

## CHAPTER 17

### Subdivisions

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## ARTICLE I

### General Provisions

#### **Sec. 17-1-10. Title.**

These regulations may be known and cited as the "City of Central Subdivision Regulations."  
(Prior code 17-1)

#### **Sec. 17-1-20. Purpose.**

These regulations are designed and enacted to encourage well-planned subdivisions in order to preserve the public peace, health and safety and to provide for an orderly, efficient, integrated development in accordance with established City policies; to establish minimum uniform standards for subdivision design, taking into account environmental factors and establish minimum engineering criteria and performance guarantees; to establish adequate, efficient and safe rights-of-way and easements for streets, utilities, drainage and other site plan needs; to safeguard interests of both the public and the applicant, by ensuring that the proposed subdivision pays its own way in terms of paying for the cost of improvements necessitated by the proposed development; to improve land records and boundary monumentation and ensure equitable processing of subdivision plats; to give reasonable assurance that an adequate water supply, sanitation facilities, access and fire protection are available for the development; and to help preserve the natural beauty of the land, help protect the vegetative cover of natural areas, help prevent surface water, subsurface water, air noise and topographical hazards (including but not limited to floodplains, areas of unstable or expansive soils and excessive slopes or slope areas), help protect against loss or injury from inappropriate use of the land, and otherwise help preserve and enhance both the safety and the quality of the environment.  
(Prior code 17-2)

#### **Sec. 17-1-30. Authority.**

These regulations have been prepared and enacted in accordance with the applicable state statutes and the Home Rule Charter (Prior code 17-3)

#### **Sec. 17-1-40. Applicability, exemptions, general regulations.**

(a) **Applicability.** Whoever divides or participates in the division of a lot, tract or parcel of land into two (2) or more lots, sites or other divisions of land for the purpose, whether immediate or future, of sale or building development, whether residential, industrial, office, business or other use, who desires to build a structure upon any tract of land which has not been previously platted, shall be required to comply with the provisions of this Chapter and to submit a plat application for review and acceptance by the City according to the terms set forth in this Chapter. The terms of this Chapter shall also include and refer to any division of land previously subdivided or platted, or to consolidate or reconfigure existing lots, except as specifically exempted by this Chapter.

(b) **Exemptions.** The provisions of this Chapter shall be deemed not to apply to the following:

(1) Any division of a tract of land which creates parcels of land each of which comprises thirty-five (35) or more acres of land, none of which is intended for use by multiple owners, where

such subdivision does not involve the creation of any new streets or easements of access as may be determined by the Planning Commission;

(2) Any division of land to heirs through an estate proceeding;

(3) Any transfer of a part of another lot or parcel for the purpose of enlarging an existing lot or parcel which does not create an additional lot; or nonconforming lot as provided in Chapter 16 of this Code;

(4) Any division of land by the foreclosure of a deed of trust;

(5) Any division of land or transfer of land by the City to acquire land or interests in land (e.g., easements) for public purposes; or

(6) Any creation of lots or plots for sale in a cemetery.

(c) No plat of a subdivision of land shall be used for purposes of sale or building development or filed and recorded until approved by the City Council, with such approval entered in writing on the plat, signed by the Mayor and attested to by the City Clerk.

(d) No building shall be erected on any lot, nor shall a building permit be issued for a building, unless there is access to a public street.

(e) Every plat shall be recorded in the office of the County Clerk and Recorder. (Prior code 17-4)

**Sec. 17-1-50. Jurisdiction.**

This Chapter is applicable within the following described areas:

(1) All land located within the legal boundaries of the City;

(2) All land located within three (3) miles of the corporate limits of the City and not located in any other municipality for the purposes of control with reference to the major street plan as contained in the Comprehensive Plan; and

(3) Land in the process of annexation for which an annexation petition has been filed. (Prior code 17-5)

**Sec. 17-1-60. Schedule of fees.**

There shall be a fee required for each subdivision plat submitted for approval. Such fees shall be paid to the City Clerk for the following:

(1) Plat review and processing by the City or authorized personnel, to be paid by the subdivider as established by resolution of the City Council;

(2) The County Recorder's fee for recording the plat, to be furnished by the subdivider prior to the recording of the plat; and

(3) Any additional costs made necessary by unusual circumstances and more than ordinary review and other services provided by the City or authorized personnel, to be paid by the subdivider prior to approval of the final plat. (Prior code 17-6)

**Sec. 17-1-70. Notice.**

(a) Public notice. Whenever notice is required under this Chapter, said notice shall be published in a paper of local circulation and mailed to owners of real property within three hundred (300) feet of a property line of the land included in the subdivision proposal to be acted upon. The subdivider shall be responsible for obtaining a list of property owners within three hundred feet of a property line of the land to be subdivided and for mailing written notice to said property owners in a form provided by the City. Further notice shall be given by posting of a sign on the property adjacent to and visible from a public right-of-way as approved by the City. All mailings, postings and publications shall occur at least fifteen (15) days prior to the public hearing.

