. 17-2-100. Release of security.

As improvements are completed, the subdivider may apply to the Public Works Department for a release of part or all of the security. Upon inspection by the City Engineer, and upon their approval, the City shall release the security. If the City determines that any improvements are not constructed in substantial compliance with the specifications, it shall furnish the applicant a list of specific deficiencies and shall withhold security sufficient to ensure such compliance. If the City determines that the applicant has not constructed any or all of the improvements in accordance with all of the specifications, the City may withdraw and employ from the deposit of security such funds as may be necessary to construct the improvement in accordance with the specifications. Security to cover the cost of repair of such improvements is required during the warranty period in accordance with the requirements of the Roadway Design and Construction Standards. (Ord. 08-07 Art. 3)

Sec. 17-2-110. Applicant's responsibility.

The applicant or representative shall be responsible for understanding the requirements and procedures contained in this Chapter and all applicable regulations and shall be responsible for attending all Planning Commission and Council hearings/meetings at which the application is considered. Failure to attend the hearings/meetings may result in the request being tabled and a new hearing/meeting date scheduled. The applicant is responsible for submitting the information requested by the Department for the review of the proposal, and for mailing, posting and publishing all public notices as required. (Ord. 08-07 Art. 3)

Sec. 17-2-120. Additional review fees.

The applicant shall be responsible for payment of reasonable review fees established by a referral agency (i.e., the U.S. Geological Survey) or other consultants. When an outside consultant is needed, or in order to expedite the process, the City shall notify the applicant. (Ord. 08-07 Art. 3)

Sec. 17-2-130. Withdrawal of application.

The applicant may withdraw an application at any stage of the process upon submittal of a notarized, written request to the Director. Application fees may be refunded only as provided in Section 17-1-140 of this Article. (Ord. 08-07 Art. 3)

Sec. 17-2-140. Inactive applications.

An application shall be deemed withdrawn and terminated if the applicant fails to submit requested information or to request a hearing date, as applicable, for a period of more than six (6) months, and the resubmittal of a new application and fees shall be required to pursue the subdivision application. The Director may grant not more than two (2) extensions of time to complete needed actions, of not more than six (6) months each, upon a written request by the applicant. After five (5) months, the Director may notify the applicant in writing that the application will be deemed withdrawn and terminated within thirty (30) days. After thirty (30) days, provided that the applicant has not submitted the required additional information or requested a hearing date, the Director shall notify the applicant in writing that the application has been terminated. (Ord. 08-07 Art. 3)

ARTICLE III

Sketch Plan

Sec. 17-3-10. Intent.

The purpose of a sketch plan is to examine the feasibility of a project, including review of conceptual design, legal ability to obtain water and sanitation, location of geologic hazards, identification of environmentally sensitive areas and wildlife habitat areas, and conformance with the Comprehensive Plan. A sketch plan shall not create parcels that do not meet City standards. (Ord. 08-07 Art. 3)

Sec. 17-3-20. Prerequisite.

Prior to submittal of the sketch plan application, the applicant shall meet with City staff to discuss the procedures and submittal requirements, and is encouraged to meet with the City Engineer and other referral agencies and homeowners' associations to identify potential issues and ways to address these issues. The presubmittal conference may be waived by the Director. (Ord. 08-07 Art. 3)

Sec. 17-3-30. Submittal process.

- (a) The applicant shall submit one (1) copy of the submittal to the Department.
- (b) The submittal shall be reviewed for completeness within fifteen (15) working days. The applicant shall be notified of any inadequacies. An incomplete submittal shall not be processed.
- (c) Once the submittal is determined complete, the Director will notify the applicant of the number of copies of the sketch plan required to be submitted for distribution to referral agencies. Referral packets shall be provided by the applicant in unsealed envelopes, addressed to the appropriate referral agency, with appropriate postage affixed, and with all submittal information properly folded and compiled. The Director shall mail the referral packets. The applicant shall distribute any revised plans, as required by the Director.
- (d) The applicant shall provide stamped envelopes addressed to the adjacent landowners and other landowners as required by the Director, for notification of the sketch plan application.

(e) The referral agencies shall comment within twenty-one (21) days of receiving a complete submittal. The applicant is encouraged to meet with the Director, referral agencies and other interested parties to address the referral concerns.

(f) The Director will review the referral comments, discuss the concerns with the applicant, prepare a staff report for the Planning Commission and notify the applicant of the hearing date and time.

(g) The applicant is responsible for posting a notice on the property and publishing a notice in the newspaper, prior to the Planning Commission hearing, in compliance with the public notice requirements in Section 17-3-70 below, and for notifying mineral estate owners (see Subsection 17-3-70(c) for notice instructions).

(h) The Planning Commission shall evaluate the application, referral comments, staff report and public testimony, and make a recommendation to the Council to approve, approve with conditions, table for further study or deny the sketch plan. The Planning Commission's decision shall be based on the evidence presented and compliance with the adopted standards, regulations, policies and other guidelines.

(i) Following the recommendation by the Planning Commission, the Director will schedule the sketch plan for a public hearing with the Council and notify the applicant of the hearing date and time.

(j) The applicant shall be responsible for posting a notice on the property and publishing a notice in the newspaper, prior to the Council hearing, in compliance with the public notice requirements in Section 17-3-70 below.

(k) The Council shall evaluate the sketch plan, referral agency comments, staff report, the Planning Commission recommendation and public testimony, and shall approve, conditionally approve, table for further study, remand to the Planning Commission or deny the sketch plan. The Council's decision shall be based on the evidence presented and compliance with the adopted standards, regulations, policies and other guidelines.

(l) If denied by the Council, the submittal of a new application and processing fee shall be required in order to pursue the proposed subdivision. A resubmittal of the sketch plan for the same or substantially same request, as determined by the Director, shall not be accepted within one (1) year of such denial. The applicant may appeal the decision of the Director, in writing, to the Council within ten (10) days from the date of the decision. (Ord. 08-07 Art. 3)

Sec. 17-3-40. General submittal requirements.

General submittal requirements are as follows:

- (1) Completed development application;
- (2) Application fee;

(3) Proof of ownership which includes an updated or current title insurance policy or title commitment no more than thirty (30) days prior to the date of application;

(4) A notarized letter of authorization from the landowner permitting a representative to process the application, when applicable;

(5) Plan exhibit (per Section 17-3-50 below); and

(6) Development reports (per Section 17-3-60 below);

a. Phase I drainage plans shall be submitted to the Department. The Director will forward the plans to the City Engineer. (Plan revisions shall be submitted directly to the City Engineer.)

b. Phase II and Phase III drainage plans and final roadway design and construction plans shall not be submitted prior to sketch plan approval. (Ord. 08-07 Art. 3)

Sec. 17-3-50. Sketch plan exhibit.

(a) The plan exhibit shall be prepared on 24" x 36" paper at a scale of 1" = 100', 1" = 200' or another scale approved by the Director. If a proposal requires multiple sheets, a composite, on 24" x 36" paper, shall be provided that delineates the boundaries and identifies each sheet number. The scale may be different than the individual sheets as approved by the Director.

(b) The title shall be placed at the top of the sheet along the long dimension of each sheet and shall include the name of the proposed subdivision or planned development (and plan number when applicable) and Department file number. If part of a Planned Development, the planning area shall be included under the title. A general legal description stating the aliquot portion of the section, section, township, range, 6th P.M., and the City shall be included under the name and planning area. On the title sheet (Sheet #1), under the general legal description, the total acreage and the estimated total number of lots shall be included. The name of the builder, product line or marketing name may only be used as a descriptor along the bottom of the sheet. Subdivision names may not duplicate existing subdivision or Planned Development names.

Example:

UHLMAN SKETCH PLAN 10 SB ___ - ___
A portion of Planning Area H
A part of the W/2 of Section 9, Township 6 South,
Range 67 West, 6th P.M., City of Lone Tree, CO
78.05 Acres, 235 Residential Lots

(c) A block in the lower right-hand corner shall include the following: the preparation date; a north arrow designating true north; a written and graphic scale; the names and addresses of the applicant, developer, engineer or surveyor who prepared the exhibit; the number of the sheet; and the total number of sheets.

(d) The boundary of the proposed subdivision shall be depicted in a heavy solid line. Note those areas not included in the subdivision as "Not included in this plat."

(e) The plan shall include a vicinity map that depicts the area to be subdivided and the area which surrounds the proposed subdivision within a two-mile radius superimposed on the City Subdivision Map maintaining the same scale.

(f) When the land is zoned Planned Development, the plan shall include a vicinity map that depicts the area to be subdivided superimposed on the development plan at a scale of 1" = 2,000' that shows adjacent filings of the same or adjacent subdivisions.

(g) The plan shall depict all lots, tracts and, when appropriate, building envelopes. Lots shall be numbered consecutively; tracts shall be lettered alphabetically. On residential subdivisions, tracts shall be used exclusively for nonresidential uses, such as areas to be dedicated to the City for park or school sites.

(h) A separate land summary chart on the cover sheet of the sketch plan shall be provided that includes the total land area to be subdivided; purpose and maintenance responsibilities for all tracts; land area of roads (acres and percentage of total land); the total number of lots (acres and percentage of total land); density; and the minimum, average and maximum lot size.

(i) The plan shall depict all easements, including existing and proposed, public or private, on and adjacent to the proposed subdivision. For each, specify their use, principal dimensions and the owner or right holder of the easement.

(j) The plan shall include contour lines depicted at ten-foot intervals. The Director may request that other significant topographic conditions be depicted at greater or lesser intervals where appropriate.

(k) The plan shall delineate all one-hundred-year floodplains, all existing and proposed watercourses, retention and detention areas, wetlands, aquifer recharge areas, streams and lakes on the affected property and within one hundred (100) feet of such property.

(l) The plan shall depict all lands to be dedicated or reserved in deeds or easements for the use of landowners, residents or the general public.

(m) The plan shall note the land use, zoning and ownership of the adjacent land, including the intended future use of the adjacent land, if owned by the applicant.

(n) The plan shall note existing structures on the site, their uses and whether they are to remain on the site.

(o) The plan shall identify any historical or archaeological sites.

(p) The plan shall note significant natural or man-made features within and adjacent to the proposed subdivision.

(q) The plan shall depict all potential hazard areas, including: geologic hazard areas and expansive soils (A-6 and A-7-6 soils as defined in the AASHTO Classification Group Index referenced in the Roadway Design and Construction Standards).

(r) The plan shall identify areas of fifteen-to-twenty-five-percent slope in one (1) shading pattern and areas of greater than twenty-five-percent slope in another shading pattern.

(s) The plan shall note short- and long-range views onto or from the site, including scenic mountain views, buttes, rock outcroppings, drainages, etc.

(t) The plan shall depict any significant existing stands of vegetation, including but not limited to large stands of scrub oak and pine, and shall identify the type of vegetation.

(u) The plan shall identify wildlife habitat areas, including breeding grounds, nesting areas, crossings, wintering areas, migratory routes, etc.

(v) The plan shall show the conceptual design of the following items:

(1) Local, collector and arterial streets, including principal dimensions;

(2) Pedestrian and open space systems, including connections to adjacent development and open space areas;

(3) Focal points, community facilities and other special features; and

(4) The treatment of potentially conflicting land uses. (Ord. 08-07 Art. 3)

Sec. 17-3-60. Development reports.

The applicant shall submit a report with supporting materials and completely address the items listed below as a minimum. The degree of detail for analysis of some of the following factors will depend upon the impact of the particular item on the surrounding area and the subject property.

(1) A discussion of site features as depicted on the plan that may affect the evaluation of the proposed development.

(2) Evidence establishing soil suitability in the form of a report based on information from the Soil Conservation Service of the United States Department of Agriculture (USDA) or another form acceptable to staff. The report shall minimally include: a description of site soil types, locations and characteristics with supporting soil maps, soil logs and other information needed to determine soil suitability for proposed development; constraints on development based on the findings; and analysis and evaluation of such information with recommendations regarding structural constraints, erosion control and a determination of the adequacy of the structural characteristics of the soil as they relate to the proposed uses and development.

(3) A report on the geologic characteristics of the site, including any potential natural or man-made hazards which would have a significant influence on the proposed uses of the land, a determination of what effect such factors would have and proposed corrective or protective measures.

(4) A Phase I drainage analysis and plan, or an approved Comprehensive Plan of Drainage, prepared in accordance with the requirements of the Storm Drainage and Design and Technical Criteria manual, including estimates of quantitative flows and rough plans for facilities to prevent

stormwaters in excess of historic runoff caused by the proposed subdivision from entering, damaging or being carried by conduits, water supply ditches and appurtenant structures and other drainage facilities.

(5) Evidence that an adequate water supply, sufficient in terms of quality and quantity, is available as follows: For a subdivision of land located within a water district, a letter of commitment to serve the proposed subdivision, stating the amount of water available for use within the subdivision and the feasibility of extending service to that area.

(6) Evidence of the physical and legal capability to provide sanitation as follows: For a subdivision of land located within a sanitation district, a letter of commitment to serve the proposed subdivision, stating the capacity to serve and feasibility of extending service to that area.

(7) A narrative describing the availability and adequacy of existing infrastructure and other necessary services, including but not limited to fire and police protection, schools, recreation, utilities and open space.

(8) A narrative or traffic study describing the proposed transportation network establishing the availability and adequacy of the system consistent with the Roadway Design and Construction Standards and the Transportation Plan, if applicable.

(9) A discussion on the effect of the proposal on significant cultural, archaeological and historical resources and plans for protection of such resources. (Ord. 08-07 Art. 3)

Sec. 17-3-70. Public notice requirements.

(a) Published notice.

(1) At least five (5) days prior to the Planning Commission hearing and five (5) days prior to the Council hearing, the applicant shall publish a public notice in the City's official notice publication.

(2) At least three (3) days prior to the hearing, the applicant shall provide a publisher's affidavit of said published notice to the Department.

(3) The notice shall read:

NOTICE OF PUBLIC HEARING BEFORE
THE (PLANNING COMMISSION
OR COUNCIL)

A public hearing will be held on (day of week), (date), at (time), in the City Council Hearing Room, 8527 Lone Tree Pkwy., City of Lone Tree, CO 80124, for approval of a sketch plan for property to be subdivided at or near [list nearest intersection or township, range and section information]. For more information contact the Community Development Department, [303-708-1818].

File name and number: _____

(4) When concurrent notice has been approved by the Director, the notice shall read:

NOTICE OF PUBLIC HEARING BEFORE
THE PLANNING COMMISSION
AND COUNCIL

A public hearing will be held before the Planning Commission on (day of week), (date), at (time), and before the City Council on (day of week), (date), at (time), in the City Council Hearing Room, 8527 Lone Tree Pkwy., City of Lone Tree, CO 80124, for approval of a sketch plan for property to be subdivided at or near [list nearest intersection or township, range and section information]. For more information contact the Community Development Department [303-708-1818].

File name and number: _____

(b) Posted notice.

(1) At least twelve (12) days prior to the Planning Commission hearing and twelve (12) days prior to the Council hearing, the applicant shall post a notice on the land under consideration.

(2) The notice shall consist of at least one (1) sign facing each adjacent right-of-way, within ten (10) feet of the property line adjacent to the right-of-way, visible from the right-of-way, placed on posts at least four (4) feet above ground level. Additional signs may be required by the Director. Each sign shall measure not less than three (3) feet by four (4) feet. Letter size shall be a minimum of three (3) inches high.

(3) Said notice shall read:

NOTICE OF PUBLIC HEARING BEFORE
THE (PLANNING COMMISSION
OR COUNCIL)

This land shall be considered for approval of a sketch plan, pursuant to the City Subdivision code, on (day of week), (date), at (time) in the City Council Hearing Room, 8527 Lone Tree Pkwy., City of Lone Tree, CO 80124. For more information contact the Community Development Department, [303-708-1818].

File name and number: _____

(4) When concurrent notice has been approved by the Director, the notice shall read:

NOTICE OF PUBLIC HEARING BEFORE
THE PLANNING COMMISSION
AND COUNCIL

This land shall be considered for approval of a sketch plan, pursuant to the City Subdivision code, before the Planning Commission on (day of week), (date), at (time), and before the Council on (day of week), (date), at (time), in the City Council Hearing Room, 8527 Lone Tree Pkwy., City of Lone Tree, CO 80124. For more information contact the Community Development Department, [303-708-1818].

File name and number: _____

(5) An affidavit of sign posting shall be submitted for the file in the Department at least three (3) days prior to the hearings. The sign shall be photographed by the applicant and the photo shall be attached to the affidavit as follows:

(attach photo here)

I, (applicant/representative) , attest that the above sign was posted on (date), at (location) pursuant to the City of Lone Tree Subdivision code.

File name and number: _____

(signature)
(applicant/representative)

Signed and sworn before me this date: _____

NOTARIZED BY: _____

(6) The sign shall be removed by the applicant within two (2) weeks following the final decision by the Council.

(c) The applicant shall also provide written notification, with respect to the property being platted, to all surface owners, mineral owners and lessees of mineral owners, as their names may appear upon the plats or records in the County Clerk and Recorder's office and as their most recent addresses may appear in a telephone or other directory of general use in the area of the property or on the tax records of the City or County. Notice to such persons shall include the time and place of the public hearing, the nature of the hearing, the location of the property that is the subject of the hearing and the name of the applicant, and shall be sent by certified mail not less than thirty (30) days before the date scheduled for the hearing. Not less than three (3) days prior to the hearing, the applicant shall certify to the Department that it has complied with the notice requirements of this Subsection.

(d) When calculating the required time period for posting or publishing a notice of a public hearing, the day of publishing or posting will be counted in the total number of days required. The day of the hearing shall not be counted toward the total number of days required for the notification period. (Ord. 08-07 Art. 3)

Sec. 17-3-80. Expiration of approval.

(a) The sketch plan shall be effective for a period of one (1) year from the date of approval, unless stated otherwise in such approval. The Director may grant a one-year extension of time upon a written request by the applicant. The Director may grant additional one-year extensions upon a finding that the plan is in compliance with the Comprehensive Plan, Chapter 16 of this Code and this Chapter.

(b) When a part of the sketch plan is preliminary platted, approval of the remaining area of the sketch plan shall be effective for an additional one-year period or as otherwise extended by the Director or the Council.

(c) An extension request shall include a fee and a narrative stating the reasons for the applicant's inability to comply with the specified deadlines, listing any changes in the character of the neighborhood, any changes in the Comprehensive Plan, Chapter 16 or this Chapter that have occurred since approval of the plan as these changes affect the plan, and the anticipated time schedule for completing the platting process. A fee schedule is available from the Department. Additional review of the plan may occur, resulting in additional conditions as applicable.