(b) Severed mineral estate notification. In accordance with Section 24-65.5-101, et seq., C.R.S., subdividers shall be required to notify owners of mineral interests that have been severed from the surface estate concerning a proposed subdivision not less than thirty (30) days before the date scheduled for a public hearing. (Prior code 17-7)

**Sec. 17-1-80. Coordination with other ordinances.**

It is the intent of this Chapter that it be implemented in coordination with other City ordinances applicable to land use and development, including the Zoning Ordinance, Historical Preservation Ordinance, Floodplain Ordinance, Building Code and other such ordinances and regulations. (Prior code 17-8)

**Sec. 17-1-90. Rules of language construction.**

For the purpose of this Chapter and when not inconsistent with the context:

- (1) Words used in the present tense include the future.
- (2) Words in the singular include the plural.
- (3) Words in the plural include the singular.
- (4) The masculine includes the feminine.
- (5) The word *shall* is mandatory and not directory.
- (6) The word *may* is permissive.
- (7) The particular controls the general. (Prior code 17-9)

**Sec. 17-1-100. Interpretation.**

Certain words and phrases are defined; and certain provisions shall be interpreted as herein set out, when not inconsistent with the context. The word *building* includes the word *structure*; the word

*used* includes the words *occurred, arranged, designed or intended to be used*; and the word *construct* includes the words *erect, reconstruct, alter, move in and move upon*. (Prior code 17-10)

**Sec. 17-1-110. Definitions.**

As used in this Chapter, the following words shall be construed to have the meanings defined below:

*Adjacent* means abutting or separated only by a public street, alley or private drive.

*Arterial street* means any street serving major traffic movements, which is designed primarily as a traffic carrier between cities or between various sections of the City, which forms part of a network of through streets, and which provides service and access to abutting properties only as a secondary function.

*Block* means a tract of land generally bounded by streets, or by a combination of streets, railway rights-of-way or waterways, or by any barrier to continuity of development.

*Collector street* means any street designed primarily to gather traffic from local or residential streets and carry it to the arterial system.

*Construction acceptance* means acceptance of public improvements by the City for maintenance, subject to applicable guarantees.

*Cul-de-sac* means a local street having one (1) end open to vehicular traffic and having one (1) end closed and terminated by a turnaround.

*Drainage easement* means a granting to the City of the right to control development of a drainage right-of-way or an area subject to periodic flooding. Development on such easement shall be restricted to uses which would not interfere with the flow of the water or act as a barrier for debris.

*Easement* means an interest in real property that establishes the right to use the property for certain purposes, such as utilities installation access and maintenance. Ownership of the underlying land remains with the property owner, not the easement holder.

*Half street* means a street bordering one (1) or more property lines of a subdivision tract to which the subdivider has allocated only a portion of the ultimate and intended street width.

*Improvements* means all facilities constructed or erected by a subdivider within any subdivision to permit and facilitate the use of lots or blocks for a principal residential, business or industrial purpose. Improvements shall include all improvements listed in Article III of this Chapter.

*Local street* means any street designated primarily to provide access to abutting property.

*Lot* means a parcel of land created through a subdivision plat with a separate legal description for the purpose of conveyance or use.

*Lot consolidation* means the combining of two (2) or more lots, or portions thereof, into fewer lots with a recorded plat without the creation of new building sites.

*Owner* means any person having legal title to land sought to be subdivided under these regulations.

*Public improvements* means any facility that is within City right-of-way, on City property or maintained by the City after final acceptance, including but not limited to streets, alleys, sidewalks, water and sewer lines, electric facilities, storm drainage facilities, bike paths, trails and other specific improvements serving or benefiting the public.

*Referral agencies* means the following categories of agencies and any others that provide comments and recommendations with respect to any subdivision application submitted to the City: Police Department, Public Works Department, Fire Protection District, Gilpin County, adjacent municipalities, utility companies, Central City Business Improvement, school district and/or telephone company.

*Reserve strip* means a narrow strip of land along a property line reserved to control access to abutting properties or public rights-of-way.