(d) The denial of an extension by the Director may be appealed to the Council in writing within ten (10) days of the decision by the Director. (Ord. 08-07 Art. 3)

ARTICLE IV

Preliminary Plan

Sec. 17-4-10. Intent.

The purpose of the preliminary plan is to allow evaluation of the proposal prior to final engineering and design. The preliminary plan and final plat processes may be combined upon the approval of the Director based upon, but not limited to, the following factors: design, size, public concern, public facilities, services, access and transportation network. (Ord. 08-07 Art. 3)

Sec. 17-4-20. Prerequisite.

(a) The preliminary plan shall be in substantial compliance with the approved sketch plan, as determined by the Director. If it is not, the applicant shall resubmit the sketch plan for review and approval by the Planning Commission and the Council.

(b) The preliminary plan shall be submitted within one (1) year of the approval of the sketch plan by the Council or as extended by the Director or the Council. (Ord. 08-07 Art. 3)

Sec. 17-4-30. Approval standards.

A preliminary plan may be approved upon the finding by the Council that:

(1) The subdivider has provided evidence that provision has been made for a water supply that is sufficient in terms of quantity, quality and dependability for the type of subdivision proposed;

(2) The subdivider has provided evidence that provision has been made for a public sewage disposal system and, if other methods of sewage disposal are proposed, adequate evidence that such system shall comply with state and local laws and regulations; and

(3) The subdivider has provided evidence to show that all areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified by the subdivider and the proposed uses of these areas are compatible with such conditions. (Ord. 08-07 Art. 3)

Sec. 17-4-40. Submittal process.

(a) The applicant shall submit one (1) copy of the complete submittal to the Department.

(b) The submittal shall be reviewed for completeness within fifteen (15) business days. The applicant shall be notified of any inadequacies. An incomplete submittal or preliminary plan that is inconsistent with the approved sketch plan shall not be processed.

(c) Once the submittal is determined complete, the Director will notify the applicant of the number of copies of the preliminary plan required for distribution to referral agencies mandated by statute and additional referral agencies as deemed necessary by the Director. Referral packets shall be provided by the applicant in unsealed envelopes, addressed to the appropriate referral agency, with appropriate postage affixed, and containing all submittal information properly folded and compiled.

The Director shall mail the referral packets. The applicant shall distribute any revised plans, as required by the Director.

(d) The applicant shall provide stamped envelopes addressed to the adjacent landowners and other landowners, as required by the Director, for notification of the preliminary plan application.

(e) The referral agencies shall comment within twenty-one (21) to thirty-five (35) days as determined by the Director, based upon conformance with the Comprehensive Plan and Zoning Code, the size and magnitude of the project or other concerns. An extension of no more than thirty (30) days may be permitted for public comment if consented to by the applicant. The applicant is encouraged to meet with the referral agencies, the Director and public interest groups to address any concerns prior to the end of the referral period. The applicant is required to pay those fees assessed by referral agencies.

(f) The Director will review the referral comments, discuss the concerns with the applicant, prepare a staff report for the Planning Commission and notify the applicant of the meeting date and time.

(g) The Planning Commission shall evaluate the application, staff report, referral comments, public comments and make a recommendation to the Council to approve, approve with conditions, table for further study or deny the preliminary plan. The Planning Commission's decision shall be based on the applicable documentation and public comments and compliance with the adopted standards, regulations, policies and other guidelines.

(h) Following the recommendation by the Planning Commission, the Director shall schedule the preliminary plan with the Council and notify the applicant of the meeting date and time.

(i) The Council shall evaluate the preliminary plan, staff report, referral agency comments, Planning Commission recommendations and public comments, and shall either approve, conditionally approve, table for further study or deny the preliminary plan. The Council's action shall be based on the applicable documents and public comments and compliance with the adopted standards, regulations, policies and other guidelines.

(j) If denied by the Council, the submittal of a new application and processing fee shall be required in order to pursue the proposed subdivision. The resubmittal of a preliminary plan application for the same or substantially the same request, as determined by the Director, shall not be accepted within one (1) year of such denial. The applicant may appeal the decision of the Director, in writing, to the Council within ten (10) days from the date of the decision. (Ord. 08-07 Art. 3)

Sec. 17-4-50. General submittal requirements.

General submittal requirements are as follows:

- (1) Completed development application (available from the Department).
- (2) Application fee.

(3) Proof of ownership which includes an updated or current title insurance policy or title commitment no more than thirty (30) days prior to the date of application.

(4) A notarized letter of authorization from the landowner identifying and permitting a representative, if applicable, to process the application.

(5) Plan exhibit (per Section 17-4-60 below); and

(6) Development reports (per Section 17-4-70 below):

a. Engineering plans shall initially be submitted to the Director. The Director will forward the plans to the City Engineer. (Plan revisions shall be submitted directly to the City Engineer.)

b. Phase III drainage plans and final roadway design and construction plans shall not be submitted prior to preliminary plan approval. (Ord. 08-07 Art. 3)

Sec. 17-4-60. Plan exhibit.

The preliminary plan shall substantially conform to the approved sketch plan and the Council's conditions of approval.

(1) The plan exhibit shall be prepared on 24" x 36" paper at a scale of 1" = 100', 1" = 200' or another scale approved by the Director. If a proposal requires multiple sheets, a composite, on 24" x 36" paper, shall be provided that delineates the boundaries and identifies each sheet number.

(2) The title shall be placed at the top of the sheet along the long dimension of each sheet and shall include the name of the proposed subdivision or Planned Development, plan number (when applicable) and Department file number. If part of a Planned Development, the planning area shall be included under the title. A general legal description stating the aliquot portion of the section, section, township, range, 6th P.M., and "City of Lone Tree, CO" shall be included under the name and planning area. On the title sheet (Sheet #1), under the general legal description, the total acreage and the total number of residential lots shall be included. The name of the builder, product line or marketing name may only be used as a descriptor along the bottom of the sheet. Subdivision names may not duplicate existing subdivision or Planned Development names. For example:

O'Boyle Estates
PRELIMINARY PLAN NO. 10 SB ____ - ____
A portion of Planning Area H
A part of the W/2 of Section 9, Township 6 South,
Range 67 West, 6th P.M., City of Lone Tree, CO
78.05 Acres, 235 Residential lots

(3) A block in the lower right-hand corner shall include the following: the preparation date; a north arrow designated as true north; a written and graphic scale; the names and addresses of the applicant, developer, engineer or surveyor who prepared the exhibit; the number of the sheet; and the total number of sheets.

(4) The boundary of the proposed subdivision shall be depicted in a heavy line. Those areas not included in the subdivision shall be denoted as "Not included in this plat."

(5) A vicinity map shall depict the area to be subdivided and the area which surrounds the proposed subdivision within a one-mile radius superimposed on a current County or City subdivision map, maintaining the same scale.

(6) When the land is zoned Planned Development, a vicinity map shall depict the area to be subdivided, superimposed on the development plan or filing map at a scale of 1" = 2,000'.

(7) All easements shall be depicted, including existing and proposed, public and private, on and adjacent to the proposed subdivision, and the applicant shall identify their use(s), principal dimensions, the owners and interest-holders under the easements, the recorded book and page number(s) and the name(s) of any entity responsible for construction or maintenance.

(8) Contour lines shall be depicted at ten-foot intervals. The Director may request that other significant topographic conditions be depicted at greater or lesser intervals where appropriate.

(9) All one-hundred-year floodplains, all existing and proposed watercourses, retention and detention areas, wetlands, aquifer recharge areas, streams, lakes, inlets, storm sewers and culverts on the affected property and within one hundred (100) feet of such property shall be delineated.

(10) All lots, blocks, tracts and, when appropriate, building envelopes, shall be depicted, providing accurate dimensions for each. Lots shall be numbered consecutively and tracts shall be lettered alphabetically. The total acreage and range of lot sizes shall be included. On residential subdivisions, tracts shall be used exclusively for nonresidential uses, such as the area to be dedicated to the City for park or school sites.

(11) The applicant shall provide a separate land summary chart on the cover sheet of the preliminary plan that includes: the total land area to be subdivided; purpose and maintenance responsibilities for all tracts; land area of roads (acres and percentage of total land); the total number of lots (acres and percentage of total land); density; and the minimum, average and maximum lot size.

(12) All lands to be dedicated or reserved in deeds or easements for the use of landowners, residents or the general public shall be depicted. Notes to indicate the disposition and maintenance responsibility for all such tracts shall be included.

(13) The name and principal dimension of all street rights-of-way shall be located and provided. Roads shall be identified by the classification system defined by the Road Design and Construction Standards. The maintenance responsibility, road percent grades, centerline radii and other pertinent roadway information, such as distance between intersections, shall be indicated.

(14) Legal and physical public access to the proposed subdivision shall be depicted, even if not part of the subdivision.

(15) The land use, zoning and ownership of the adjacent land shall be noted, including the intended future use of the adjacent land, if owned by the applicant.

(16) Existing structures on the site, their uses and whether they are to remain on the site shall be noted.

(17) Any historical or archaeological sites shall be identified.

(18) Significant natural or man-made features within and adjacent to the proposed subdivision shall be noted.

(19) Important views onto or from the site, including scenic mountain views, buttes, rock outcroppings, drainages, etc., shall be noted.

(20) Significant vegetative stands, including but not limited to large stands of scrub oak and pine, shall be indicated by name and symbol.

(21) All potential hazard areas shall be depicted, including geologic hazard areas and expansive soils (A-6 and A-7-6 soils as defined in the AASHTO Classification Group Index referenced in the Roadway Design and Construction Standards).

(22) Areas of fifteen-to-twenty-five-percent slope shall be identified in one (1) shading pattern and areas of greater than twenty-five-percent slope shall be identified in another shading pattern.

(23) Significant wildlife habitat areas, including breeding grounds, nesting areas, crossings, wintering areas, migratory routes, etc., shall be identified. (Ord. 08-07 Art. 3)

Sec. 17-4-70. Development reports.

The applicant shall submit a report with supporting materials which shall include and completely address, at a minimum, the items listed below. The degree of detail for analysis of some of the following factors will depend upon the impact of the particular item on the surrounding area and the subject property:

(1) A discussion of site features as depicted on the plan that may affect the evaluation of the proposed development.

(2) Evidence establishing soil suitability in the form of a report prepared by a registered professional engineer or professional engineering geologist. The report shall include: a description of site soil types, locations and characteristics with supporting soil maps, soil logs and other information needed to determine soil suitability for proposed development; depth to water table and an engineer's recommendation of how to handle the subsurface drainage (i.e., sump pumps, trench drains, etc.); constraints on development based on the findings; and analysis and evaluation of such information, with recommendations regarding structural constraints, erosion control and a determination of the adequacy of the structural characteristics of the soil as they relate to the proposed development.

(3) A report on the geological characteristics of the site, by a qualified professional, including any potential natural or man-made hazards which would have a significant influence on the

proposed uses of the land, a determination of what effect such factors would have and proposed corrective or protective measures.

(4) A Phase II drainage report or an approved master plan of drainage prepared in accordance with the requirements of the Storm Drainage Design and Technical Criteria manual.

(5) Evidence that an adequate water supply, sufficient in terms of quality, quantity and dependability, is available as follows: For a subdivision of land located within a water district, a letter of commitment to serve the proposed subdivision, stating the amount of water available for use within the subdivision and the feasibility of extending service to that area.

(6) Evidence of the physical and legal capability to provide sanitation as follows: For a subdivision of land located within a sanitation district, a letter of commitment to serve the proposed subdivision, stating the capacity to serve and feasibility of extending service to that area.

(7) A narrative describing the availability and adequacy of existing infrastructure and other necessary services, including fire and police protection, schools, recreation, utilities and open space.

(8) A narrative or traffic study describing the transportation network, establishing the availability and adequacy of the system consistent with the Roadway Design and Construction Standards and the Transportation Plan of the Comprehensive Plan.

(9) A discussion on the effect of the proposal on significant cultural, archaeological and historical resources and plans for the protection of such resources. (Ord. 08-07 Art. 3)

Sec. 17-4-80. Expiration of approval.

(a) The preliminary plan shall be effective for a period of one (1) year from the date of approval, unless stated otherwise in such approval. The Director may grant a one-year extension of time, upon a written request by the applicant. The Director may grant additional extensions upon a finding that the plan is in compliance with the Comprehensive Plan, Chapter 16 of this Code and this Chapter.

(b) When a part of the preliminary plan has been approved for a final plat, approval of the remaining area of the preliminary plan shall be effective for an additional one-year period or as otherwise extended by the Director or the Council.

(c) An extension request shall include a fee and a narrative stating the reasons for the applicant's inability to comply with the specified deadlines, listing any changes in the character of the neighborhood, any changes in the Comprehensive Plan, Chapter 16 or this Chapter that have occurred since approval of the plan as these changes affect the plan, and the anticipated time schedule for completing the platting process. A fee schedule is available from the Department. Additional review of the plan may occur, resulting in additional conditions as applicable.

(d) The denial of an extension by the Director may be appealed to the Council in writing within ten (10) days of the decision by the Director. (Ord. 08-07 Art. 3)

ARTICLE V

Final Plat

Sec. 17-5-10. Intent.

The purpose of these regulations is to provide for the review of the final engineering plans, the subdivision improvement agreement, public dedication and other legal agreements. (Ord. 08-07 Art. 3)

Sec. 17-5-20. Prerequisite.

(a) The final plat shall be in substantial compliance with the Council-approved preliminary plan, as determined by the Director. If it is not, the applicant shall submit an amended preliminary plan for review and approval by the Planning Commission and the Council.

(b) The final plat shall be submitted within one (1) year of approval of the preliminary plan, or as extended by the Director or Council, unless the preliminary plan and final plat are processed concurrently as approved by the Director. (Ord. 08-07 Art. 3)

Sec. 17-5-30. Approval standards.

A final plat may be approved upon the finding by the Council that:

(1) The subdivider has provided evidence that provision has been made for a water supply that is sufficient in terms of quantity, quality and dependability for the type of subdivision proposed;

(2) The subdivider has provided evidence that provision has been made for a public sewage disposal system and, if other methods of sewage disposal are proposed, adequate evidence that such system shall comply with state and local laws and regulations; and

(3) The subdivider has provided evidence to show that all areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified by the subdivider and that the proposed uses of these areas are compatible with such conditions. (Ord. 08-07 Art. 3)

Sec. 17-5-40. Submittal process.

(a) The applicant shall submit one (1) paper copy of the final plat and all supporting information to the Director.

(b) The submittal shall be reviewed for completeness within fifteen (15) working days. The applicant shall be notified of any inadequacies. An incomplete submittal or final plat that is inconsistent with the approved preliminary plan shall not be processed.

(c) Once the submittal is determined complete, the Director will notify the applicant of the number of copies of the final plat required for distribution to referral agencies. Referral packets shall be provided by the applicant in unsealed envelopes, addressed to the appropriate referral agency, with

appropriate postage affixed and with all submittal information properly folded and compiled. The Director shall mail the packets.

(d) The referral agencies shall comment within twenty-one (21) days to thirty-five (35) days of receiving a complete submittal, as determined by the Director based upon conformance with the Comprehensive Plan and Zoning Code, the size and magnitude of the project or other concerns.

(e) When the City Engineer has accepted all final engineering plans and the final plat in writing, the final plat will be scheduled for a regular meeting before the Council. The Director will notify the applicant of the date and time of the meeting.

(f) The Director will review the referral comments and prepare a staff report for the Council. The subdivision improvements agreement (SIA) shall be approved by the Council prior to final plat approval. Final plats with no outstanding issues will be scheduled as consent agenda items.

(g) The Council shall evaluate the final plat, staff report, referral agency comments and public comments and shall either approve, approve with conditions or deny the final plat. The Council's action shall be based on the evidence presented and compliance with the adopted standards, regulations, policies and other guidelines. The grounds for disapproval of any plat shall be stated upon the records of the Council. Any plat submitted to the Council shall include the names and addresses of all surface owners, mineral owners and lessees of mineral owners.

(h) If denied by the Council, the submittal of a new application and processing fee shall be required in order to pursue the proposed subdivision. A resubmittal of the final plat application for the same or substantially the same request, as determined by the Director, shall not be accepted within one (1) year of such denial. The applicant may appeal the decision of the Director, in writing, to the Council within ten (10) days from the date of the decision. (Ord. 08-07 Art. 3)

Sec. 17-5-50. General submittal requirements.

(a) General submittal requirements are as follows:

- (1) A completed development application (application form available from the Department).
- (2) Application fee (fee schedule available from the Department).
- (3) Proof of ownership which includes an updated or current title insurance policy or title commitment dated not more than thirty (30) days prior to the date of application.
- (4) A notarized letter of authorization from the landowner permitting a representative to process the application, when applicable.
- (5) One (1) paper copy of the final plat exhibit (per Section 17-5-60 below).
- (6) Development reports (per Section 17-5-70 below).

(b) Final drainage plans and roadway design and construction plans shall be initially submitted to the Director. The Director will forward the plans to the City Engineer. (Plan revisions shall be submitted directly to the City Engineer.) (Ord. 08-07 Art. 3)

Sec. 17-5-60. Final plat exhibit.

The final plat shall substantially conform to the approved preliminary plan and the Council's conditions of approval.

(1) The final plat shall be prepared by or under the supervision of a registered professional land surveyor licensed with the State for recording in the office of the County Clerk and Recorder's office. It shall be a neat, clear, permanent, legible and reproducible document. Inaccurate, incomplete or poorly drawn plats shall be rejected.

(2) The final plat for recordation shall be either an original drawing using only permanent black ink that will adhere to drafting films (no ballpoint, transfer type or sticky backs are permitted) or an acceptable photographic reproduction (fix-line, emulsion down) of an original drawing.

(3) The final plat for recordation shall be prepared on 24" x 36" flat, spliceless, tapeless and creaseless sheets of double matte Mylar film with a uniform thickness of not less than three-thousandths (.003) of an inch. A margin line shall be drawn completely around each sheet, leaving a margin of at least one (1) inch on all sides entirely blank.

(4) The final plat shall be drafted at a scale that best conveys the detailed survey, engineering and design of the subdivision and confines the drafting error to less than one percent (1%). Acceptable scales are 1" = 50' or 1" = 100' and for subdivisions exceeding one hundred (100) acres, 1" = 200'. In special instances, another scale may be approved by the Director. When a proposal requires multiple sheets, a composite, on 24" x 36" paper, shall be provided that delineates the boundaries and identifies each sheet number. The scale may be different than the individual sheets as approved by the Director.

(5) The title shall be placed at the top of the sheet along the long dimension of each sheet and shall include the name of the proposed subdivision or planned development, filing number (when applicable) and Department file number. If part of a Planned Development, the planning area shall be included under the title. A general legal description stating the aliquot portion of the section, section, township, range, 6th P.M., and "City of Lone Tree, CO," shall be included under the name and planning area. On the title sheet (Sheet #1), under the general legal description, the total acreage and the total number of lots shall be included. The name of the builder, product line or marketing name may only be used as a descriptor along the bottom of the sheet. Subdivision names may not duplicate existing subdivision or planned development names.

Example:

STAEBELL'S VIEW FILING 10 (A,B, etc.)
A portion of Planning Area H
A part of the W/2 of Section 9, Township 6 South,
Range 67 West, 6th P.M., Lone Tree, CO
78.06 Acres 235 Residential lots
SB ___ - ___

(6) A block in the lower right-hand corner shall include the following: the preparation date; a north arrow designated as true north; a written and graphic scale; the names and addresses of the

applicant, developer, engineer or surveyor who prepared the exhibit; the number of the sheet; and the total number of sheets.

(7) A vicinity map shall depict the area to be subdivided and the area which surrounds the proposed subdivision within a one-mile radius superimposed on a current County or City Subdivision Map, maintaining the same scale.

(8) When the land is zoned Planned Development, a vicinity map that depicts the area to be subdivided superimposed on the development plan or filing map at a scale of 1" = 2,000'.

(9) A written metes and bounds legal description of the subdivision boundary with a map showing all information as required in the state statutes shall be clearly and prominently indicated on the final plat. The names and locations of all abutting subdivisions, the locations of all abutting unplatted parcels and public lands shall be depicted. All lines, names and descriptions on the final plat which do not constitute a part of the subdivision shall be depicted in dashed or screened lines. Any area enclosed by the subdivision, but not a part thereof, shall be labeled, "Not a Part of This Subdivision."

(10) When requested by the Director, deleted lot lines, easements or rights-of-way shall be shown on the plat in dashed lines, or screened, with a note and arrow pointing to the item to be vacated, stating that the lot line, easement or right-of-way is hereby vacated. (Dashed lines shall be graphically different for existing vs. proposed vs. deleted.)

(11) The map shall display ties to aliquot section corners and to the state grid, if available, which shows dimensions of all primary boundary survey control points with complete monument and location descriptions, all parcel lines showing dimensions with lengths, bearings and curve data, including chord lengths and bearings, basis of bearings and relation to true meridian and similar data. Only circular curves shall be used. No spirals, parabolas, etc., shall be used unless approved by the City Engineer. All dimensions are to be shown to the nearest one-hundredth (0.01) foot or, in the case of degrees, to the nearest second. An accuracy of 1:50,000 (second order) minimum for linear and angular (bearing) closure shall be required for the boundary. All internal lots, tracts or parcels shall have a closure accuracy of one-hundredth (0.01) foot.

(12) All lots, tracts and, when requested by the Director, appropriate building envelopes shall be located, identified and labeled with the appropriate dimension with sufficient linear, bearing and curve data. No ditto marks shall be used for dimensions. All lots and, whenever practical, blocks shall be shown in their entirety on one (1) sheet. Lots shall be consecutively numbered; tracts shall be lettered alphabetically and in consecutive order. The acreage within each lot or tract shall include square feet and be included to the nearest one-hundredth (0.01) of an acre. On residential subdivisions, tracts shall be used exclusively for nonresidential property, such as areas to be dedicated for park and school sites. All parcels or areas of land inadvertently created and not identified shall be presumed to be outlots and shall not be considered to be building lots.

(13) All road names, right-of-way widths at each leg of an intersection, at point of curve and point of tangent, at dead ends and at angle points, and right-of-way lines with accurate bearings and dimensions, including chord lengths and bearings, central angles and radii of all curves, shall be indicated. If any road in the subdivision is a continuation or approximately a continuation of an existing public road, the conformity or the amount of conformity of the new road to the existing

road shall be accurately shown. Whenever the centerline of a road has been established or recorded, the date shall be shown on the final plat.

(14) The purpose, widths and location (with fine dashed lines) of all easements and all abutting easements shall be shown. If any easement already of record cannot be definitely located, a statement of its existence, the nature thereof and its recorded reference must appear on the title sheet. Distances and bearings on the side lines of lots which are cut by an easement must be shown with an arrow or so shown that the plat will indicate clearly the actual length of the lot lines. The widths of all easements and sufficient data to definitely locate the same with respect to the subdivision and each lot 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. A plat note may be necessary to provide complete information of the purpose of the easement.

(15) One-hundred-year floodplains, all existing and proposed watercourses, retention and detention areas, wetlands, aquifer recharge areas, streams, lakes or inlets shall be accurately located on the affected property.

(16) The following certifications on a single sheet shall be provided in accordance with Article IX of this Chapter: Surveyor, Dedication Statement, Storm Drainage Facilities Statement, City Council, County Clerk and Recorder's office, Title Verification and Planning Commission.

(17) Plat notes shall adequately explain information pertinent to the execution and maintenance of the subdivision, including the ownership of tracts, reference to the subdivision improvements agreement, conservation easements, maintenance responsibility for private roads and easements and tracts. The developer shall provide for the construction, at no cost to the City, of traffic signalization, all utilities and other public infrastructure, as required by the Council, and provide security needed to ensure such improvements, as required by the Council. (Ord. 08-07 Art. 3)

Sec. 17-5-70. Final development reports.

The applicant shall submit the supporting materials necessary for the review of the final plat which address the following items:

(1) A Phase III drainage report and drainage construction drawings prepared in accordance with the requirements of the Storm Drainage Design and Technical Criteria manual.

(2) Final road construction plans prepared in accordance with the requirements of the Roadway Design and Construction Standards.

(3) A printed copy of the closure calculations on the boundary lines of the final plat. Any mathematical closure errors in excess of 1:50,000 (second order) must be corrected by the applicant's surveyor prior to plat approval by the Council.

(4) A signed warranty deed must be provided, if such has been required, conveying certain tracts, or the development rights to such tracts, to the appropriate entity for public use.

(5) Warranty deeds to the City shall be provided for rights-of-way outside and adjacent to the subdivision reflecting widths as designated in the City Transportation Plan, if any, the Roadway Design and Construction Standards and the Storm Drainage Design and Technical Criteria manual. The final plat shall not be recorded until all warranty deeds are executed and accepted by the City. (Ord. 08-07 Art. 3)

Sec. 17-5-80. Vested property rights.

The final plat is designated as the site-specific development plan for the purpose of vesting property rights for single-family residential land. A landowner seeking vested property rights for single-family residential land must obtain approval of a site-specific development plan pursuant to the provisions of Article XII of this Chapter. (Ord. 08-07 Art. 3)

Sec. 17-5-90. Post-approval procedure.

(a) Prior to the recordation of the final plat in the office of the County Clerk and Recorder, the following requirements shall be completed:

(1) The applicant shall amend the final plat document in accordance with the Council approval, as necessary.

(2) Within sixty (60) days of approval of the final plat, unless stated otherwise in such approval, the applicant shall submit: two (2) photographic Mylar copies (fix-line, emulsion down) of the approved final plat ready for recordation (except for the signatures of the Mayor, Director and other City Departments); all required documentation; the project data form; and all mapping and recordation fees to the Department.

(3) The applicant shall provide proof that adequate security has been provided to cover the subdivision improvement costs in accordance with the requirements of the Roadway Design and Construction Standards.

(4) The applicant shall provide a current title insurance policy or commitment, dated not more than two (2) weeks from Council approval. If there is a difference in ownership between this title policy or commitment and the policy or commitment submitted with the final plat application, recordation shall not be allowed until a determination can be made that the newly identified owners have had an opportunity to comment. Objection by these newly identified owners may result in the Council rehearing the final plat.

(5) The applicant shall provide a warranty deed or cash-in-lieu for City land dedication for parks or schools as identified on the plat and rights-of-way outside and adjacent to the subdivision.

(6) The applicant shall provide a valid certificate of taxes paid for the land area of the final plat that shows that there are no taxes unpaid.

(7) The applicant shall provide a digital copy of the final plat in AutoCAD format for use in updating the City's GIS system, either on CD or by e-mail to the City Engineering Department.

(b) Within thirty (30) days of receipt of the final plat and all required documentation as set forth in this Section, the Director shall obtain the signatures of the Mayor, Director and other City Departments, as required, and record the final plat. (Ord. 08-07 Art. 3)

Sec. 17-5-100. Expiration of approval.

(a) Within sixty (60) days of approval of the final plat, the applicant shall submit the approved final plat and all required documentation to the Department for recordation, unless stated otherwise in such approval. Within thirty (30) days of receipt of the final plat, the Director shall obtain the signatures of the Mayor, Director and other City Departments, as required, and record the final plat.

(b) Failure by the applicant to submit all required documentation within sixty (60) days shall render approval of the final plat null and void and result in the necessity of the resubmittal of a preliminary plan, if the preliminary plan has expired, and final plat, along with all required fees and documentation.

(c) The Director may grant extensions up to one (1) year, upon a written request by the applicant or staff demonstrating good cause. Further extensions may be granted by the Council at a public meeting, upon a written request by the applicant or staff.

(d) An extension request shall include a fee and a narrative stating the reasons for the applicant's inability to comply with the specified deadlines, listing any changes in the character of the neighborhood, any changes in the Comprehensive Plan, Chapter 16 of this Code or this Chapter that have occurred since approval of the plat as these changes affect the plat, and the anticipated time schedule for completing the platting process. A fee schedule is available from the Department. Additional review of the plat may occur, resulting in additional conditions as applicable.

(e) The denial of an extension by the Director may be appealed to the Council in writing within ten (10) days of the decision by the Director. (Ord. 08-07 Art. 3)

ARTICLE VI

Minor Development

*Division 1
Single-Family Residential*

Sec. 17-6-10. Intent.

The purpose of these regulations is to provide a streamlined review process for the creation of four (4) or fewer single-family residential lots. (Ord. 08-07 Art. 3)

Sec. 17-6-20. Prerequisite.

Prior to submittal of a minor development application, the applicant shall meet with the Director to discuss the procedure and submittal requirements. If it is determined that the applicant is using the minor development process to circumvent the subdivision process such as the submittal of adjoining multiple minor developments, the applicant shall be required to comply with the sketch plan,

preliminary plan and final plat processes. A minor development shall not be permitted if the subdivision creates a nonconforming lot, or, in the case of an existing nonconforming lot or parcel, a minor development shall not increase the nonconformity. (Ord. 08-07 Art. 3)

Sec. 17-6-30. Approval standards.

A minor development final plat may be approved upon the finding by the Council that:

(1) The subdivider has provided evidence that provision has been made for a water supply that is sufficient in terms of quantity, quality and dependability for the type of subdivision proposed.

(2) The subdivider has provided evidence that provision has been made for a public sewage disposal system and, if other methods of sewage disposal are proposed, adequate evidence that such system shall comply with state and local laws and regulations.

(3) The subdivider has provided evidence to show that all areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified by the subdivider and that the proposed uses of these areas are compatible with such conditions. (Ord. 08-07 Art. 3)

Sec. 17-6-40. Submittal process.

(a) The applicant shall submit one (1) paper copy of the minor development final plat and all supporting information to the Director.

(b) The submittal shall be reviewed for completeness within fifteen (15) business days. The applicant shall be notified of any items in the submittal that are insufficient. An incomplete submittal shall not be processed.

(c) Once the submittal is determined complete, the Director will notify the applicant of the number of copies of the final plat required for distribution to referral agencies. Referral packets shall be provided by the applicant in unsealed envelopes, addressed to the appropriate referral agency, with appropriate postage affixed, and with all submittal information properly folded and compiled. The Director shall mail the packets.

(d) The applicant shall provide stamped envelopes addressed to the abutting landowners and other landowners, as required by the Director, for notification of the minor development application.

(e) The referral agencies shall comment within twenty-one (21) days to thirty-five (35) days of receiving a complete submittal, as determined by the Director based upon conformance with the Comprehensive Plan and Zoning Code, the size and magnitude of the project or other concerns. The applicant is encouraged to meet with the Director and referral agencies to address any issues prior to the end of the referral period.

(f) When the City Engineer has accepted all final engineering plans and the final plat in writing, the minor development final plat will be scheduled for a public hearing by the Planning Commission. The Director will notify the applicant of the date and time of the hearing.

(g) The applicant is responsible for posting a notice on the property and publishing a notice in the newspaper in compliance with the public notice requirements in Section 17-6-80 below.

(h) The Director will review the referral comments and prepare a staff report for the Planning Commission. The Planning Commission shall evaluate the application, staff report, referral comments and public testimony and make a recommendation to the Council to approve, approve with conditions, table for further study or deny the minor development final plat. The Planning Commission's decision shall be based on the evidence presented, and compliance with the adopted standards, regulations, policies and other guidelines.

(i) Following the recommendation by the Planning Commission, the Director will schedule the minor development final plat with the Council and notify the applicant of the public hearing date and time. When required, the Subdivision Improvements Agreement (SIA) shall be approved by the Council prior to minor development final plat approval.

(j) The applicant shall post a notice on the property and publish a notice in the newspaper in compliance with the public notice requirements in Section 17-6-80 below. Pursuant to Section 31-23-215, C.R.S., the applicant shall notify, with respect to the property being platted, all surface owners, mineral owners and lessees of mineral owners, as their names may appear upon the plats or records in the County Clerk and Recorder's office and as their most recent addresses may appear in a telephone or other directory of general use in the area of the property or on the tax records of the City or County. Notice to such persons shall include the time and place of the public hearing, the nature of the hearing, the location of the property that is the subject of the hearing and the name of the applicant, and shall be sent by certified mail not less than thirty (30) days before the date scheduled for the hearing. Not less than three (3) days prior to the hearing, the applicant shall certify to the Department that it has complied with the notice requirements of this Subsection.

(k) The Council shall evaluate the minor development plat, staff report, referral agency comments, Planning Commission recommendations and public testimony and shall either approve, approve with conditions or deny the minor development final plat within thirty (30) days of the hearing; otherwise, such plat shall be deemed approved and a certificate to that effect shall be issued by the Planning Commission on demand unless the applicant for the Council's approval waives this requirement and consents to an extension of such period, in accordance with Section 31-23-215, C.R.S. The Council's action shall be based on the evidence presented, compliance with the adopted standards, regulations, policies and other guidelines. The grounds of disapproval of any plat shall be stated upon the records of the Council. Any plat submitted to the Council shall have submitted with it the names and addresses of all surface owners, mineral owners and lessees of mineral owners.

(l) If denied by the Council, the submittal of a new application and processing fee shall be required in order to pursue the proposed subdivision. A resubmittal of the minor development final plat for the same or substantially same request, as determined by the Director, shall not be accepted within one (1) year of such denial. The applicant may appeal the decision of the Director, in writing, to the Council within ten (10) days from the date of the decision. (Ord. 08-07 Art. 3)

Sec. 17-6-50. General submittal requirements.

(a) General submittal requirements are as follows:

- (1) A completed development application.
- (2) Application fee.
- (3) Proof of ownership which includes an updated or current title insurance policy, title commitment or subdivision guarantee letter dated not more than thirty (30) days prior to the submittal.
- (4) A notarized letter of authorization from the landowner permitting a representative to process the application, when applicable.
- (5) One (1) paper copy of the minor development final plat exhibit (per Section 17-6-60 below).
- (6) Development reports (per Section 17-6-70 below).
- (7) A written narrative that includes the purpose of the application, the overall context of the development on the site, future phases, if any, connections, uses, ownership and maintenance responsibilities.

(b) Final drainage plans and roadway design and construction plans shall be initially submitted to the Director. The Director shall forward the plans to the City Engineer. (Ord. 08-07 Art. 3)

Sec. 17-6-60. Minor development final plat exhibit.

(a) The minor development final plat shall be prepared by or under the supervision of a registered professional land surveyor licensed with the State for recording in the County Clerk and Recorder's office. It shall be a neat, clear, permanent, legible and reproducible document. Inaccurate, incomplete or poorly drawn plats shall be rejected.

(b) The minor development final plat for recordation shall be either an original drawing using only permanent black ink that will adhere to drafting films (no ballpoint, transfer type or sticky backs are permitted) or an acceptable photographic reproduction (fix-line, emulsion down) of an original drawing.

(c) The minor development final plat for recordation shall be prepared on 24" high by 36" wide, flat, spliceless, tapeless and creaseless sheets of double matte Mylar film with a uniform thickness of not less than three-thousandths (.003) of an inch. A margin line shall be drawn completely around each sheet, leaving a margin of at least one (1) inch on all sides entirely blank.

(d) The minor development final plat shall be drafted at a scale that best conveys the detailed survey, engineering and design of the subdivision and confines the drafting error to less than one percent (1%). Acceptable scales are 1" = 50' or 1" = 100' and, for subdivisions exceeding one hundred (100) acres, 1" = 200'. In special instances, another scale may be approved by the Director of Planning and Community Development. If a proposal requires multiple sheets, a composite, on 24" x 36" paper, shall be provided that delineates the boundaries and identifies each sheet number. The scale may be different than the individual sheets as approved by the Director.

(e) The title shall be placed at the top of the sheet along the long dimension of each sheet and shall include the name of the proposed subdivision or planned development, filing number (when applicable) and Department file number. If part of a Planned Development, the planning area shall be included under the title. A general legal description stating the aliquot portion of the section, section, township, range, 6th P.M., and "the City of Lone Tree, CO," shall be included under the name and planning area. On the title sheet (Sheet #1), under the general legal description, the total acreage and the total number of lots shall be included. The name of the builder, product line or marketing name may only be used as a descriptor along the bottom of the sheet. The minor development subdivision name may not duplicate existing subdivision names.

Example:

FRIGON'S BUNGALOWS
A part of the W/2 of Section 9, Township 6 South,
Range 67 West, 6th P.M., Lone Tree, CO
1 Acre, 4 Residential lots
SB ____ - ____

(f) In a block in the lower right-hand corner, the minor development plat shall include the following: the preparation date; a north arrow designated as true north; a written and graphic scale; the names and addresses of the applicant, developer, engineer or surveyor who prepared the exhibit; the number of the sheet; and the total number of sheets.

(g) The minor development plat shall include a vicinity map that depicts the area to be subdivided and the area which surrounds the proposed subdivision within a one-mile radius superimposed on a current City Subdivision Map, maintaining the same scale.

(h) When the land is zoned Planned Development, the minor development plat shall include a vicinity map that depicts the area to be subdivided superimposed on the development plan at a scale of 1" = 2,000'.

(i) The minor development plat shall clearly and prominently provide a written metes-and-bounds legal description of the subdivision boundary and shall include a map showing all information as required in applicable Colorado Revised Statutes. The names and locations of all abutting subdivisions, the locations of all abutting unplatted parcels and public lands shall be depicted. All lines, names and descriptions on the plat which do not constitute a part of the subdivision shall be depicted in dashed or screened lines. Any area enclosed by the subdivision, but not a part thereof shall be labeled, "Not a Part of This Subdivision."