*Subdivider or developer* means any person in a representative capacity or other legal entity or legal representative who participates in any manner in the dividing of land for the purpose, whether immediate or future, of sale or building development. (Prior code 17-11)

**Sec. 17-1-120. Additional definitions.**

In addition to the preceding definitions, the definitions specified in Chapter 16 of this Code are incorporated herein and by this reference made a part hereof. For words, terms and phrases used in this Chapter that are not defined below or elsewhere in Chapter 16 of this Code, the Zoning Administrator shall interpret or define such words, terms and phrases. In making such interpretations or definitions, the Zoning Administrator may consult secondary sources related to the planning profession for technical words, terms and phrases. The Zoning Administrator may also consult *Webster's Unabridged Dictionary* (Random House Reference & Information Publishing, New York, 1997), as supplemented, or other available reference source for other words, terms and phrases. (Prior code 17-12)

**Sec. 17-1-130. Minor subdivisions.**

(a) Minor subdivisions allow certain divisions of land without going through the preliminary plat process if, in the opinion of the Zoning Administrator, the proposed subdivision meets each of the following criteria:

(1) There are four (4) or fewer lots proposed for creation or multiple lots are combined into fewer lots in conjunction with a planned unit development application;

(2) The proposed subdivision contains all the contiguous property owned or under control of the applicant. The minor subdivision process shall not be used as the first stage of a larger

subdivision in order to circumvent the two-step review process for preliminary and final plat applications;

(3) There are no major public improvements required or the public improvements would be minimal, in the opinion of the Zoning Administrator, such as short extensions of water and sewer lines, utility hook-ups and provision of a cul-de-sac.

(b) The submittal requirements and processing procedures shall be as specified for a final plat in Section 17-2-10 of this Chapter. There is no preliminary plat required.

(c) No lot in an approved minor subdivision may be resubdivided through the minor subdivision process. Resubdivisions of approved minor subdivisions are required to comply with the preliminary and final platting procedures as specified in Article II of these regulations with the following exceptions:

(1) The landowner is not the same landowner as when the original minor subdivision was approved, is not a member of the original landowner's family and has no legal relationship to the original owner.

(2) It has been at least five (5) years since the City Council approved the minor subdivision. (Prior code 17-13)

#### **Sec. 17-1-140. Public improvements.**

(a) Subdivision improvement agreement. All subdividers whose development applications require construction of public improvements shall be required to execute a subdivision improvement agreement. The City has adopted a standard form of subdivision improvement agreement, a copy of which is available through the Community Development Department.

(b) All public improvements shall be constructed to comply with all applicable City standards, regulations and specifications. No subdivision shall be finally approved and/or recorded without the execution of the subdivision improvement agreement, along with the required financial security, in a form approved by the City. Subdividers are required to pay the costs of processing the development application and subdivision improvement agreement, including all consultant costs and fees incurred by the City.

(c) Required security for public improvements. For all public improvements, and prior to the recordation of the final plat and issuance of any permits for development of the subdivision, the subdivider shall provide to the City either: (1) a cash deposit; or (2) a letter of credit issued by a financial institution authorized to do business in the State in an amount equal to one hundred twenty-five percent (125%) of the total estimate of the cost of construction of the public improvements ("collateral").

(1) The subdivider shall ensure that the collateral remains unencumbered and free from claims of others so that any requests of the City for payment or enforcement may be immediately and unequivocally honored without cost to the City.

(2) Such collateral shall be maintained, in the amount required by the agreement, through the warranty period as set forth herein.

(3) If, at any time prior to final acceptance and expiration of the warranty period, the City determines that the collateral is not sufficient to cover all costs of construction of the public improvements and provides the subdivider with a written basis for the requested increase to collateral, the owner/developer shall be required to post additional or supplemental collateral in an amount deemed reasonably sufficient and approved by City to pay for all costs of construction, including any administrative costs and contingency amount.

(d) Completion and acceptance of public improvements.

(1) The subdivider shall complete construction of the public improvements within a specified period of time from the date of the subdivision improvement agreement.

(2) Upon completion of construction of the public improvements and the subdivider's written request for probationary acceptance of such improvements ("construction acceptance"), the subdivider shall:

a. File with the City an original or sepia reproducible copy of the as-built construction plans of such public improvement(s), stamped and certified by the Engineer of Record who shall also be a state-registered professional engineer; and

b. Submit to the City a sworn affidavit and documentary evidence that there exists no lien or encumbrance upon or against the public improvements resulting from unpaid amounts owing to contractors, subcontractors, material persons or other persons involved or engaged in the construction or installation of the public improvements.

c. The subdivider shall promptly modify, alter and repair at its own cost and expense any improvements not constructed in accordance with the construction plans so that the improvements conform to the construction plans.

d. The public improvements shall become the property of the City (and the City's maintenance responsibility) upon construction acceptance of the public improvements by the City.

(e) The City shall issue to the subdivider a certificate of construction acceptance granting probationary acceptance of the public improvements and setting the terms of the warranty period. The probation and warranty period ("warranty period") shall terminate two (2) years from the date of construction acceptance.

(f) At the end of the warranty period, the City shall reinspect the public improvements and require correction of all defects and failures of the public improvements prior to the issuance of final acceptance of the public improvements and release of any remaining collateral.

(g) Engineering specifications for all improvements are contained in the City public improvements manual, adopted by City Council resolution and on file in the Community Development Department of the City offices.

(h) No certificates of occupancy shall be issued for any building permits until such time as the City has issued (at a minimum) probationary acceptance of the public improvements to be constructed as prescribed in the subdivision improvement agreement.

(i) In the event oversized utilities or off-site improvements are required, arrangements for reimbursement may be made whereby the subdivider may be allowed to recover the cost of the utilities or off-site improvements that have been provided by the subdivider beyond the needs of the proposed subdivision. The method and time of payment under the reimbursement shall be established in accordance with the current policies of the City related to the emplacement of such oversized utilities or off-site improvements.

(j) Improvements to be provided, constructed, installed or otherwise caused to occur by the subdivider shall include, but not be limited to:

- (1) Permanent survey monuments, range points and lot pins;
- (2) Streets, alleys, acceleration or deceleration lanes, sidewalks, curb and gutter (when platted) in accordance with the City standards;
- (3) Street name signs and all traffic-control signs or other street control devices;
- (4) Bridges, culverts or open drainage channels (where required);
- (5) Streetlights;
- (6) Water lines and fire hydrants;
- (7) Sanitary sewer lines; and
- (8) Storm drainage improvements and storm sewers where required. (Prior code 17-14)

**Sec. 17-1-150. Utilities.**

(a) The subdivider shall underground all electric, gas, cable and telephone lines (collectively, "utilities") within the boundaries of the subdivision plat or which are required to be relocated pursuant to this Chapter or as a condition of approval of the subdivision plat. Transformers, switching boxes, terminal boxes, meter cabinets, pedestals, ducts, street lighting and other facilities necessarily appurtenant to such underground utilities may be placed above ground. High-voltage electric transmission and distribution feeder lines and necessary appurtenances thereto may be placed above ground.

(b) All utilities providing public services to the subdivision shall be located within dedicated and platted public utility easements or public street rights-of-way, which shall be approved, and subject to acceptance by the City. The subdivider shall be responsible for connections from the subdivision to existing public utility systems.

(c) The subdivider shall pay all installation charges for lighting and gas services required by the public service company providing services to the project. (Prior code 17-15)

**Sec. 17-1-160. Dedication of land for public purposes.**

(a) The subdivider has offered for dedication to the City at no cost and the City may accept such dedication of certain real property interests, as depicted on the final plat submittal. The subdivider shall represent and warrant to the City that all property dedicated to the City by the final plat is free and clear of liens and encumbrances other than those liens and encumbrances specifically indicated on the final plat. No building permit or certificate of occupancy shall be issued unless and until the above requirement is satisfied.

(b) Public use dedications shall be as follows:

(1) A minimum of twelve percent (12%) of the total land area of the property being subdivided shall be dedicated, exclusive of Subsection (a) above, for park, school or other public purposes as determined by the City Council and shall be delineated on the final plat. Land dedicated for public use must be suitable, as determined by the City Council, for the type of development and/or the use for which it is intended.

(2) If the City Council so determines, the subdivider shall pay to the City in cash an amount equal to twelve percent (12%) of the total appraised value (appraisal shall be based on the value of the property after platting) of the land to be subdivided in lieu of the dedication of land required herein. Any appraisal required to establish the value of land herein shall be done at the expense of the subdivider.

(3) In determining which of the above policies to implement, the Planning Commission and the City Council will consider the size of the development and its adequacy for accommodating a suitable public use site; the community facility aspects of the Comprehensive Plan and the school district's master plan; existing parks and other public uses in the area; the topography, geology and location of land in the subdivision available for dedication; the needs of the people in the area; and any other appropriate factors. If land is dedicated to the City, it shall be free of all liens and encumbrances and the subdivider shall provide title insurance and a general warranty deed for the land dedicated.

(4) The requirements of this Section shall not apply in cases where satisfactory dedication arrangements were made and approved by the City Council at the time of annexation or previous subdivision of the same property. (Prior code 17-16)

**ARTICLE II**

**Subdivision Procedure**

**Sec. 17-2-10. Submittal requirements.**

(a) An application for subdivision may be filed by a person having an interest in the property for which the subdivision is requested, with the written consent of the owner, and shall be made on a form provided by the City. The applicant shall accompany his or her application with a preliminary plat as specified in this Article.

(b) No application for a preliminary or final plat will be accepted until all fees and charges have been paid, including all outside costs incurred by the City and made necessary as a result of the application, and a City consultant agreement has been executed.

(c) A subdivider may request a waiver of any of the requirements of this Section in writing to the Zoning Administrator. A request for waiver of requirements must demonstrate that the subdivision will have no negative qualitative or quantitative impact as intended by a specific requirement.