(j) The minor development plat shall display ties to aliquot section corners and to the state grid (if available) which show dimensions of all primary boundary survey control points with complete monument and location descriptions, all parcel lines showing dimensions with lengths, bearings and curve data, including chord lengths and bearings, basis of bearings and relation to true meridian and similar data. Only circular curves shall be used. No spirals, parabolas, etc., shall be used unless approved by the City Engineer. All dimensions are to be shown to the nearest one-hundredth (0.01) foot, or, in the case of degrees, to the nearest second. An accuracy of 1:50,000 (second order) minimum for linear and angular (bearing) closure shall be required for the boundary. All internal lots, tracts or parcels shall have a closure accuracy of one-hundredth (0.01) foot.

(k) The minor development plat shall include all lots, tracts and, when requested by the Director, appropriate building envelopes shall be located, identified and labeled with the appropriate dimension with sufficient linear, bearing and curve data. No ditto marks shall be used for dimensions. All lots and, whenever practical, blocks shall be shown in their entirety on one (1) sheet. Lots shall be numbered consecutively; tracts shall be lettered alphabetically and in consecutive order. Include the areas in lots in square feet and the acreage within each lot to the nearest one-hundredth (0.01) of an acre. In residential subdivisions, tracts shall be used exclusively for nonresidential property, such as areas to be dedicated for park and school sites. All parcels or areas of land inadvertently created and not identified shall be presumed to be outlots and shall not be considered to be building lots.

(l) The minor development plat shall include a separate land summary chart on the cover sheet that includes: the total land area to be subdivided; purpose and maintenance responsibilities for all tracts; land area of roads (acres and percentage of total land); the total number of lots (acres and percentage of total land); density; and the minimum, average and maximum lot size.

(m) The minor development plat shall indicate all road names, right-of-way widths at each leg of an intersection, at point of curve and point of tangent, at dead ends and at angle points, and right-of-way lines with accurate bearings and dimensions, including chord lengths and bearings, central angles and radii of all curves. If any road in the subdivision is a continuation or approximately a continuation of an existing public road, the conformity or the amount of conformity of the new road to the existing road shall be accurately shown. Whenever the centerline of a road has been established or recorded, the date shall be shown on the final plat.

(n) The minor development plat shall describe the purpose, widths and location (with fine dashed lines) of all easements and all abutting easements. If any easement already of record cannot be definitely located, a statement of its existence, the nature thereof and its recorded reference must appear on the title sheet. Distances and bearings on the side lines of lots which are cut by an 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 data to definitely locate the same with respect to the subdivision and each lot 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. A plat note may be necessary to provide complete information of the purpose of the easement.

(o) The minor development plat shall include the following certifications on the title sheet in accordance with Article IX of this Chapter: Surveyor, Dedication Statement, Storm Drainage Facilities Statement, Council Approval, County Clerk and Recorder, Title Verification and Planning Commission.

(p) The minor development plat shall include plat notes which adequately explain information pertinent to the execution and maintenance of the subdivision, including the ownership of tracts, reference to the subdivision improvements agreement, conservation easements and maintenance responsibility for private roads, easements and tracts. The developer shall provide for the construction, at no cost to the City, of traffic signalization, all utilities and other public infrastructure as required by the Council, and provide security needed to ensure such improvements, as required by the Council. (Ord. 08-07 Art. 3)

Sec. 17-6-70. Development reports.

The applicant shall submit the supporting materials necessary for the review of the minor development final plat which address the items listed below:

(1) A Phase III drainage report and drainage construction drawings prepared in accordance with the requirements of the Storm Drainage Design and Technical Criteria manual.

(2) Final road construction plans prepared in accordance with the requirements of the Roadway Design and Construction Standards, when applicable.

(3) A printed copy of the closure calculations on the boundary lines of the minor development final plat. Any mathematical closure errors in excess of 1:50,000 (second order) must be corrected by the applicant's surveyor prior to plat approval by the Council.

(4) A signed warranty deed, if required, conveying certain tracts, or the development rights to such tracts, to the appropriate entity for public use.

(5) Warranty deeds to the City for rights-of-way outside and adjacent to the subdivision reflecting widths as designated in the City Transportation Plan. The final plat shall not be recorded until all warranty deeds are executed and accepted by the City.

(6) A traffic impact analysis performed by a traffic engineer discussing the impact of the minor development on the immediate and regional traffic, and other concerns as requested by the City prepared in accordance with the requirements of the Roadway Design and Construction Standards and the Transportation Plan of the Comprehensive Plan.

(7) Evidence that an adequate water supply, sufficient in terms of quality and quantity is available as follows: For a subdivision of land located within a water district, a letter of commitment to serve the proposed subdivision, stating the amount of water available for use within the subdivision and the feasibility of extending service to that area.

(8) Evidence of the physical and legal capability to provide sanitation as follows: For a subdivision of land located within a sanitation district, a letter of commitment to serve the proposed subdivision, stating the capacity to serve and feasibility of extending service to that area.

(9) The following shall be provided on a 24" x 36" sheet of paper, drawn at the same scale of the minor development final plat exhibit, or another paper size or scale approved by the Director.

a. Accurately locate one-hundred-year floodplains, all existing and proposed watercourses, retention and detention areas, wetlands, aquifer recharge areas, streams, lakes or inlets on the affected property;

b. Depict all potential hazard areas, including geologic hazard areas and expansive soils (A-6 and A-7-6 soils as defined in the AASHTO Classification Group Index referenced in the Roadway Design and Construction Standards);

c. Identify areas of fifteen-to-twenty-five-percent slope in one (1) shading pattern and areas of greater than twenty-five-percent slope in another shading pattern, including a narrative that describes the mitigation methods used to address existing slope conditions. (Ord. 08-07 Art. 3)

Sec. 17-6-80. Public notice requirements.

(a) Published notice shall be determined by the Director on a case-by-case basis and, where required, shall be as follows:

(1) At least five (5) days prior to the Planning Commission hearing and five (5) days prior to the Council hearing, the applicant shall publish a notice in the City's official notice publication.

(2) At least three (3) days prior to the hearing, the applicant shall provide a publisher's affidavit of said published notice to the Director.

(3) The notice shall read:

NOTICE OF PUBLIC HEARING BEFORE
THE (PLANNING COMMISSION
OR CITY COUNCIL)

A public hearing will be held on (day of week), (date), at (time), in the City Council Hearing Room, 8527 Lone Tree Pkwy., City of Lone Tree, CO 80124 for approval of a minor development final plat located in (section, township, range). For more information contact the Community Development Department, [303-708-1818].

File name and number: _____

(4) When concurrent notice has been approved by the Director, the notice shall read:

NOTICE OF PUBLIC HEARING BEFORE
THE PLANNING COMMISSION AND
CITY COUNCIL

A public hearing will be held before the Planning Commission on (day of week), (date), at (time), and before the Council on (day of week), (date), at (time), in the City Council Hearing Room, 8527 Lone Tree Pkwy., City of Lone Tree, CO 80124, for approval of a minor development final plat located in (section, township, range). For more information contact the Community Development Department, [303-708-1818].

File name and number: _____

(b) Posted notice shall be determined by the Director on a case-by-case basis and, where required, shall be as follows:

(1) At least twelve (12) days prior to the Planning Commission hearing and twelve (12) days prior to the Council hearing, the applicant shall post a notice on the land under consideration.

(2) The notice shall consist of at least one (1) sign facing each adjacent right-of-way, placed within ten (10) feet of the property line adjacent to the right-of-way, be visible from the right-of-way and placed on posts at least four (4) feet above ground level. Additional signs may be required by the Director. Each sign shall measure not less than three (3) feet by four (4) feet. Letter size shall be a minimum of three (3) inches high.

(3) Said notice shall read:

NOTICE OF PUBLIC HEARING BEFORE
THE (PLANNING COMMISSION
OR CITY COUNCIL)

This land shall be considered for approval of a minor development final plat pursuant to the City Subdivision code on (day of week), (date), at (time), in the City Council Hearing Room, 8527 Lone Tree Pkwy., City of Lone Tree, CO 80124. For more information contact the Community Development Department, [303-708-1818].

File name and number: _____

(4) When concurrent notice has been approved by the Director, the notice shall read:

NOTICE OF PUBLIC HEARING BEFORE
THE PLANNING COMMISSION
AND CITY COUNCIL

This land shall be considered for approval of a minor development final plat pursuant to the City Subdivision code before the Planning Commission on (day of week), (date), at (time), and before the Council on (day of week), (date), at (time), in the City Council Hearing Room, 8527 Lone Tree Pkwy., City of Lone Tree, CO 80124. For more information contact the Community Development Department, [303-708-1818].

File name and number: _____

a. Posting affidavit. An affidavit of sign posting shall be submitted for the file in the Department at least three (3) days prior to the hearings. The sign shall be photographed by the applicant and the photo shall be attached to the affidavit as follows:

(attach photo here)

I, (applicant/representative), attest that the above sign was posted on (date), at (location) pursuant to the City Subdivision code.

(signature)
(applicant/representative)

File name and number: _____

Signed and sworn before me this date: _____

NOTARIZED BY: _____

b. The sign shall be removed by the applicant within two (2) weeks following the final decision by the Council.

(c) The applicant shall also provide written notification, with respect to the property being platted, to all surface owners, mineral owners and lessees of mineral owners, as their names may appear upon the plats or records in the County Clerk and Recorder's office and as their most recent addresses may appear in a telephone or other directory of general use in the area of the property or on the tax records of the City or County. Notice to such persons shall include the time and place of the public hearing, the nature of the hearing, the location of the property that is the subject of the hearing and the name of the applicant, and shall be sent by certified mail not less than thirty (30) days before the date scheduled for the hearing. Not less than three (3) days prior to the hearing, the applicant shall certify to the Department that he or she has complied with the notice requirements of this Subsection.

(d) When calculating the required time period for posting or publishing a notice of a public hearing, the day of publishing or posting shall be counted in the total number of days required. The day of the hearing shall not be counted toward the total number of days required for the notification period. (Ord. 08-07 Art. 3)

Sec. 17-6-90. Vested property rights.

The final plat is designated as the site-specific development plan for the purpose of vesting property rights for single-family residential land. A landowner seeking vested property rights for single-family residential land must obtain approval of a site-specific development plan pursuant to the provisions of Article XI of this Chapter. (Ord. 08-07 Art. 3)

Sec. 17-6-100. Recordation procedure.

(a) Prior to the recordation of the minor development final plat in the County Clerk and Recorder's office, the following requirements shall be completed:

(1) The applicant shall amend the final plat document in accordance with the Council approval, as necessary.

(2) Within sixty (60) days of approval of the final plat, unless stated otherwise in such approval, the applicant shall submit: two (2) photographic Mylar copies (fix-line, emulsion down) of the approved final plat ready for recordation (except for the signatures of the Mayor, Director and other City Departments); all required documentation; the Project Data Form; and all mapping and recordation fees to the Department.

(3) The applicant shall provide proof that adequate security has been provided to cover the subdivision improvement costs in accordance with the requirements of the Roadway Design and Construction Standards.

(4) The applicant shall provide a current title insurance policy or commitment, dated not more than two (2) weeks from the Council approval date. If there is a difference in ownership between this title policy or commitment and the title policy or commitment submitted with the final plat application, recordation shall not be allowed until a determination can be made that the newly identified owners have had an opportunity to comment. Objection by these newly identified owners may result in the Council rehearing the final plat.

(5) The applicant shall provide a warranty deed or cash-in-lieu for City land dedication for parks or schools as identified on the plat and rights-of-way outside and adjacent to the subdivision.

(6) The applicant shall provide a valid certificate of taxes paid for the land area of the final plat that shows no unpaid taxes.

(7) The applicant shall provide a digital copy of the final plat in AutoCAD format for use in updating the City's GIS system, either on CD or by e-mail to the City Engineering Department.

(b) Within thirty (30) days of receipt of the final plat and all required documentation as set forth in this Section, the Director shall obtain the signatures of the Mayor, Director and other City

Departments, as required, and record the final plat. Final recordation is required to complete the platting process. (Ord. 08-07 Art. 3)

Sec. 17-6-110. Expiration of approval.

(a) Within sixty (60) days of approval of the minor development final plat, the applicant shall submit the approved final plat and all required documentation to the Department for recordation, unless stated otherwise in such approval. Within thirty (30) days of receipt of the minor development final plat, the Director shall obtain the signatures of the Mayor, Director and other City Departments, as required, and record the plat.

(b) Failure by the applicant to submit all required documentation within sixty (60) days shall render approval of the minor development final plat null and void and result in the necessity for the resubmittal of the minor development final plat, along with all required fees and documentation.

(c) The Director may grant extensions of time up to one (1) year, upon a written request by the applicant or staff demonstrating good cause. Further extensions may be granted by the Council at a public meeting, upon a written request by the applicant or staff.

(d) An extension request shall include a fee and a narrative stating the reasons for the applicant's inability to comply with the specified deadlines, listing any changes in the character of the neighborhood, any changes in the Comprehensive Plan, Chapter 16 or this Chapter that have occurred since approval of the plat as these changes affect the plat, and the anticipated time schedule for completing the platting process. A fee schedule is available from the Department. Additional review of the plat may occur, resulting in additional conditions as applicable.

(e) The denial of an extension by the Director may be appealed to the Council in writing within ten (10) days of the decision by the Director. (Ord. 08-07 Art. 3)

*Division 2
Nonresidential and Multi-Family*

Sec. 17-6-210. Intent.

The purpose of these regulations is to provide a streamlined review process for nonresidential and multifamily subdivisions. The Director may permit the use of this review process upon a determination that adequate public notice and input on the request can be attained through the minor development process and that this process can be utilized without substantial impairment of the intent and purpose of this Chapter. (Ord. 08-07 Art. 3)

Sec. 17-6-220. Prerequisite.

(a) Prior to submittal of a minor development application, the applicant shall meet with staff to discuss the procedure and submittal requirements. If it is determined that the applicant is using the minor development process to circumvent the intent of the subdivision process, the applicant shall be required to comply with the sketch plan, preliminary plan and final plat processes. A minor development shall not be permitted if the subdivision creates a nonconforming parcel, or, in the case

of an existing nonconforming lot or parcel, a minor development shall not increase the nonconformity.

(b) In addition to the minor development application, the applicant may be required to submit a site improvement plan (SIP) in accordance with Chapter 16, Article XXI of this Code, based on design, size, impact to public facilities, services, roads and overall impacts, as determined by the Director. If the applicant is unable to submit a SIP, the application shall be processed in accordance with the sketch plan, preliminary plan and final plat requirements of this Chapter. (Ord. 08-07 Art. 3)

Sec. 17-6-230. Approval standards.

A minor development final plat may be approved upon the finding by the Council that:

(1) The subdivider has provided evidence that provision has been made for a water supply that is sufficient in terms of quantity, quality and dependability for the type of subdivision proposed.

(2) The subdivider has provided evidence that provision has been made for a public sewage disposal system and, if other methods of sewage disposal are proposed, adequate evidence that such system shall comply with state and local laws and regulations.

(3) The subdivider has provided evidence to show that all areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified by the subdivider and that the proposed uses of these areas are compatible with such conditions. (Ord. 08-07 Art. 3)

Sec. 17-6-240. Submittal process.

(a) The applicant shall submit one (1) paper copy of the minor development final plat and all supporting information to the Department.

(b) The submittal shall be reviewed for completeness within fifteen (15) business days. The applicant shall be notified of any items in the submittal that are insufficient. An incomplete submittal shall not be processed.

(c) Once the submittal is determined complete, staff will notify the applicant of the number of copies of the final plat required for distribution to referral agencies. Referral packages shall be provided by the applicant in unsealed manila envelopes, addressed to the appropriate referral agency, with appropriate postage affixed and with all submittal information properly folded and compiled. The staff shall mail the packets.

(d) The applicant shall provide stamped envelopes addressed to the abutting landowners and other landowners, as required by staff, for notification of the minor development application.

(e) The referral agencies shall comment within twenty-one (21) days to thirty-five (35) days of receiving a complete submittal as determined by the Director, based upon conformance with the Comprehensive Plan and Zoning Code, the size and magnitude of the project or other concerns. The applicant is encouraged to meet with staff and referral agencies to address any issues prior to the end of the referral period.

(f) When the City Engineer has accepted all final engineering plans and the final plat in writing, the minor development final plat will be scheduled for a public hearing by the Planning Commission. The staff planner will notify the applicant of the date and time of the hearing.

(g) The applicant is responsible for providing notice in accordance with Section 17-6-80 of this Article.

(h) The Director will review the referral comments and prepare a staff report for the Planning Commission members. The Planning Commission shall evaluate the application, staff report, referral comments and public testimony and make a recommendation to the Council to approve, approve with conditions, table for further study or deny the minor development final plat. The Planning Commission's decision shall be based on the evidence presented and compliance with the adopted standards, regulations, policies and other guidelines.

(i) Following the recommendation by the Planning Commission, the staff planner will schedule the minor development plat with the Council and notify the applicant of the public hearing date and time. When required, the subdivision improvements agreement (SIA) shall be approved by the Council prior to minor development final plat approval.

(j) The applicant is responsible for providing notice in accordance with Section 17-6-80.

(k) The Council shall evaluate the minor development plat, staff report, referral agency comments, Planning Commission recommendations and public testimony and shall either approve, approve with conditions or deny the minor development final plat within thirty (30) days of the hearing; otherwise, such plat shall be deemed approved, and a certificate to that effect shall be issued by the Planning Commission on demand unless the applicant for the Council's approval waives this requirement and consents to an extension of such period, in accordance with Section 31-23-215, C.R.S. The Council's action shall be based on the evidence presented and compliance with the adopted standards, regulations, policies and other guidelines. The grounds of disapproval of any plat shall be stated upon the records of the Council. Any plat submitted to the Council shall have submitted with it the names and addresses of all surface owners, mineral owners and lessees of mineral owners.

(l) If denied by the Council, the submittal of a new application and processing fee shall be required in order to pursue the proposed subdivision. A resubmittal of the minor development plat for the same or substantially same request, as determined by the Director, shall not be accepted within one (1) year of such denial. The applicant may appeal the decision of the Director, in writing, to the Council within ten (10) days from the date of the decision. (Ord. 08-07 Art. 3)

Sec. 17-6-250. General submittal requirements.

General submittal requirements are as follows:

- (1) A completed development application (application form available from the Department).
- (2) Application fee (fee schedule available from the Department).

(3) Proof of ownership which includes an updated or current title insurance policy, title commitment or a subdivision guarantee letter dated not more than thirty (30) days from the date of submittal.

(4) A notarized letter of authorization from the landowner permitting a representative to process the application, when applicable.

(5) One (1) paper copy of the minor development plat exhibit (per Section 17-6-260 below).

(6) Development reports (per Section 17-6-270 below). Final drainage plans and roadway design and construction plans shall be initially submitted to the Department. The referral packet for the City Engineer shall include all applicable development reports.

(7) A site improvement plan in accordance with Chapter 16, Article XXI of this Code, as required by the Director. (Ord. 08-07 Art. 3)

Sec. 17-6-260. Minor development final plat exhibit.

(a) The minor development plat shall be prepared by or under the supervision of a registered professional land surveyor licensed with the State for recording in the office of the County Clerk and Recorder. It shall be a neat, clear, permanent, legible and reproducible document. Inaccurate, incomplete or poorly drawn plats shall be rejected.

(b) The minor development plat for recordation shall be either an original drawing using only permanent black ink that will adhere to drafting films (no ballpoint, transfer type or sticky backs are permitted) or an acceptable photographic reproduction (fix-line, emulsion down) of an original drawing.

(c) The minor development plat for recordation shall be either prepared on 24" high by 36" wide, flat, spliceless, tapeless and creaseless sheets of double matte Mylar film with a uniform thickness of not less than three-thousandths (.003) of an inch. A margin line shall be drawn completely around each sheet leaving a margin at least one (1) inch on all sides entirely blank.

(d) The minor development plat shall be drafted at a scale that best conveys the detailed survey, engineering and design of the subdivision and confines the drafting error to less than one percent (1%). Acceptable scales are 1" = 50' or 1" = 100' and, for subdivisions exceeding one hundred (100) acres, 1" = 200'. In special instances, another scale may be approved by the Director of Planning and Community Development. If a proposal requires multiple sheets, a composite on 24" x 36" paper shall be provided that delineates the boundaries and identifies each sheet number. The scale may be different than the individual sheets as approved by the staff planner.

(e) The title shall be placed at the top of the sheet along the long dimension of each sheet and shall include the name of the proposed subdivision or planned development, filing number (when applicable) and Department file number. If part of a Planned Development, the planning area shall be included under the title. A general legal description stating the aliquot portion of the section, section, township, range, 6th P.M. and "City of Lone Tree, CO," shall be included under the name and planning area. On the title sheet (Sheet #1), under the general legal description, the total acreage and the total number of lots shall be included. The name of the builder, product line or marketing name

may only be used as a descriptor along the bottom of the sheet. The minor development subdivision name may not duplicate existing subdivision names.

Example:

LONE TREE CENTER
A part of the W/2 of Section 9, Township 6 South,
Range 67 West, 6th P.M., City of Lone Tree, CO
SB ___ - ___ 2 Acres, 6 Lots

(f) In a block in the lower right-hand corner, the plat shall include the following: the preparation date; a north arrow designated as true north; a written and graphic scale; the names and addresses of the applicant, developer, engineer or surveyor who prepared the exhibit; the number of the sheet; and the total number of sheets.

(g) The minor development plat shall include a vicinity map that depicts the area to be subdivided and the area which surrounds the proposed subdivision within a one-mile radius superimposed on a current City Subdivision Map, maintaining the same scale.

(h) When the land is zoned Planned Development, the minor development plat shall include a vicinity map that depicts the area to be subdivided superimposed on the development plan at a scale of 1" = 2,000'.

(i) The minor development plat shall include a written metes-and-bounds legal description of the subdivision boundary. A map showing all information as required in the state statutes shall be clearly and prominently indicated on the minor development final plat. The names and locations of all abutting subdivisions and the locations of all abutting unplatted parcels and public lands shall be depicted. All lines, names and descriptions on the plat which do not constitute a part of the subdivision shall be depicted as dashed or screened. Any area enclosed by the subdivision, but not a part thereof, shall be labeled "Not a Part of This Subdivision."

(j) The minor development plat shall include display ties to aliquot section corners and to the state grid (if available) which show dimensions of all primary boundary survey control points which complete monument and location descriptions, all parcel lines showing dimensions with lengths, bearings and curve data, including chord lengths and bearings, basis of bearings and relation to true meridian and similar data. Only circular curves shall be used. No spirals, parabolas, etc., shall be used unless approved by the City Engineer. All dimensions are to be shown to the nearest one-hundredth (0.01) foot or, in the case of degrees, to the nearest second. An accuracy of 1:50,000 (second order) minimum for linear and angular (bearing) closure shall be required for the boundary. All internal lots, tracts or parcels shall have a closure accuracy of one-hundredth (0.01) foot.

(k) All lots, tracts and, when requested by staff, appropriate building envelopes shall be located, identified and labeled with the appropriate dimension with sufficient linear, bearing and curve data. No ditto marks shall be used for dimensions. All lots and, whenever practical, blocks shall be shown in their entirety on one (1) sheet. Lots shall be numbered consecutively; tracts shall be lettered alphabetically and in consecutive order. Include the acreage within each lot in square feet and to the nearest one-hundredth (0.01) of an acre. Tracts shall be used exclusively for land to be dedicated for park and open space. Parcels of land inadvertently created and not identified shall be presumed to be outlots and shall not be considered to be building lots.

(l) The minor development plat shall indicate all road names, right-of-way widths at each leg of an intersection, at point of curve and point of tangent, at dead ends and at angle points; and right-of-way lines with accurate bearings and dimensions, including chord lengths and bearings, central angles and radii of all curves. If any road in the subdivision is a continuation or approximately a continuation of an existing public road, the conformity or the amount of conformity of the new road to the existing road shall be accurately shown. Whenever the centerline of a road has been established or recorded, the date shall be shown on the final plat.

(m) The minor development plat shall describe the purpose, width and location (with fine dashed lines) of all easements and all abutting easements. If any easement already of record cannot be definitely located, a statement of its existence, the nature thereof and its recorded reference must appear on the title sheet. Distances and bearings on the side lines of lots which are cut by an 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 data to definitely locate the same with respect to the subdivision and each lot 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 number must be given. If an easement is being dedicated by the plat, it shall be set out in the owner's certificate of dedication. A plat note may be necessary to provide complete information of the purpose of the easement.

(n) The final plat shall include the following certifications on the title sheet in accordance with Article IX of this Chapter: Surveyor, Dedication Statement, Storm Drainage Facilities Statement, City Council, County Clerk and Recorder, Title Verification and Planning Commission.

(o) The minor development plat shall include plat notes which adequately explain information pertinent to the execution and maintenance of the subdivision, including the ownership of tracts, reference to the subdivision improvements agreement, conservation easements and maintenance responsibility for private roads, easements and tracts. The developer shall provide for the construction, at no cost to the City, of traffic signalization, all utilities and other public infrastructure, as required by the Council, and provide security needed to ensure such improvements, as required by the Council. (Ord. 08-07 Art. 3)

Sec. 17-6-270. Development reports.

The applicant shall submit the supporting materials necessary for the review of the minor development final plat which address the items listed below.

(1) A Phase III drainage report and drainage construction drawings prepared in accordance with the requirements of the Storm Drainage Design and Technical Criteria manual. (May be deferred to site improvement plan submittal as determined by staff planner and engineer.)

(2) Final road construction plans prepared in accordance with the requirements of the Roadway Design and Construction Standards, when applicable. (May be deferred to site improvement plan submittal as determined by staff planner and engineer.)

(3) A printed copy of the closure calculations on the boundary lines of the minor development final plat. Any mathematical closure errors in excess of 1:50,000 (second order) must be corrected by the applicant's surveyor prior to plat approval by the Council.

(4) A signed warranty deed, if required, conveying certain tracts, or the development rights to such tracts, to the appropriate entity for public use.

(5) Warranty deeds to the City for rights-of-way outside and adjacent to the subdivision reflecting widths as designated in the City Transportation Plan and standards. The final plat shall not be recorded until all warranty deeds are executed and accepted by the City.

(6) A traffic impact analysis performed by a traffic engineer discussing the impact of the minor development on the immediate and regional traffic and other concerns, as requested by the City, prepared in accordance with the requirements of the Roadway Design and Construction Standards and the Transportation Plan of the Comprehensive Plan, if applicable. (May be deferred to site improvement plan submittal as determined by Director and engineer.)

(7) Evidence that an adequate water supply, sufficient in terms of quality and quantity, is available as follows:

a. For a subdivision of land located within a water district, a letter of commitment to serve the proposed subdivision, stating the amount of water available for use within the subdivision and the feasibility of extending service to that area.

b. For a subdivision of land where a water district is proposed to be formed to serve the subdivision, evidence of water availability shall include but not be limited to: evidence of ownership or right of acquisition or use of proposed water rights; amenability of existing rights to a change in use; evidence that an adequate water supply will be available to serve the proposed subdivision and the feasibility of extending service to that area; and evidence of the feasibility of water augmentation where required.

c. For a subdivision of land where individual wells are proposed, evidence that an adequate water supply will be available to serve the proposed subdivision, stating the amount of water available for use within the subdivision and evidence of the feasibility of water augmentation, where required.

(8) Evidence of the physical and legal capability to provide sanitation as follows:

a. For a subdivision of land located within a sanitation district, a letter of commitment to serve the proposed subdivision, stating the capacity to serve and feasibility of extending service to that area.

b. For a subdivision of land where a sanitation district is proposed to be formed to serve the subdivision, evidence of the ability of the sanitation agency or owner to serve the demands of the proposed subdivision.

c. For a subdivision of land where individual sewage disposal systems are proposed, percolation test data must be provided to prove general suitability of soils for such system.

(9) The following shall be provided on a 24" x 36" sheet of paper, drawn at the same scale of the minor development final plat exhibit, or another paper size or scale approved by staff:

a. Accurately locate one-hundred-year floodplains, all existing and proposed watercourses, retention and detention areas, wetlands, aquifer recharge areas, streams, lakes or inlets on the affected property.

b. Depict all potential hazard areas, including geologic hazard areas and expansive soils (A-6 and A-7-6 soils as defined in the AASHTO Classification Group Index referenced in the Roadway Design and Construction Standards).

c. Identify areas of fifteen-to-twenty-five-percent slope in one (1) shading pattern and areas of greater than a twenty-five-percent slope in another shading pattern, including a narrative that describes the mitigation methods used to address existing slope conditions. (Ord. 08-07 Art. 3)

Sec. 17-6-280. Vested property rights.

The site improvement plan is designated as the site-specific development plan for the purpose of vesting property rights for multifamily and nonresidential development. A landowner seeking vested property rights must obtain approval of a site-specific development plan pursuant to the provisions of Chapter 16, Articles XXI and XXVI of this Code. (Ord. 08-07 Art. 3)

Sec. 17-6-290. Recordation procedure.

The recordation procedure shall be the same as provided in Section 17-6-100 of this Article, except that when a site improvement plan is required, the applicant shall obtain approval of the site improvement plan prior to recordation of the minor development final plat. (Ord. 08-07 Art. 3)

Sec. 17-6-300. Post-recordation requirement.

The post recordation requirement shall be the same as provided in Section 17-6-110 of this Article. (Ord. 08-07 Art. 3)

Sec. 17-6-310. Expiration of approval.

The provisions governing the expiration of approval shall be the same as those provided in Section 17-6-120 of this Article. (Ord. 08-07 Art. 3)

ARTICLE VII

Condominium Plat

Sec. 17-7-10. Intent.

It is the intent of this Section to provide for a one-step review process by the City for condominium plats. When developing condominium units, where ownership of land is not being transferred, a condominium plat shall be submitted to the Director for review and approval prior to recordation in the County Clerk and Recorder's office. A *condominium* is defined as an individual air space unit, together with the interest in the common elements appurtenant to such unit, unless such definition is inconsistent with Section 38-22-103(1), C.R.S., which shall control. (Ord. 08-07 Art. 3)

Sec. 17-7-20. Prerequisite.

The condominium plat shall be consistent with the approved plat (legal lot of record) and site plan, if applicable. The condominium plat process may be combined with the minor development plat process for multifamily subdivisions, as approved by the Director. (Ord. 08-07 Art. 3)

Sec. 17-7-30. Approval standards.

The Director may administratively approve the condominium plat upon the finding that:

- (1) The title is consistent with the title of the approved final plat or site improvement plan.
- (2) The property line boundaries are consistent with the approved final plat or the certified boundary survey which identifies the parcel as shown on the site improvement plan.
- (3) Access has been provided for subsequent phases. (Ord. 08-07 Art. 3)

Sec. 17-7-40. Submittal requirements.

- (a) A completed development application.
- (b) Application fee.
- (c) A notarized letter of authorization from the landowner identifying and permitting a representative, if applicable, to process the application.
- (d) A copy of the recorded final plat and site improvement plan.
- (e) Two (2) paper copies of the condominium plat exhibit prepared as follows:

(1) The condominium plat shall be prepared by or under the supervision of a registered professional land surveyor licensed with the State for recording in the office of the County Clerk and Recorder. It shall be a neat, clear, permanent, legible and reproducible document. Inaccurate, incomplete or poorly drawn plats shall be rejected.

(2) The condominium plat for recordation shall be either an original drawing using only permanent black ink that will adhere to drafting films (no ballpoint, transfer type or sticky backs are permitted) or an acceptable photographic reproduction (fix-line, emulsion down) of an original drawing.

(3) The condominium plat for recordation shall be prepared on 24" x 36" flat, spliceless, tapeless and creaseless sheets of double matte Mylar film with a uniform thickness of not less than three-thousandths (.003) of an inch. A margin line shall be drawn completely around each sheet, leaving a margin of at least one (1) inch on all sides entirely blank.

(4) The condominium plat shall be drafted at a scale that best conveys the detailed survey, engineering and design of the subdivision and confines the drafting error to less than one percent (1%). Acceptable scales are 1" = 50' or 1" = 100' and for subdivisions exceeding one hundred (100) acres, 1" = 200'. In special instances, another scale may be approved by the Director. When

a proposal requires multiple sheets, a composite, on 24" x 36" paper, shall be provided that delineates the boundaries and identifies each sheet number. The scale may be different than the individual sheets as approved by the Director.

(5) The title shall be placed at the top of the sheet along the long dimension of each sheet and shall include the name of the proposed condominium(s) and specific building number, if applicable. The subdivision and Planned Development name, lot, block and filing number shall be located under the title. A general legal description stating the aliquot portion of the section, section, township, range, 6th P.M., and *City of Lone Tree, County of Douglas, State of Colorado*, shall be included under the condominium name and subdivision information. Under the general legal description, the total number of units shall be included. Condominium names shall not duplicate an existing condominium name.

(6) A block in the lower right-hand corner shall include the following: the preparation date; a north arrow designated as true north; a written and graphic scale; the names and addresses of the applicant, developer, engineer or surveyor who prepared the exhibit; the number of the sheet; and the total number of sheets.

(7) A vicinity map shall depict the area to be platted as a condominium and the area which surrounds the proposed subdivision within a one-mile radius superimposed on a current County or City Subdivision Map, maintaining the same scale.

(8) When the land is zoned Planned Development, a vicinity map that depicts the area to be platted as a condominium shall be superimposed on the development plan or filing map at a scale of 1" = 2,000'.

(9) All lines, names and descriptions on the condominium plat which do not constitute a part of the subdivision shall be depicted in dashed or screened lines. Any area enclosed by the subdivision, but not a part thereof, shall be labeled "Not a Part of This Subdivision."

(10) When requested by the Director, deleted lot lines, easements or rights-of-way shall be shown on the plat in dashed lines, or screened, with a note and arrow pointing to the item to be vacated, stating that the lot line, easement or right-of-way is hereby vacated. (Dashed lines shall be graphically different for existing vs. proposed vs. deleted.)

(11) Display ties to aliquot section corners and to the state grid, if available, which shows dimensions of all primary boundary survey control points with complete monument and location descriptions, all parcel lines showing dimensions with lengths, bearings and curve data, including chord lengths and bearings, basis of bearings and relation to true meridian and similar data shall be represented. Only circular curves shall be used. No spirals, parabolas, etc., shall be used unless approved by the City Engineer. All dimensions are to be shown to the nearest one-hundredth (0.01) foot or, in the case of degrees, to the nearest second. An accuracy of 1:50,000 (second order) minimum for linear and angular (bearing) closure shall be required for the boundary. All internal units and elements shall have a closure accuracy of one-hundredth (0.01) foot.

(12) All plans, elevations, units and elements shall be located, identified and labeled with appropriate dimension with sufficient linear, bearing and curve data. No ditto marks shall be used for dimensions.

(13) The purpose, widths and location (with fine dashed lines) of all easements and all abutting easements and all general and limited common elements shall be shown. If any easement already of record cannot be definitely located, a statement of its existence, the nature thereof and its recorded reference must appear on the title sheet. Distances and bearings on the side lines of lots which are cut by an easement must be shown with an arrow or so shown that the plat will indicate clearly the actual length of the lot lines. The widths of all easements and sufficient data to definitely locate the same with respect to the subdivision and each lot 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 number must be given. If an easement is being dedicated by the plat, it shall be set out in the owner's certificate of dedication. A plat note may be necessary to provide complete information of the purpose of the easement.

(14) The following certifications on a single sheet shall be provided in accordance with Article IX of this Chapter: Surveyor, County Clerk and Recorder's office, Title Verification and City Approval as follows:

This condominium plat is approved for filing in the Office of the Clerk and Recorder this ____ day of _____, 20__.

(signature)
Director of Community Development

(Ord. 08-07 Art. 3)

Sec. 17-7-50. Recordation procedure.

(a) Upon a determination by City staff that the condominium plat complies with the approval standards, two (2) photo Mylars shall be submitted to the Department for the Director's signature and recordation.

(b) The applicant shall provide a digital copy of the final plat in AutoCAD format for use in updating the City's GIS system, either on CD or by e-mail to the City Engineering Department. (Ord. 08-07 Art. 3)

Sec. 17-7-60. Expiration of approval.

The provisions governing the expiration of approval shall be the same as those provided in Section 17-6-120 of this Chapter. (Ord. 08-07 Art. 3)

ARTICLE VIII

Replat or Vacation

Sec. 17-8-10. Intent.

- (a) The purpose of these regulations is to provide a review process for the following:
- (1) A plat correction.
 - (2) A lot line vacation.

- (3) A lot line or building envelope adjustment.
- (4) A vacation of a recorded plat, right-of-way or easement.
- (5) A replat of a subdivision or super block (i.e., replat of one [1] lot into two [2] lots or more).

(b) The submittal process shall vary according to the nature of the proposed amendment, based on but not limited to the following: magnitude of change in design or size; impact to public facilities, services and roads; and overall impacts. The Director may modify the application procedures herein upon the determination that adequate public notice and input on the replat/vacation application can be attained through the modified process and that the modified process will not substantially impair the intent and purpose of this Chapter. (Ord. 08-07 Art. 3)

Sec. 17-8-20. Prerequisite.