**Table of Plat Requirements**

The plats submitted shall contain the following information:

| <i>Requirement</i>  | <i>Preliminary</i>           | <i>Final</i>                 |
|---|------------------------------|------------------------------|
| Letter of intent describing proposed subdivision, development schedule, phasing.  | X                            | X                            |
| Title commitment issued within 6 months of application showing ownership, liens, encumbrances.  | X                            | X                            |
| Adjacent property owners within 300 feet – names and mailing addresses.   | X                            | X                            |
| ALTA/ASCM survey prepared within 6 months of application.   | X                            | X                            |
| Existing topographic conditions – two-foot contours for slopes less than 10%; five-foot contours for slopes 10% or greater.   | X                            | X                            |
| Grading plan.   | X                            | X                            |
| Drainage report showing 100-year floodplain limits; design for 10/100-year events, identification of federal or state permitting requirements; calculations of projected quantity of stormwater entering subdivision naturally from area outside of subdivision; location, size and grades of required culverts, inlets or storm drainage sewers, details of on-site retention of stormwater. | X                            | X                            |
| Soils, geotechnical report identifying hazardous waste or contaminated areas, existing soils and geotechnical conditions, necessary mitigation.   | X                            | X                            |
| Utility plan showing proposed utility improvements and relocations and documentary evidence of provision for utilities.   | X                            | X                            |
| Utility plan showing proposed utility improvements and relocations and documentary evidence of provision for utilities.   | X                            | X                            |
| Plat exhibit – sheet size 24" x 36".  | X                            | X                            |
| Proposed name of subdivision.   | X                            | X                            |
| North point and date of preparation.  | X                            | X                            |
| Scale, written and graphic, 1" = 50'.   | X                            | X                            |
| Vicinity map (scale 1:2,000).   | X                            | X                            |
| Total acreage.  | X                            | X                            |
| Zoning of property and adjacent properties; proposed zoning and uses.   | X                            |                              |
| Boundary lines of subdivision in heavy solid line.  | X                            | X                            |
| Civil construction drawings.  | X, no less than 20% complete | X, no less than 60% complete |
| Boundary of existing 100-year floodplain; drainage channels and significant   | X                            | X                            |

|  |   |   |
|--|---|---|
| natural features.  |   |   |
| Preliminary layout showing existing and proposed lots and property boundaries, streets and access points, utility lines, drainage structures with existing easements and proposed dedications, lot square footage.   | X |   |
| Specific layout, fully surveyed, reflecting exact location of all lots, boundaries, streets, easements, public land dedications and any other proposed division. An accurate and complete boundary survey and survey of interior streets, lots, blocks shall be included. Lots and blocks shall be numbered sequentially and systematically.   |   | X |
| Dimensions, bearing or angles, curve data: must show all survey and mathematical information and data necessary to locate all monuments and to locate and retrace any and all interior and exterior boundary lines. All curves must be circular arcs and shall be defined by the radius, central angle, tangent, arc and chord distances and chord bearings. All dimensions, both linear and angular, shall be determined by an accurate control survey in field and balance and close within 1 in 10,000. |   | X |
| Building setback lines shown by long dashed lines.   | X |   |
| Owner's and mortgagee's certificate and dedication, signed.  | X | X |
| Surveyor's certificate.  | X | X |
| Certificate of Planning Commission approval.   | X | X |
| Certificate of City Council approval.  | X | X |
| County Clerk and Recorder certificate.   |   | X |
| Treasurer's certificate of paid taxes, showing that taxes are not delinquent.  |   | X |
| Mineral estate notification statement.   | X | X |
| Compliance with mineral estate notification.   | X |   |
| Standard plat notes.   |   | X |
| Subdivision improvement agreement.   |   | X |
| Copy of existing or proposed covenants, conditions and restrictions (CCRs).  |   | X |

(d) Certification statements. The following shall be placed on every plat map, unless otherwise not required by a more specific section of this Chapter:

LEGAL DESCRIPTION:

\_\_\_\_\_, being the owner(s) of the real property of \_\_\_\_\_ acres described as follows:

[Insert surveyed property description of entire bounds of area being platted]

OWNERSHIP AND DEDICATION:

The undersigned certifies to and for the benefit of the City Council of Central City, Colorado, that as of the date set forth below, we \_\_\_\_\_ and \_\_\_\_\_, and \_\_\_\_\_ being the owner(s) of the land described above, have good right and full power to convey, encumber and subdivide same, and that the property is free and clear of all liens, encumbrances, easements and rights-of-way except the easements and rights-of-way depicted on this plat. In the event of a defect in said title which breaches the warranties in this certificate, the undersigned, jointly and severally, agree(s) to remedy such defect upon demand by Central City, which remedy shall not be deemed exclusive.



(If by corporation, president signs, secretary attests and corporate seal is affixed)

[Insert notarization conforming to applicable requirement of state law for mortgagee's place of execution]

PLANNING COMMISSION APPROVAL:

This plat was recommended for approval by the City of Central, Colorado, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

By \_\_\_\_\_  
Chairperson

CITY APPROVAL:

This plat is approved for filing and the City hereby accepts the dedication of the public ways shown hereon, including but not limited to, the streets, roads, drives and alleys for public use subject to the provisions contained in the Street Maintenance note herein, the dedication of public lands shown hereon, and the dedication of the easements shown hereon.

Signed this \_\_\_\_\_ day of \_\_\_\_\_.

By \_\_\_\_\_  
Mayor

Attest:

By \_\_\_\_\_  
City Clerk

Standard Notes:

1. Street Maintenance. It is mutually agreed by the subdivider and the City that the dedicated public ways, including but not limited to streets, roads, drives and alleys, shown on this plat, will not be accepted finally for maintenance by the City until and unless the subdivider constructs the same in accordance with the subdivision improvement agreement and subdivision regulations in effect at the date of recording this plat and approval of the City has issued to that effect.
2. Drainage Maintenance. The owner, its legal representatives, heirs, executors, administrators, successors in interest and assigns shall be jointly and severally liable and responsible for maintaining the structural integrity and operational functions of all drainage facilities located on the property shown hereon unless otherwise specified herein, including but not limited to, private drainage facilities and public and private drainage easements.

(Prior code 17-31)

**Sec. 17-2-20. Review process.**

(a) Major subdivision; two-step process. Subdividers proposing a subdivision that will result in the creation of more than four (4) lots are required to submit a preliminary plat application and a final plat application for processing and consideration by the City.

(b) Minor subdivision; one-step process. Subdividers proposing a subdivision that will result in the creation of four (4) lots or less or the consolidation of lots are required to submit a plat consistent with the final plat application process. Minor subdivision applications are reviewed by the Planning Commission and the City Council at duly noticed public hearings in conformance with the notice requirements set forth in Section 17-1-70 of this Chapter.

(c) Administrative replat. A subdivision that proposes to adjust lot lines or consolidate lots into fewer lots without a companion PUD application shall be reviewed through an abbreviated review

process by the Zoning Administrator and City Council. An administrative replat is reviewed by City Council at a public meeting, and no public hearing or notice is required.

(d) Preapplication conference. An applicant shall be responsible for scheduling a preapplication conference with the City in order for the applicant to become acquainted with the subdivision procedures and related City requirements, to obtain a written list of what the application shall include, and to obtain copies of any guidelines or ordinance interpretations. If a subdivision application is not submitted within one hundred eighty (180) days of the preapplication conference, the applicant may be required to schedule and attend another preapplication conference before submitting an application.

(e) Determination of submittal completeness. An application shall be considered complete if it is submitted in the required form, includes all submittal information and supplemental reports and is accompanied by the applicable fees.

(1) The Zoning Administrator shall have thirty (30) days upon submission of the plat application to determine whether the application is deemed complete.

(2) Within the initial thirty-day period, the Zoning Administrator shall, as part of the review process, send the submittal to applicable City departments and referral agencies. In the event any referral agency fails to respond within the thirty-day period, the City may interpret such nonresponsiveness to indicate there are no objections to said plat.

(3) The Zoning Administrator shall hold a Development Review Committee (DRC) meeting during the thirty-day review period, where the referral agencies will review and provide comments.

(4) If the Zoning Administrator determines that the application is incomplete, the applicant shall be provided written comments outlining the deficiencies that must be addressed in order for the application to be considered complete. The applicant shall then resubmit its application, wherein the Zoning Administrator shall have thirty (30) days to review the resubmittal, redistribute to applicable departments and referral agencies and hold a DRC meeting for review of the re-submittal.

(5) In no event shall an application be reviewed on its merits until it is deemed complete by the Zoning Administrator. If, however, the application's deficiencies are minor in nature and easily corrected as determined by the Zoning Administrator, the application can be accepted for processing subject to a waiver by the applicant of the time limitations.

(f) Planning Commission review. Within sixty (60) days of receipt of a complete application, as determined by the Zoning Administrator, and other required materials, the Planning Commission shall hold a public hearing to consider the preliminary plat application and, within thirty (30) days of the conclusion of the public hearing, shall either recommend approval of said application in whole or in part, with or without modifications and/or conditions, or recommend denial of the application. Any such recommendation shall be referred to the City Council for final action.