Prior to submittal of a replat/vacation application, the applicant shall meet with the Director to discuss the proposal, the procedures and submittal requirements and is encouraged to meet with the Engineering Department and other referral agencies to identify potential issues and ways to address these issues. (Ord. 08-07 Art. 3)

Sec. 17-8-30. Approval standards.

A replat/vacation or correction may be approved upon the finding that:

- (1) The replat/vacation or correction is in accordance with the adopted standards and criteria and the original conditions of approval.
- (2) Nonconforming lots are not created, and in the case of nonconforming lots, the nonconformity is not increased.
- (3) The replat/vacation or correction is consistent with the spirit and intent of this Chapter.
- (4) The approval will not adversely affect the public health, safety and welfare.

SUMMARY OF REPLAT/VACATION PROCESS

<i>Type of Replat</i>	<i>Section No.</i>	<i>Hearing</i>	<i>Public Notice</i>	<i>Required Documents</i>
Plat correction	17-8-40	NO Admin. Procedure	Abutting landowners for road name changes	<ul style="list-style-type: none"> • Plat Correction Certificate
Lot line vacation (replat 2+ lots into 1) (including easements)	17-8-50	NO Admin. Procedure	Special districts easement holders, as applicable	<ul style="list-style-type: none"> • Vacation Map • Vacation Approval Certificate • Corrected deed with new legal description

Lot line adjustment (replat 3 lots into 2, 2 lots into 1, or no change to number of lots) (including easements)	17-8-60	NO Admin. Procedure	Special districts easement holders, as applicable; abutting landowners for change to building envelope	<ul style="list-style-type: none"> • Lot Line Adjustment Map • Lot Line Adjustment Certificate • Corrected deed with new legal description
Replat subdivision or super block (replat [1] lot into [2] or more)	17-8-70	Director Determined	Sketch plan, preliminary plan and/or final plat	<ul style="list-style-type: none"> • Determined by Director
Plat vacation (without public infrastructure or dedication)	17-8-80	NO Admin. Procedure	NO	<ul style="list-style-type: none"> • Vacation Certificate • Vacation Map
Plat Vacation (with public infrastructure or dedication)	17-8-90	City Council	Written notice to abutting landowners	<ul style="list-style-type: none"> • Vacation Resolution • Vacation Map
Vacation of ROW/access easement	17-8-100	Planning Commission and City Council	Posted notice published notice written notice to abutting landowners	<ul style="list-style-type: none"> • Vacation Ordinance • Vacation Map

(Ord. 08-07 Art. 3)

Sec. 17-8-40. Plat correction process and submittal requirements.

The following administrative process is established for changes to recorded plats that are due to errors or omissions; i.e., dimensions, road names, plat notes:

(1) The applicant shall submit a completed development application form and a written request detailing the specific correction.

(2) A plat correction certificate shall be prepared by the Director that identifies the error or omission, the plat to be corrected, its reception number and the necessary corrective action. (Refer to Appendix 17-A.)

(3) The plat correction certificate shall be signed by the Director and recorded in the County Clerk and Recorder's office by the Director.

(4) When the request is for a road name change, the following shall apply:

a. When addresses have been assigned, the applicant shall notify all affected landowners by certified mail, return receipt requested, at least ten (10) days prior to consideration by the Director. The return receipts shall be submitted to the Department prior to the Director's decision.

b. A road name shall not duplicate any existing road name in the City or County.

(5) A denial may be appealed to the Council at a regular business meeting, when a written request is submitted to the Department within thirty (30) days of denial by the Director. (Ord. 08-07 Art. 3)

Sec. 17-8-50. Lot line vacation with or without easements.

The following administrative process is established for a lot line vacation when there is no increase in the number of lots in the original plat; i.e., the combination of two (2) or more lots into one (1) lot.

(1) Submittal documents.

a. A completed development application (form available from the Department);

b. Application fee (fee schedule available from the Department);

c. Proof of ownership, which includes an updated or current title insurance policy, title commitment or subdivision guarantee issued no more than thirty (30) days prior to the date of application;

d. A notarized letter of authorization from the landowner identifying and permitting a representative, if applicable, to process the application;

e. Vacation map: a reproduction of the platted lots on an 8.5" x 11" sheet of paper, or another size approved by the Director, including the abutting streets. The map shall indicate the lot lines vacated and the new lot number. A vicinity map - a reduction of the filing showing the relationship of the lot to the filing - shall be included.

f. A letter from each special district that provides utility service to the lots, stating its recommendation(s) regarding the vacation.

g. When an easement is vacated, a letter from any known beneficiary, stating the beneficiary's recommendation regard-ing the vacation and any existing facilities the beneficiary may have over or across the land.

(2) Process.

a. The applicant shall submit the required information to the Department. The Director shall review the information and prepare a vacation approval certificate for the Director's signature.

b. The vacation certificate shall specify the plat affected, its reception number, the lot lines/easements vacated and reference to the vacation map, the recommendation of the special districts and easement holders, as applicable. (Refer to Appendix 17-B.)

c. The Director shall either approve or deny the request based on the submittal documents and approval standards.

d. Within thirty (30) days of approval by the Director, staff shall record the vacation approval certificate and vacation map in the County Clerk and Recorder's office and mail a copy of the recorded documents to the applicant.

e. A denial may be appealed to the Council at a regular business meeting, when a written request is submitted to the Department within thirty (30) days of denial by the Director. (Ord. 08-07 Art. 3)

Sec. 17-8-60. Lot line/building envelope adjustment.

The following administrative process is established for a realignment of a lot line or building envelope, or replatting of several lots (e.g., three [3] lots into two [2]), in which the original subdivision is not substantially modified and additional lots are not created.

(1) Submittal documents.

a. A completed development application (form available from the Department);

b. Application fee (fee schedule available from the Department);

c. Proof of ownership, which includes an updated or current title insurance policy, title commitment or subdivision guarantee issued no more than thirty (30) days prior to the date of application;

d. A notarized letter of authorization from the landowner identifying and permitting a representative, if applicable, to process the application;

e. Lot line/building envelope adjustment map: a certified boundary survey of the lots prepared by a professional land surveyor on an 8.5" x 11" sheet of paper, or another size approved by the Director, that shows the existing and proposed lot/easement, or building envelope configuration with distances and bearings. a vicinity map - a reduction of the filing showing the relationship of the lots to the filing - shall be included.

f. A letter from each special district that provides utility service to the lots, stating its recommendation(s) regarding a lot line adjustment.

g. When an easement is realigned or vacated, a letter from any known beneficiary, stating the beneficiary's recommendation regarding the request and any existing facilities the beneficiary may have over or across the land.

h. When reconfiguring a building envelope that decreases the setback from a lot line, the applicant shall notify abutting landowners affected by the request. Such notification shall be either an explanation of the request sent by certified mail, return receipt requested, at least ten (10) days prior to the Director's consideration of such request, or a signed statement from the abutting landowners, stating that they were notified of the request to relocate the building envelope.

i. A valid certificate of taxes paid for the land area of the final plat that shows that there are no taxes unpaid.

(2) Process.

a. The applicant shall submit the required information to the Department. Staff shall refer a copy of the submittal to the appropriate agencies unless a letter of comment was a part of the submittal or waived by the Director.

b. The Director shall review the information and prepare a lot line adjustment certificate for the Director's signature.

c. The lot line adjustment certificate shall specify the affected plat, its reception number, the specific lots, easements or building envelope affected and reference the lot line/building envelope adjustment map and the recommendations of the special districts/easement holders, as applicable. (Refer to Appendix 17-C.)

d. The Director shall approve or deny the request based on the submittal documents and approval standards.

e. When multiple owners are involved, the applicant shall provide deeds for the newly created lots and the recordation fee to the Director, within thirty (30) days of approval by the Director. The Director may grant an extension of time upon a written request from the applicant for good cause shown.

f. Within thirty (30) days of receipt of the deeds, the Director shall record the lot line adjustment certificate, lot line adjustment map and deeds in the County Clerk and Recorder's office and provide a recorded copy to the applicant.

g. A denial may be appealed to the Council at a regular business meeting, when a written request is submitted to the Department within thirty (30) days of denial by the Director. (Ord. 08-07 Art. 3)

Sec. 17-8-70. Replat of subdivision or super block process.

(a) The Director shall determine whether the replat of all or a portion of a subdivision is substantial or insubstantial based upon but not limited to the following factors: design, size, public concern, public facilities, services, access and transportation network.

(1) When determined by the Director to be insubstantial, the replat shall be processed in accordance with Article V of this Chapter.

(2) When determined by the Director to be substantial, the replat shall be processed in accordance with Article V of this Chapter.

(b) These processes may be combined upon the approval of the Director based upon but not limited to the following factors: design, size, public concern, public facilities, services, access and transportation network. (Ord. 08-07 Art. 3)

Sec. 17-8-80. Vacation of plat without public infrastructure/dedication.

The following administrative process is established for the vacation of a subdivision plat without public infrastructure or dedication:

(1) Submittal documents.

- a. Completed development application (form available from the Department);
- b. Application fee (fee schedule available from the Department);
- c. Proof of ownership which includes an updated or current title insurance policy, title commitment or subdivision guarantee issued no more than thirty (30) days prior to the date of application;
- d. A notarized letter of authorization from the landowner identifying and permitting a representative, if applicable, to process the application;
- e. Vacation map - a reproduction of the subdivision on an 8.5" x 11" sheet of paper or another size approved by the Director, including the abutting streets. Indicate the lots/streets/easements vacated. A vicinity map shall be included that depicts the area surrounding the subdivision within a one-mile radius superimposed on a current County or City Subdivision Map.
- f. A letter from each special district that provides service to the lots, stating its recommendation(s) regarding the vacation.
- g. When an easement is vacated, a letter from any known beneficiary, stating the beneficiary's recommendation regarding the vacation and any existing facilities the beneficiary may have over or across the land.

(2) Process.

- a. The applicant shall submit the required information to the Department. Staff shall refer a copy of the submittal to the appropriate agencies unless a comment letter was a part of the submittal or waived by the Director.
- b. The Director shall review the application and referral comments and prepare a vacation approval certificate for the Director's signature. (See Appendix 17-B.) The vacation approval certificate shall specify the plat vacated, its reception number, the lot lines vacated and reference to the vacation map and the recommendations of the special districts and easement holders, as applicable.
- c. The Director shall either approve or deny the request based on the submittal documents and approval standards.
- d. Within thirty (30) days of approval by the Director, staff shall record the vacation approval certificate and vacation map in the County Clerk and Recorder's office.

e. A denial may be appealed to the Council at a regular business meeting, when a written request is submitted to the Department within thirty (30) days of denial by the Director. (Ord. 08-07 Art. 3)

Sec. 17-8-90. Vacation of plat with public infrastructure/dedication.

The following process is established for the vacation of a subdivision plat with public infrastructure or dedication.

(1) Submittal documents.

a. A completed development application (form available from the Department);

b. Application fee (fee schedule available from the Department);

c. Proof of ownership, which includes an updated or current title insurance policy, title commitment or subdivision guarantee issued no more than thirty (30) days prior to the date of application;

d. A notarized letter of authorization from the landowner identifying and permitting a representative, if applicable, to process the application;

e. Vacation map - a reproduction of the subdivision on an 8.5" x 11" sheet of paper or another size approved by the Director, including the abutting streets. Indicate the lots/streets/easements vacated. A vicinity map shall be included that depicts the area surrounding the subdivision within a one-mile radius superimposed on a current County or City Subdivision Map.

f. Letters from the following stating their recommendation regarding the vacation and any existing facilities they have over or across the land:

1. All special districts providing maintenance of infrastructure within the right-of-way;

2. All landowners abutting or using an access proposed for vacation; and

3. All known easement beneficiaries.

g. Stamped envelopes addressed to the abutting landowners for notification of the vacation application. A map identifying the platted area to be vacated and relationship to the abutting landowners shall be included.

(2) Process.

a. The applicant shall submit the required information to the Department. Once the submittal is determined complete, the Director will mail referral packets to the appropriate agencies and letters to the abutting landowners.

b. The referral agencies shall comment within twenty-one (21) days of receiving the packet. The Director shall review the information and prepare a staff report for the Council and notify the applicant of the hearing date and time.

c. The Director shall mail a notice by first-class mail to the last known address of each abutting landowner in the stamped envelopes provided by the applicant, at least twelve (12) days prior to the Council hearing. The notice shall indicate the time and place of the Council hearing and that a resolution to vacate the plat will be presented at the hearing.

d. The Council shall evaluate the vacation request, referral agency comments, staff report and public testimony and shall approve, conditionally approve, table for further study or deny the vacation request. The Council's action shall be based on the evidence presented and applicable standards, regulations, policies and guidelines.

e. The Director shall prepare a vacation resolution that specifies the plat vacated, its reception number, the lot lines vacated, reference to the vacation map and the recommendations of the special districts and easement holders, as applicable.

f. Within thirty (30) days of approval by the Council, the Director shall record the vacation resolution and vacation map in the County Clerk and Recorder's office. (Ord. 08-07 Art. 3)

Sec. 17-8-100. Roadway vacation – submittal documents and process.

(a) The Council has authority to vacate roadways, including any public street, alley, lane, parkway, avenue, road, trail or other public way designated or dedicated on a plat, conveyed by deed or recorded easement, or acquired by prescriptive use, whether or not it has ever been used as such. A street that has been established but has not been used as such, may be vacated and replatted through the process determined appropriate by the Director, i.e., the full process (sketch/preliminary/final plat), or just the final plat process.

(b) The following procedure is established for the vacation of a roadway:

(1) Approval standards.

a. A platted or deeded roadway, or portion thereof, or unplatted or undefined roadways that have arisen by public usage shall not be vacated so as to leave any land adjoining said roadway without an established public road or private access easement connecting said land with another established public road. (Section 43-2-303(2)(a), C.R.S.)

b. A vacation of a state highway must be approved by the Transportation Commission.

(2) Vesting of title. Vesting of title upon vacation shall be in accordance with Section 43-2-302, C.R.S.

(3) Submittal documents.

a. A completed development application (form available from the Department);

b. Application fee (fee schedule available from the Department);

c. Vacation map - a reproduction of the street or access easement on an 8.5" x 11" sheet of paper or another size approved by the Director. Include the written legal description. A vicinity map shall be included - a reduction of the subdivision showing the location of the street in relation to the lots, or the area surrounding the street within a one-mile radius, superimposed on a current County or City Subdivision Map.

d. Letters from the following, stating their recommendation regarding the vacation and any existing facility they have over or across the land:

1. All special districts providing maintenance of infrastructure within the right-of-way; and

2. All known easement beneficiaries and utilities in the right-of-way.

e. Stamped envelopes addressed to abutting landowners and other landowners using the access proposed for vacation, as specified by the Director, for notification of the vacation application. A map shall be included identifying the area to be vacated and relationship to the abutting landowners.

(4) Process.

a. The applicant shall submit the required information to the Department. Once the submittal is determined complete, the Director will mail referral packets to the appropriate agencies and letters to the abutting landowners.

b. The referral agencies shall comment within twenty-one (21) days of receiving the packet. The Director shall review the information and prepare a staff report for the Planning Commission and notify the applicant of the hearing date and time.

c. The applicant shall be responsible for public notice, prior to the Planning Commission hearing, in compliance with the public notice requirements in Section 17-8-110 below.

d. The Planning Commission shall evaluate the application, referral comments, staff report and public testimony, and make a recommendation to the Council to approve, approve with conditions, table for further study or deny the vacation request. The Planning Commission's decision shall be based on the evidence presented and applicable standards, regulations, policies and guidelines.

e. Following the recommendation by the Planning Commission, the Director will schedule the vacation request for a public hearing with the Council and notify the applicant of the hearing date and time.

f. The applicant shall be responsible for public notice, prior to the Council hearing, in compliance with the public notice requirements in Section 17-8-110 below.

g. The Council shall evaluate the vacation request, referral agency comments, staff report, the Planning Commission recommendation and public testimony and shall approve, conditionally approve, table for further study, remand to the Planning Commission or deny the

vacation request. The Council's action shall be based on the evidence presented and applicable standards, regulations, policies and guidelines.

h. The Director shall prepare a vacation ordinance that specifies the legal description of the roadway vacated and the reception number of the plat and that makes reference to the recommendation of the special districts and easement holders, as applicable.

i. Upon approval by the Council, the Director shall, in consultation with the County or City Attorney, as applicable, prepare any deeds required by the vacation. Within thirty (30) days, the Director shall submit the vacation ordinance, vacation map and deeds, as required, for recordation in the County Clerk and Recorder's office. (Ord. 08-07 Art. 3)

Sec. 17-8-110. Public notice.

(a) Published notice.

(1) At least five (5) days prior to the Planning Commission hearing and five (5) days prior to the Council hearing, the applicant shall publish a notice in the official publication.

(2) At least three (3) days prior to the hearing, the applicant shall provide a publisher's affidavit of said published notice to the Department.

(3) The notice shall read:

NOTICE OF PUBLIC HEARING
BEFORE THE (PLANNING COMMISSION
OR CITY COUNCIL)

A public hearing will be held on (day of week), (date), at (time), in the City Council Hearing Room, 8527 Lone Tree Pkwy., City of Lone Tree, CO 80124, for a proposed vacation of (name of street and legal description). For more information contact the Community Development Department [303-708-1818].

File name and number: _____

(4) When concurrent notice has been approved by the Director, the notice shall read:

NOTICE OF PUBLIC HEARINGS
BEFORE THE PLANNING COMMISSION
AND CITY COUNCIL

A public hearing will be held before the Planning Commission on (day of week), (date), at (time), and before the Council on (day of week), (date), at (time) in the City Council Hearing Room, 8527 Lone Tree Pkwy., City of Lone Tree, CO 80124, for a proposed vacation of (name of street and legal description). For more information contact the Community Development Department [303-708-1818].

File name and number: _____

(b) Posted notice.

(1) At least twelve (12) days prior to the Planning Commission hearing and twelve (12) days prior to the Council hearing, the applicant shall post a notice on the roadway under consideration.

(2) The notice shall consist of at least one (1) sign at each end of the roadway to be vacated, visible to the public, placed on posts at least four (4) feet above ground level. Additional signs may be required by the Director. Each sign shall measure not less than three (3) feet by four (4) feet. Letter size shall be a minimum of three (3) inches high. Said notice shall read:

NOTICE OF PUBLIC HEARING
BEFORE THE (PLANNING COMMISSION
OR CITY COUNCIL)

This roadway shall be considered for vacation pursuant to the City Subdivision code on (day of week), (date), at (time) in the City Council Hearing Room, 8527 Lone Tree Pkwy., City of Lone Tree, CO 80124. For more information contact the Community Development Department [303-708-1818].

File name and number: _____

(3) When concurrent notice has been approved by the Director, the notice shall read:

NOTICE OF PUBLIC HEARINGS
BEFORE THE PLANNING COMMISSION
AND CITY COUNCIL

This roadway shall be considered for vacation pursuant to the City Subdivision code before the Planning Commission on (day of week), (date), at (time) and before the Council on (day of week), (date), at (time) in the City Council Hearing Room, 8527 Lone Tree Pkwy., City of Lone Tree, CO 80124. For more information contact the Community Development Department [303-708-1818].

File name and number: _____

a. Sign-posting affidavit. An affidavit of sign posting shall be submitted for the file in the Community Development Department at least three (3) days prior to the hearings. The signs shall be photographed by the applicant, and the photo shall be attached to the affidavit as follows:

(attach photo here)

I, (applicant/representative), attest that the above sign was posted on (date), at (location) pursuant to the City Subdivision code.

(signature)
(applicant/representative)

File name and number: _____

Signed and sworn before me this date: _____

NOTARIZED BY: _____

b. The sign shall be removed by the applicant within two (2) weeks following the final decision by the Council.

(c) Written notice.

(1) At least twelve (12) days prior to the Council hearing, a notice shall be mailed by first-class mail to the last known address of each abutting landowner. The notice shall indicate the time and place of the Council meeting and shall indicate that an ordinance to vacate the roadway will be presented at the meeting. (Section 43-2-303(2)(c), C.R.S.)

(2) Evidence of such mailing shall be provided to the Department at least three (3) days prior to the hearing.

(d) When calculating the required time period for posting or publishing a notice of a public hearing, the day of publishing or posting shall be counted in the total number of days required. The day of the hearing shall not be counted toward the total number of days required for the notification period. (Ord. 08-07 Art. 3)

Sec. 17-8-120. Application resubmittal.

An application submitted pursuant to Sections 17-8-70, 17-8-80, 17-8-90 and 17-8-100 below shall not be resubmitted within one (1) year of the date of denial. However, if the Director determines that the resubmitted application has been modified to correct the stated objections, then, at the Director's discretion, the resubmittal may be considered before one (1) year from the denial. (Ord. 08-07 Art. 3)

Sec. 17-8-130. Lot numbering.

When vacating or replatting lots/tracts, the following shall apply:

(1) When vacating a common lot line between two (2) lots, the original lot number followed by the letter "A" shall be used. For example, if vacating the common lot line between Lots 1 and 2, the newly created lot shall be renumbered Lot 1A.

(2) When replatting three (3) lots into two (2) lots, the original lot numbers followed by the letter "A" shall be used. For example, if replatting Lots 3, 4 and 5 into two (2) lots, the new lots shall be numbered Lot 3A and Lot 4A.

(3) When adjusting the common lot line between two (2) lots, the original lot numbers followed by the letter "A" shall be used. For example, if realigning the common lot line between Lots 7 and 8, the new lots shall be numbered Lot 7A and Lot 8A.

(4) When replatting an entire subdivision filing, the lots shall be numbered consecutively starting with the number 1. Tracts shall be lettered alphabetically in consecutive order. The acreage within each lot and tract shall be specified. (Ord. 08-07 Art. 3)

ARTICLE IX

Certifications

Sec. 17-9-10. Intent.

The final plat shall contain executed certificates, notices and statements in the following form. Such certificates, notices or statements may be modified by the City Attorney as required or with the permission of the City Attorney when warranted by special conditions. (Ord. 08-07 Art. 3)

Sec. 17-9-20. Signatures.

All signatures must be signed in indelible black ink only as approved by the County Clerk and Recorder. No red ink and no ballpoints are permitted. (Ord. 08-07 Art. 3)

Sec. 17-9-30. Title verification.

Either one (1) of the following title verification statements is acceptable:

I/we (name of title insurance co. or attorney), do hereby certify that I/we have examined the title of all land platted hereon and that title to such land is in the dedicator(s) free and clear of all liens, taxes and encumbrances, except as follows:

[list any encumbrances]

Company Name

(signature)

(date)

OR

Name of Attorney

(date)

By: (notarized signature)

Registration # _____

Name of Authorized Official

OR

I, _____, an attorney at law, do hereby certify that I have examined Title Insurance Commitment No. _____, dated _____, issued by (name of title company), and copies of the recorded instruments referenced in that commitment. In my opinion title to the land platted herein is in the dedicator(s), subject to easements of record, taxes for the current year and

[list any encumbrances]

(signature)
Attorney at Law

(date)
Registration # _____

(Ord. 08-07 Art. 3)

Sec. 17-9-40. Dedication statement.

The dedication statement shall be as follows:

The undersigned, being all the owners, mortgagees, beneficiaries of deeds of trust and holders of other interests in the land described herein, have laid out, subdivided and platted said lands into lots, tracts, blocks, streets and easements as shown hereon under the name and subdivision of _____. The utility easements shown hereon are hereby dedicated for public utilities and cable communication systems, and other easements are hereby dedicated for the purposes as shown hereon. The entities responsible for providing the services for which the easements are established are hereby granted the perpetual right of ingress and egress from and to adjacent properties for installation, maintenance and replacement of utility lines and related facilities. The (*streets and tracts – indicate those that are applicable*) shown hereon are dedicated and conveyed to the City of Lone Tree, CO, in fee simple absolute, with marketable title, for public uses and purposes. The signature of any representative of any partnership or corporate entity indicates that all required partnership or corporate approvals have been obtained.

(Owner/Mortgagee, etc.)
By: _____
Title: _____

Attest:

Secretary

Subscribed and sworn to before me this ____ day of _____, 20 __, by * (Name, Title).

WITNESS my hand and official seal.

Notary Public

My Commission expires: _____

*Signatures of officers of partnership or corporate entities shall correctly indicate the name and type of entity, the name of the person signing and their title or authority for signing the dedication document.

(Ord. 08-07 Art. 3)

Sec. 17-9-45. Storm drainage facilities statement.

The storm drainage facilities statement shall be as follows:

The City of Lone Tree requires that maintenance access be provided to all storm drainage facilities to assure continuous operational capability of the system. The property Owner shall be responsible for the maintenance of all drainage facilities including inlets, pipes, culverts, channels, ditches, hydraulic structures and detention basins located on their land unless modified by the subdivider's agreement. Should the Owner fail to adequately maintain said facilities, the City of Lone Tree shall have the right to enter said land for the purposes of operations and maintenance. All such maintenance costs will be assessed to the property Owner.

(Ord. 08-07 Art. 3)

Sec. 17-9-50. Surveyor certificate.

(a) The surveyor's certificate shall be as follows:

I, (Surveyor's Name), a duly registered Professional Land Surveyor in the State of Colorado, do hereby certify that this plat truly and correctly represents the results of a survey made on (date of survey), by me or under my direct supervision and that all monuments exist as shown hereon; that mathematical closure errors are less than 1:50,000 (second order); and that said plat has been prepared in full compliance with all applicable laws of the State of Colorado dealing with monuments, subdivisions or surveying of land and all applicable provisions of the City Subdivision Regulations.

I attest the above on this ____ day of _____, 20 ____.

(signature)
(Surveyor's Name)

Colorado Registered Professional Land Surveyor # ____

(b) The surveyor's seal shall appear with this certificate. (Ord. 08-07 Art. 3)

Sec. 17-9-60. Planning Commission signature for final plats.

The Planning Commission certification for final plats that have been through the sketch and preliminary or combined preliminary/final plat process shall be as follows:

The sketch plan (file number) and preliminary plan (file number) for this final plat were reviewed by the Planning Commission.

(signature)
Community Development Director,
on behalf of the Planning Commission

(Ord. 08-07 Art. 3)

Sec. 17-9-65. Planning Commission signature for minor development plat.

The Planning Commission certification for minor development plats shall be as follows:

The minor development plat (file number) and preliminary plan (file number) for this final plat were reviewed by the Planning Commission.

(signature)
Community Development Director,
on behalf of the Planning Commission

(Ord. 08-07 Art. 3)

Sec. 17-9-70. Council approval.

The following signature blocks for the Council approval shall be used, as applicable:

- (1) All plats, *except* replats or vacations:

This plat was approved for filing by the Council of the City of Lone Tree, CO, on the ____ day of _____, 20__, subject to any conditions specified hereon. The dedications of (streets, tracts, easements – indicate those that are applicable) are accepted.

All expenses incurred with respect to improvements for all utility services, paving, grading, landscaping, curbs, gutters, sidewalks, road lighting, road signs, flood protection devices, drainage structures and all other improvements that may be required shall be the responsibility of the subdivider and not the City .

This acceptance does not guarantee that the soil conditions, subsurface geology, groundwater conditions or flooding conditions of any lot shown hereon are such that a building permit will be issued.

(signature)
Mayor, City of Lone Tree

- (2) For vacations:

This plat was approved for filing by the City Council of Lone Tree, CO, on the ____ day of _____, 20__, subject to any conditions specified hereon.

The (streets, lots, tracts, parcels and easements - indicate those that are applicable) shown on the plat of (the original subdivision name), recorded in the Office of the Clerk and Recorder, Reception # _____ are hereby vacated this ____ day of _____, 20__.

(signature)
Mayor, City of Lone Tree

(3) For replats:

This plat was approved for filing by the City Council of Lone Tree, CO, on the ____ day of _____, 20____, subject to any conditions specified hereon. The dedications of (streets, tracts, easements - indicate those that are applicable) are accepted.

Lot ____, Block _____, (subdivision), Filing #_____ is amended by this plat subject to all covenants, conditions and restrictions recorded against and appurtenant to the original plat recorded in the Office of the Clerk and Recorder, Reception #_____.

All expenses incurred with respect to improvements for all utility services, paving, grading, landscaping, curbs, gutters, sidewalks, road lighting, road signs, flood protection devices, drainage structures, and all other improvements that may be required shall be the responsibility of the subdivider and not the City .

This acceptance does not guarantee that the soil conditions, subsurface geology, groundwater conditions or flooding conditions of any lot shown hereon are such that a building permit, well permit or sewage disposal permit can or will be issued.

(signature)
Mayor, City of Lone Tree

(Ord. 08-07 Art. 3)

Sec. 17-9-80. County Clerk and Recorder.

The County Clerk and Recorder certification shall be as follows:

State of Colorado)
) ss.
County of Douglas)

I hereby certify that this plat was filed in my office on this ____ day of _____, 20__ A.D., at ____ a.m./p.m., and was recorded at Reception Number _____.

(signature)
Clerk and Recorder

(Ord. 08-07 Art. 3)

ARTICLE X

Exemptions

Sec. 17-10-10. Intent.

The purpose of these regulations is to establish criteria and a review process to permit the Council to grant exemptions from the requirements of this Chapter that would otherwise apply to the property if the property were defined as a subdivision or subdivided land under this Chapter. (Ord. 08-07 Art. 3)

Sec. 17-10-20. Prerequisite.

Prior to submittal of the exemption request, the applicant shall meet with the Director to determine whether the exemption request meets the exemption criteria and to discuss the procedure and submittal requirements. If the subject parcel is within a recorded subdivision, the plat shall be amended in accordance with Article VII of this Chapter. If it is determined that the applicant is using the exemption process to circumvent the subdivision process, the applicant shall be required to comply with the sketch plan, preliminary plan and final plat process or minor development process of this Chapter. (Ord. 08-07 Art. 3)

Sec. 17-10-30. Criteria.

An exemption proposal shall be consistent with each of the following criteria in order to receive an exemption from the definition of the term subdivision:

- (1) Any boundary line adjustments may not create additional parcels (unplatted land only).
- (2) Exemptions that create additional parcels shall be permitted for parcels with more than one (1) principal residence, provided that all of the following criteria are met:
 - a. Each residence was constructed in conformance with the applicable City regulations in effect at the time the residence was constructed;
 - b. Each residence shall have a documented history of continuous use as a single-family dwelling;
 - c. Legal and physical access shall be provided to all parcels by public right-of-way or recorded easement, acceptable to the City Engineer in compliance with the Roadway Design and Construction Standards.

Note: The following shall not be considered to be a principal residence: structures previously considered uninhabitable or accessory to a principal residence, a guest house, resort or seasonal cabins used in conjunction with a lodge operation or housing for tenant labor.

(3) Exemptions shall be considered for divisions of land that create parcels for public or quasi-public use, such as community facilities where no dwelling units are allowed, including but not limited to a utility facility, park, open space, fire station, sheriff substation, library, metro district office and water/sewage facility.

(4) Other divisions of land accomplished by deed recorded in the County Clerk and Recorder's office that the Council determines are not within the provisions of this Chapter. If it is determined that the applicant is using the exemption process to circumvent the provisions of this Chapter, the applicant shall be required to comply with the applicable sections of this Chapter. (Ord. 08-07 Art. 3)

Sec. 17-10-40. Submittal process.

- (a) The applicant shall submit one (1) copy of the complete exemption request to the Director.

(b) The Director shall review the submittal for completeness and notify the applicant of any deficiencies. An incomplete submittal will not be processed.

(c) Once the submittal is determined complete, the Director shall review the exemption request, review all documentation submitted and prepare a staff report for the Council. When all outstanding issues have been satisfactorily addressed, the Director will notify the applicant of the public meeting with the Council.

(d) At a public meeting, the Council shall evaluate the exemption request, staff comments and public testimony and shall either approve, approve with conditions, table for further study or deny the request. The Council's action shall be based on the evidence presented and applicable standards, regulations, policies and guidelines.

(e) If denied by the Council, the applicant may pursue subdivision in accordance with the appropriate process contained in this Chapter. (Ord. 08-07 Art. 3)

Sec. 17-10-50. General submittal requirements.

General submittal requirements are as follows:

- (1) A completed development application.
- (2) Application fee.
- (3) Proof of ownership, which includes an updated or current title insurance policy or title commitment no more than thirty (30) days old.
- (4) A copy of the original deed that created the parcel.
- (5) A notarized letter of authorization from the landowner identifying and permitting a representative, if applicable, to process the application.
- (6) Evidence that legal and physical access, acceptable to the City Engineer in compliance with the Roadway Design and Construction Standards, shall be provided for all parcels by public right-of-way or recorded easement.
- (7) Any other data essential to the evaluation as reasonably may be required by the Director to enable an adequate review of the exemption. (Ord. 08-07 Art. 3)

Sec. 17-10-60. Plan exhibit.

The applicant shall submit a graphic representation prepared on a sheet size approved by the Director, drawn to scale with a one-inch margin on all sides, which best conveys the conceptual aspects of the plan and shall include the following information:

- (1) A written legal description and a map showing all boundary lines and dimensions of the land to be exempted, drawn at a scale of 1" = 50' or 1" = 100', or another scale approved by the Director.

(2) The title, placed at the top of the sheet along the long dimension of each sheet and including the name of the proposal; project file number; a general legal description stating the aliquot portion of the section, section, township, range, 6th P.M., "City of Lone Tree," total acreage and total number of lots.

Example:

WILSON'S EXEMPTION File # _____
A part of the SW/4 NE/4 of Section 10,
Township 6 South, Range 66 West of the 6th P.M.,
Lone Tree, CO
.5 Acres 2 Residential Lots

(3) A north arrow designated as true north; a written and graphic scale; the names and addresses of the owners; and date of preparation.

(4) A vicinity map that depicts the area surrounding the proposed exemption within a one-mile radius.

(5) Topography of the site at two-foot intervals, unless otherwise approved by the Director.

(6) Ownership, zoning and use of all adjacent subdivided, unsubdivided and public lands.

(7) Significant features, including but not limited to existing structures, utility lines, natural and artificial drainageways, ditches, lakes, vegetative groundcover, rock outcroppings, geologic features and hazards, dams, reservoirs, excavations, mines, fence lines, driveways, easements, well sites and water lines and waste lines.

(8) Any other data reasonably essential to the exemption request may be requested by the Director to enable an adequate evaluation of the proposed exemption. (Ord. 08-07 Art. 3)

Sec. 17-10-70. Post-approval actions.

(a) After the Council has approved the exemption, the applicant shall prepare deeds that accurately describe the land approved by the exemption and all the necessary easements. The deeds shall also include the following:

(1) A statement on the deed, immediately following the legal description, that states: "This deed is given to implement the approval of File # _____ on (date) by the City Council."

(2) A scaled drawing of the site attached as an exhibit.

(b) Maintenance agreements as may be deemed necessary by the Council for the proposed use of common facilities and continued maintenance of roads, driveways, water sources, waste disposal facilities and their associated easements shall be recorded with the deed referencing the project number and the date of approval.

(c) Within sixty (60) days of approval of an exemption, unless stated otherwise in such approval, the applicant shall submit, ready for recordation, the deeds, plan exhibit, required easements or maintenance agreements and a copy of the Council resolution to the Director.

(d) Within thirty (30) days after submittal of the required documentation, the Director shall record such documents in the County Clerk and Recorder's office.

(e) The Director may grant extensions of time up to one (1) year, upon a written request by the applicant. A denial by the Director may be appealed, in writing, to the Council within ten (10) days from the date of the denial by the Director.

(f) If the exemption request is denied by the Council, the applicant may proceed with the subdivision request in compliance with this Chapter. An exemption request for the same or substantially the same request, as determined by the Director, shall not be accepted within one (1) year of such denial. (Ord. 08-07 Art. 3)

ARTICLE XI

Dedication Standards

Division 1 General Provisions

Sec. 17-11-10. Intent.

(a) The purpose of these regulations is to provide adequate sites to be dedicated for the public facilities generated by new residential development. The intent is to require appropriate mitigation in reasonable proportion to the impacts being created by the new development. Such sites may be dedicated to the City, applicable special district or homeowners' association for eventual construction and maintenance, as approved by the City.

(b) Although encouraged, nonresidential development is not subject to public dedication requirements, unless otherwise provided for in Planned Development or Annexation Agreement obligations. Non-residential development does not create significant demand for public facilities, yet provides ongoing revenue to the City and special districts for such facilities.

(c) For a Planned Development (PD), this Article shall apply only when the required land dedication has not been satisfied. (Ord. 08-07 Art. 3)

Sec. 17-11-20. General requirements.

The developer shall provide for the construction, at no cost to the City, applicable special district or public, all roads adjacent to publicly dedicated sites, traffic signalization to serve the site, extension of all utilities to the site and other public infrastructure, as required by the Council. A cashier's check, letter of credit or other security to guarantee construction of the improvements shall be provided by the developer at such time stated by the Council. (Ord. 08-07 Art. 3)

Division 2
Parks

Sec. 17-11-110. General requirements.