(g) City Council public hearing. Upon the Planning Commission's recommendation, the preliminary plat application will be submitted to the City Council for its action. The City Council

will hold a public hearing concerning said application and may approve, disapprove, approve the preliminary plat with modifications and/or conditions or request that the application plan be further reviewed by the Planning Commission. (Prior code 17-32)

**Sec. 17-2-30. Criteria of approval.**

(a) A preliminary plat may be recommended for approval and approved only if all of the following criteria have been met:

(1) The subdivision is consistent with and implements the intent of the specific zoning district in which it is located;

(2) The general layout of lots, roads, driveways, utilities, drainage facilities and other services within the proposed subdivision is designed in a way that minimizes the amount of land disturbance, maximizes the amount of open space in the development and otherwise accomplishes the purposes and intent of this Chapter;

(3) The subdivision applies with applicable use, development and design standards of this Chapter and Chapter 16 of this Code;

(4) The subdivision will not result in significant adverse impacts on adjacent properties, or such impacts will be substantially mitigated; and

(5) Adequate and sufficient public safety, transportation, utility infrastructure and services, recreation facilities, parks and schools are available to serve the subject property, while maintaining sufficient levels of service to existing development.

(b) A final plat may be recommended for approval and approved only if all of the following criteria have been met:

(1) The final plat meets the criteria of approval for a preliminary plat, conforms in all respects with the approved preliminary plat and incorporates all recommended changes and conditions attached to approval of the preliminary plat; and

(2) The plans and specifications for public improvements associated with development of the subdivision comply with all applicable subdivision and design standards, requirements of the subdivision improvement agreement and any other relevant City, county, state or federal regulations, except to the extent modifications, variances or exceptions have been expressly allowed by the terms of the preliminary plat approval. (Prior code 17-33)

**Sec. 17-2-40. Lapse of approval.**

(a) The preliminary plat approval shall be valid for one (1) year from the date of approval by the City Council. A one-year extension may be granted by the City Council at its sole discretion, based on a written petition from the applicant showing good cause for such extension. Failure to submit a final plat within the prescribed time will result in a forfeiture of the preliminary plat approval, and the project shall be considered null and void.

(b) If the final plat is not recorded within sixty (60) days of the date of approval, or if the subdivider fails to post the required financial security, the final subdivision plat shall be null and void. In addition, if no building permit is issued on the subdivision plat within three (3) years from the date of approval, the final plat shall lapse and be null and void. (Prior code 17-34)

**Sec. 17-2-50. Recordation of plat.**

(a) Preliminary plats are not required to be recorded in the office of the County Clerk and Recorder.

(b) The recordation of the final subdivision plat shall occur after the following actions have occurred:

- (1) City's receipt of fully executed subdivision improvement agreement;
- (2) Subdivider's posting of required financial security;
- (3) City's receipt of two (2) sets of approved, one-hundred-percent complete civil construction plans for related public infrastructure;
- (4) City's receipt of fully executed final subdivision plat on 24" x 36" Mylar;
- (5) Subdivider's satisfaction of all conditions of approval subject to the recordation of the plat;
- (6) Subdivider's payment to City of all outstanding costs and fees, including recordation fees.

(c) Failure of the subdivider to submit an acceptable final plat and required financial security to the City Clerk within ninety (90) days of the date of the agreement shall, upon the enactment of a resolution by the City Council finding that the submittal was untimely, void final plat approval for the project.

(d) If the subdivider timely submits a completed and recordation-ready final plat, civil construction plans and cost estimates approved by the City, the City agrees to record the final plat no later than fifteen (15) days after it is submitted to and received by the City.

(e) The final plat and construction plans, as approved by the City, shall be incorporated into the subdivision improvement agreement for all purposes, including illustration and interpretation of the terms and conditions of said agreement.

(f) Upon recordation of the final plat, the City may issue building permits associated with the development; however, no final certificate of occupancy shall be issued until such time that the City has issued probationary acceptance of the public improvements as outlined in the approved subdivision improvement agreement. (Prior code 17-35)

**Sec. 17-2-60. Resubdivisions (replats).**

Except as provided in Section 17-2-70 below, the submittal requirements and approval process for a resubdivision shall be the same as for a final plat. (Prior code 17-36)

**Sec. 17-2-70. Minor resubdivisions (replats).**

(a) The minor replat process may only be used for amendments, changes and revisions to a final plat that has been determined by the City to be of a minor engineering, planning or administrative nature. There are two (2) types of minor replats: (1) lot line adjustment; or (2) lot consolidation combining multiple lots into fewer lots except where such lot consolidation is processed concurrently with a planned unit development application. Minor replats are reviewed and approved by the City Council and no action by the Planning Commission is required.

(b) The criteria for a lot line adjustment are:

(1) The proposal adjusts, reconfigures or otherwise relocates a lot line dividing properties owned by the subdivider only;

(2) There exists an approved final plat, which was approved after the adoption of these regulations;

(3) No additional right-of-way dedications or public improvements are necessary;

(4) No perimeter boundary of an existing final plat is affected; and

(5) The number of lots shall not be increased and all lots shall be in conformance with the Zoning Ordinance or approved PUD in effect at the time the minor replat is approved.