(a) Whenever land is proposed for residential use, the developer of the land shall provide land or cash in lieu of land for park demand generated by the proposed use. Such dedication is intended to generally off-set the anticipated demands generated by residential development for such amenities. In general, these lands shall be suitable for the development of active play areas, passive recreation areas, trails or, in some instances, to preserve unique land forms or natural areas. Where no suitable land is available in a residential or nonresidential development, cash in lieu of land or of equivalent value in the donation of recreational facilities may be substituted at the City's discretion. Additional dedication for open space may be required by the Council if deemed necessary to preserve or conserve natural areas of special significance. (See Paragraph 17-1-20(3) of this Chapter).

(b) Amount of park land dedication.

(1) The following formula shall be used to calculate the minimum amount of land dedication required of residential developments by the City which is deemed necessary to provide adequate land for parks. This formula is based on 15 acres/1,000 population (based on an occupancy factor of 3.0 people per household). For example, where three hundred (300) dwelling units are proposed ($3 \times 300 = 900$ population), the following calculation is made:

$$(15 \text{ acre}/1,000 \text{ population}) = .015$$

$$.015 \times 900 \text{ population} = 13.5 \text{ acres}$$

(2) For the purposes of calculating the required dedication, existing dwelling units within a subdivision shall be excluded from the calculation of the park requirement if they have previously been included in the calculation of City park dedication or cash in lieu thereof through the subdivision process. If the existing dwelling units have not previously been included in the calculation for park land dedication or cash in lieu of land, they will be included in the calculation.

(3) Land proposed for park dedication shall be clearly identified on any submitted plat or site plan, including the number of acres for each site and the total acreage proposed for City park dedication within the project.

(4) Land proposed for park dedication shall be located within the proposed new development or, if not feasible, may be located off-site within a service area not more than two (2) miles from the site, as agreed to by the applicant and the City.

(c) Land dedication for nonresidential development. Within nonresidential development and nonresidential components of a Planned Development, provision of park facilities, trails and open space within nonresidential development is encouraged. (Ord. 08-07 Art. 3)

Sec. 17-11-120. Conveyance of land.

The conveyance of dedicated park land to the City shall be by warranty deed, and the title shall be free and clear of all liens and encumbrances, including real property taxes prorated to the time of conveyance. The subdivider shall provide the City with a title insurance policy, insuring title in an

amount equal to the market value of the property and in the City's name, and a certified survey at the time of conveyance. Dedicated park land shall include the necessary water rights or other available water service to provide for irrigation and drinking water. Parks and all dedicated open space shall be conveyed to the City prior to recordation of the first final plat for the subdivision, or as otherwise agreed upon or stipulated by zoning or annexation commitment. (Ord. 08-07 Art. 3)

Sec. 17-11-130. Cash in lieu of land dedication.

Cash in lieu of land dedication shall be permitted in cases in which the cash value of park land dedication is deemed, by the Council, to be more appropriate in satisfying the needs of the proposed development than land within or in the vicinity of the proposed development. Such cases include, but are not limited to, those involving small developments below the minimum size requirement and developments that already have adjacent facilities that could be expanded to satisfy the need created by the proposed development. In those land developments where proposed regional trails are located, no cash in lieu of land will be accepted unless there is an acceptable alternate route shown on the Comprehensive Plan or other public parks, trails or open space plan adopted by the City. The minimum cash-in-lieu fee shall be five thousand dollars (\$5,000.00).

(1) The Director shall review all cash-in-lieu requests and make a recommendation to the Council.

(2) The Council shall make a final determination of the method in which the dedication requirements shall be satisfied.

(3) When cash in lieu of land dedication is required by the City Council, the following formula shall be used:

$$[(A) \times (B) = \text{Cash-in-lieu amount required}]$$

Where:

(A) = Total acreage for dedication

(B) = Total \$ value/acre as determined by market value or mitigation value as established by the Council based on the full market value of the acreage required for park land dedication, or as may otherwise be agreed to between the applicant and the City Council. Value shall be based on anticipated market value after completion of platting and construction of public improvements as provided in Section 17-11-20 of this Article.

(4) When the combination of land and cash in lieu of land is requested by the Director, the following formula shall be used:

$$(A) - (B) = (C)$$

Where:

(A) = Total park dedication in acres required

(B) = Land acreage accepted by the City

(C) = Total acreage for dedication as cash-in-lieu

And:

$$(C) \times (D) = \text{Amount Required for Cash-In-Lieu}$$

Where:

(C) = Total acreage for dedication as cash-in-lieu

(D) = \$ Value per acre as determined by market value or mitigation value as established by the Council + Construction of public improvements as provided in Section 17-11-20 of this Article.

(5) The cash-in-lieu fee shall be equivalent to the full market value of the acreage required for park land dedication, or as may otherwise be agreed to between the applicant and the City Council. Value shall be based on anticipated market value after completion of platting and construction of public improvements as provided in Section 17-11-20 of this Article. The applicant shall submit a proposal for the cash-in-lieu fee and supply the information necessary for the Council to evaluate the adequacy of the proposal. This information shall be based upon a value established by or acceptable to the Council and may include consideration of at least one (1) appraisal of the property by a qualified appraiser.

(6) The cash-in-lieu fee will be prorated on a per-unit basis at the time of final platting.

(7) The cash-in-lieu fee shall, where feasible, be used to benefit the residents within a reasonable service area of the type of park for which the fees were collected. If possible, the service area shall be within one (1) mile of the project site and shall be not more than two (2) miles from the project site unless otherwise agreed to by the City. (Ord. 08-07 Art. 3)

Sec. 17-11-140. Disposition at public meeting.

Disposition of park lands obtained through the City dedication requirements shall be determined by the Council at a public meeting. The sale of any such park property for private uses shall be in accord with any applicable State or Charter requirements. (Ord. 08-07 Art. 3)

Sec. 17-11-150. Development and maintenance of parks, trails and open space.

The City may assume or negotiate the responsibility of development and maintenance of all parks, trails and open space. Title to land dedicated for parks may be held by the City, with long-term lease arrangements negotiated with a local government entity or homeowners' association. The costs associated with development and maintenance of parks, trails and open space shall be the responsibility of the developer, a local government entity or a homeowners' association, except as provided in Section 17-11-20 of this Article. (Ord. 08-07 Art. 3)

Sec. 17-11-160. Cash in lieu of land held by City.

The City shall hold cash-in-lieu fees until such time as an eligible public park, trail or open space plan and development schedule, including costs for development and provision for ongoing maintenance, is established and distribution of funds is approved by the Council. (Ord. 08-07 Art. 3)

Sec. 17-11-170. Credit toward dedication requirements.

The applicant may receive credit toward park land dedication requirements by:

(1) Providing swimming pools, noncommercial indoor recreation centers and other specialized recreational facilities, provided that:

- a. Such facilities are available to the general public;
 - b. Such facilities will meet a demonstrated public need;
 - c. Such facilities replace or supplement facilities that would generally be provided by the City; and
 - d. A cashier's check, letter of credit or other security, as requested by the Council, is provided to ensure completion of such facilities.
- (2) Dedicating or purchasing and subsequently dedicating off-site land (land not contiguous to the development), provided that such land:
- a. Will meet a demonstrated public need; and
 - b. Meets the City's acceptance criteria for parks.
- (3) Providing private open space if such land is restricted to park, recreation or open space purposes by conservation easement or deed, and provided that such land:
- a. Will meet a demonstrated public need; and
 - b. Meets the City's acceptance criteria for a park, recreation or open space.
- (4) Providing park and recreation facilities by developers, special districts and homeowner's associations. A cashier's check, letter of credit or other security to ensure completion of such facilities may be required as requested by the Council. (Ord. 08-07 Art. 3)

Sec. 17-11-180. Selection criteria.

- (a) Selection criteria for public parks:
- (1) The City may consider acceptance of property to meet park land dedication requirements, provided that:
- a. Property to be dedicated is accessible to residents living within a reasonable service area of the development (i.e., preferably within a one-half-mile radius and no more than a two-mile radius from the project site);
 - b. Land to be dedicated contains sufficient flat surface to provide for development of active recreation areas as deemed necessary to meet the needs of the applicable service area;
 - c. The property to be dedicated is not an exclusive utility or other easement, a public street, right-of-way or pedestrian walkway required under other regulations or does not contain topographical, hazardous or material obstructions that would preclude development as a local park;
 - d. The property to be dedicated may be co-located with an elementary or middle school site or other public recreation facility in order to benefit from shared facilities, such as parking lots,

access roads, play fields, etc., thereby reducing the overall acreage requirement by a factor equal to those shared facilities; and

e. The property to be dedicated can support both active and/or passive recreational activities for City residents.

(2) Trails. No credit shall be given for trails toward the park land dedication requirements. Provision of trails is considered a normal element of an appropriately planned development.

(3) Open space. Land within the proposed development may be required for open space purposes in addition to park land dedication requirements as approved by the City or if the area serves one (1) or more of the following functions:

a. Identification or separation of communities or subdivisions or provision of expansive visual relief from development.

b. Provision of a buffer or transition between different land uses.

c. Preservation or protection of:

1. Scenic areas, including vistas along highway corridors;

2. Fish and wildlife habitats;

3. Prominent land forms and landmarks;

4. Outdoor recreation areas;

5. Cultural, historic and archaeological areas;

6. Unique vegetative areas;

7. Critical ecosystems;

8. Floodplains and riparian areas;

9. Aquifer recharge areas;

10. Surface water; or

11. Watershed areas.

d. Provision of City-wide or regional trails and linkages, public access to lakes, streams and other public lands, passive recreation opportunities or outdoor and nature study areas.

(b) Property will not be considered for open space dedication acceptance if it is an exclusive utility or other easement, or a public street, right-of-way or pedestrian walkway required under other regulations. (Ord. 08-07 Art. 3)

*Division 3
Schools*

Sec. 17-11-210. General requirements.

Property dedicated to the City must be suitable for development and the intended use to meet the need generated by the proposed development. All of the dedicated school property must be suitable for construction of school facilities. Dedicated sites shall be a single parcel and shall meet minimum size requirements sufficiently square or round to be usable for the intended use. The dedicated school property shall be centrally located and within the service radius with public access to adjacent street frontage and free from hazards that would threaten the safety of those using the property.

(1) The following formula shall be used to calculate the minimum amount of required school property dedication to meet the needs of the proposed subdivision:

Facility	Acres Per Student
Elementary School (K-6)	= 0.018 acre/student generated
Middle School (7-8)	= 0.030 acre/student generated
Senior High School (9-12)	= 0.030 acre/student generated

(2) The following is the minimum acreage required per school, unless otherwise agreed to by the School District and the City:

Elementary School	= 12 acres
Junior High School	= 30 acres
Senior High School	= 60 acres
Combined Secondary Campus (MS & HS)	= 90 acres

(3) Existing dwelling units shall be excluded from the calculation of the school property dedication requirement if they have previously been included in the calculation for school property dedication. If the existing units have not previously been included in the calculation for school property dedication, they will be included in the calculation.

(4) Dedicated school property shall be clearly identified on the submitted plat/plan by a legal description. The plat/plan shall also indicate the number of acres for each site and the total acreage proposed for school property dedication within the project. (Ord. 08-07 Art. 3)

Sec. 17-11-220. Cash in lieu of property dedication.

(a) Cash in lieu of property dedication shall be required when determined by the Council to be more appropriate in satisfying the needs of the proposed development and school district. Such cases include, but are not limited to, small developments not able to meet the minimum property requirements and developments that are served by adjacent facilities that could be expanded to satisfy the need created by the proposed development.

(1) The School District shall review the developer's request to dedicate property or pay cash in lieu of property dedication and make a recommendation to the City.

(2) The Council shall make the final determination of the method in which the dedication requirement shall be satisfied.

(3) The cash-in-lieu fee shall be equivalent to the full market value of the acreage required for school property dedication. Value shall be based on anticipated market value after completion of platting and improvements as provided in Section 17-11-20 of this Article, or other amount as agreed to by the City. The applicant shall submit a proposal for the cash-in-lieu fee and supply the information necessary for the Council to evaluate the adequacy of the proposal or accept an amount provided by the School District.

(b) The applicant shall convey the dedication property or pay the in-lieu-of fees prior to the recordation of the first final plat for the subdivision, or as may otherwise be agreed to by Council. The conveyance of dedicated school property to the City shall be by warranty deed, and the title shall be free and clear of all liens and encumbrances, including real property taxes prorated to the time of conveyance. The subdivider shall provide a title insurance policy in the City's name insuring the property in the amount of the property's fair market value, and a certified survey at the time of conveyance.

(c) The conveyance of property to satisfy the City's dedication requirement will be made to the service district, school district, homeowners' association or other entity when it can be demonstrated that the property will be developed or used within a reasonable time frame as determined by the City, including engineering, planning and design work. (Ord. 08-07 Art. 3)

ARTICLE XII

Vested Property Rights

Sec. 17-12-10. Intent.

Property rights for single-family residential property may be vested through the approval of a site-specific development plan. The final plat shall be deemed the site-specific development plan for the purpose of vesting property rights in single-family residential property. (Ord. 08-07 Art. 3)

Sec. 17-12-20. Procedure.

(a) The landowner or authorized representative may apply for a determination that a site-specific development plan entitles the owner or representative to vested property rights.

(b) The application for vested property rights shall be made within sixty (60) days of final plat approval and prior to plat recordation.

(c) The Council may vest property rights for single-family residential property in the same manner as set forth in Chapter 16, Article XXVI of this Code. However the site-specific development plan shall be the final plat instead of the site improvement plan.

(d) Concurrent processing of the final plat and designation of the site-specific development plan shall be permitted with the approval of the Director. (Ord. 08-07 Art. 3)

Sec. 17-12-30. Amendments to final plats.

Changes to final plats that have been determined to be site-specific development plans shall not affect the terms and conditions of vesting if such changes are insubstantial pursuant to Paragraph 17-8-70(a)(1) of this Chapter. Such changes shall not extend the vesting period unless expressly authorized by the Council. Changes to final plats that have been determined to be site-specific development plans shall terminate the terms and conditions of vesting if such changes are substantial changes pursuant to Paragraph 17-8-70(a)(2). (Ord. 08-07 Art. 3)

Sec. 17-12-40. Vacations of final plats.

When any portion of a final plat that has been determined to be a site-specific development plan is vacated, the terms and conditions of the vesting shall be automatically null and void and the vested rights forfeited. Upon the vacation of a recorded plat, a new plat may be proposed for determination as a site-specific development plan. (Ord. 08-07 Art. 3)

APPENDIX 17-A

PLAT CORRECTION CERTIFICATE

(Subdivision Name and Filing No.) Reception No. _____

WHEREAS, *(Describe the change; e.g., the street rights-of-way shown on Pine Bough, Filing No. 1 were dedicated to public use)*; and

WHEREAS, the City of Lone Tree desires to *(Change the names of O'Boyle Lane and Council Trail within Pine Bough, Filing No. 1)*.

NOW, THEREFORE, IT IS HEREBY ORDERED that:

The following street names within Pine Bough Filing No. 1 shall be changed as follows:

1. *O'Boyle Lane changed to Pine Cone Court.*
2. *Council Trail changed to White Pine Way.*

APPROVED this _____ day of _____, 20__.

CITY COUNCIL of the City of Lone Tree, CO

By: _____
Director of Community Development

STATE OF COLORADO)
) ss.
COUNTY OF _____)

I hereby certify that this certificate was filed in my office on this _____ day of _____, 20__ A.D., and was recorded at Reception Number _____.

County Clerk and Recorder

(Ord. 08-07 Art. 3)

The undersigned, being all the owners of the land described herein, and the beneficiaries of any deeds of trust encumbering that land, hereby consent to this vacation.

OWNER(S)

_____ If Corp.: (corp. name) _____

By: _____
Title: _____

ATTEST:

Subscribed and sworn to before me this _____ day of _____, 20____, by
 *(print name) _____.

WITNESS my hand and official seal.

Notary Public

My commission expires: _____

*Signatures of officers signing for a corporation shall be acknowledged as follows:

 (print name of officer) as (title of officer) of (name of corp.), a (state) corporation.

BENEFICIARY OF DEED OF TRUST:

 (name) _____

By: _____
Title: _____

ATTEST:

Subscribed and sworn to before me this _____ day of _____, 20____, by (name of officer), as (title of officer), of (name of beneficiary), a (state of organization), (type of entity).

WITNESS my hand and official seal.

Notary Public

My commission expires: _____

(Ord. 08-07 Art. 3)

APPENDIX 17-C

LOT LINE ADJUSTMENT CERTIFICATE

(Subdivision Name and Filing No.) Reception No.

WHEREAS, (Describe the change; e.g., lots 10, 11 and 12 were platted as separate lots as shown on Hill Top, Filing No. 2); and

WHEREAS, the lot owner(s) desires to (vacate the common lot line between lots 10 and 11, and between lots 11 and 12 and the 5' utility easement on either side of these lot lines and replat lots 10, 11 and 12 and associated easements into 2 lots renamed lots 10A and 11A Hill Top, Filing No. 2), as shown on the Lot Line Adjustment Map recorded herewith; and

WHEREAS, the known beneficiaries of the utility easement were notified and responded as follows:

- 1. Xcel Energy – no objection;
2. Southgate Water and Sanitation District – no objection;
3. Comcast – no objection; and

WHEREAS, the Park Meadows Metropolitan District was notified and recommended approval of the lot line/easement vacation and replat.

NOW, THEREFORE, IT IS HEREBY ORDERED that:

(The common lot line between lots 10 and 11, and lots 11 and 12 along with the 5' utility easement on either side of these lot lines be vacated and replatted resulting in the creation of Lots 10A and 11A Hill Top, Filing No. 2).

This legal description is to be used for all conveyances/transfers of this property.

APPROVED this ____ day of _____, 20__.

CITY COUNCIL of the City of Lone Tree, CO

By: _____
Director of Community Development

STATE OF COLORADO)
) ss.
COUNTY OF _____)

I hereby certify that this certificate was filed in my office on this ____ day of _____, 20__ A.D., and was recorded at Reception Number _____.

County Clerk and Recorder

The undersigned, being all the owners of the land described herein, and the beneficiaries of any deeds of trust encumbering that land, hereby consent to this lot line adjustment.

OWNER(S)

_____ If Corp.: (corp. name) _____

By: _____
Title: _____

ATTEST:

Subscribed and sworn to before me this _____ day of _____, 20____, by
 *(print name) _____.

WITNESS my hand and official seal.

Notary Public

My commission expires: _____

*Signatures of officers signing for a corporation shall be acknowledged as follows:

 (print name of officer) as (title of officer) of (name of corp.), a (state) corporation.

BENEFICIARY OF DEED OF TRUST:

 (name) _____

By: _____
Title: _____

ATTEST:

Subscribed and sworn to before me this _____ day of _____, 20____, by (name of officer), as (title of officer), of (name of beneficiary), a (state of organization), (type of entity).

WITNESS my hand and official seal.

Notary Public

My commission expires: _____

(Ord. 08-07 Art. 3)