(c) The criteria for a lot consolidation are:

(1) The proposal consolidates property owned by the applicant only;

(2) The proposal consolidates or combines two (2) or more contiguous lots into a fewer number of lots by the elimination of one (1) or more lot lines; and

(3) The proposal does not create, result in or leave a contiguous lot or parcel of land that would violate or fail to conform to any applicable zoning or other standard, including but not limited to minimum lot area, building height, setbacks, access standards or parking standards.

(d) The general submittal and processing requirements for a minor replat are as specified in the Table of Plat Requirements (Section 17-2-10). The Zoning Administrator has the authority to waive certain requirements if they are deemed unnecessary for purposes of review. Certain procedures are modified as follows:

(1) There are no referrals to outside agencies required. The Zoning Administrator may refer the minor resubdivision to interested agencies, if appropriate.

(2) Public notification is not required. The Zoning Administrator may request notification of adjacent or surrounding property owners, if appropriate.

(3) Upon receipt of a complete application for a minor resubdivision, the Zoning Administrator shall schedule the case for the first available meeting of the City Council.

(e) The City Council may approve the application, with or without conditions, deny the application or continue the matter to a date certain. The City Council shall approve the minor replat where the City finds all of the following to be established by the application and the plat:

(1) The proposed consolidation or lot adjustment meets the applicable definition of lot consolidation or minor lot adjustment and all application and plat content requirements of this Chapter are met or satisfied;

(2) The approval of the application is requested by all owners of record of the affected lots and the owners have properly executed the plat;

(3) The proposed application and plat fully conform to all applicable requirements for the zoning districts or PUD in which the affected property is located, including but not limited to minimum lot size requirements;

(4) Adequate utility easements are established within the affected property to provide service to the lots created by the plat; and

(5) The proposed configuration, arrangement and layout of the lots do not, in the opinion of the City, create illogically shaped lots or lots that are inconsistent or incompatible with other lots within the surrounding area.

(f) Minor resubdivisions shall be recorded in accordance with Section 17-2-50 of this Article. (Prior code 17-37)

**Sec. 17-2-80. Nonconforming lots of record.**

In the event that, as of January 1, 1991, a lot exists within the City on which two (2) or more complete living units with separate utility service are located, the property owner may apply for a subdivision of said lots even though the lots created would not meet the requirements of this Chapter. In granting a subdivision under this Section, the property owner must obtain separate water meters for each lot created. A subdivision under this Section may be created under the minor subdivision process as set forth in Section 17-2-70 above. (Prior code 17-38)

**ARTICLE III**

**Design Standards**

**Sec. 17-3-10. Findings.**

The character and environment of the City for future years will be greatly affected by the design of subdivisions and the plats that are approved by the City. Planning, layout and design of a subdivision are of the utmost concern. The residents must have available to them within the area safe and convenient movement to points of destination or collection. Modes of travel to achieve this objective should not conflict with each other or abutting land uses. Lots and blocks should provide desirable settings for the buildings that are to be constructed, make use of natural contours, protect the view and afford privacy for the residents and protection from adverse noise and vehicular traffic. Natural

features and vegetation of the area must be preserved if at all possible. Schools, parks, churches and other community facilities should be planned as an integral part of the area. (Prior code 17-61)

**Sec. 17-3-20. Site considerations.**

(a) Steep land, areas having inadequate drainage and other natural hazard areas, including but not limited to areas of state interest, are problems of such a nature as to endanger health, life or property. Areas with such problems shall not be platted unless acceptable provisions are made by a registered engineer qualified in the particular field which eliminate or control the problems. All development in the subdivision shall be carried out in conformity with the plans as finally approved.

(b) Drainage areas wherever possible should be left in a natural state, and no encroachments shall be made on the natural channel area. Any land subject to flooding shall be platted in accordance with the Floodplain Ordinance.

(c) The City regulations pertaining to designated matters of state interest and mineral extraction, and any other applicable regulations adopted by the City, shall be adhered to throughout the platting process. (Prior code 17-62)

**Sec. 17-3-30. Blocks.**

(a) Block lengths and widths shall be suitable for the uses contemplated and shall be adequate for requirements pertaining to minimum lot sizes and dimensions.

(b) Blocks shall be at least four hundred (400) feet in length and not more than one thousand three hundred twenty (1,320) feet in length between street intersections unless adjacent to a railroad right-of-way, freeway or arterial street, or unless topographical conditions justify a variation of the requirement. (Prior code 17-63)

**Sec. 17-3-40. Lots.**

(a) Lots shall meet all applicable zoning requirements.

(b) Each lot shall have vehicular access to a public street.

(c) The maximum depth of all residential lots shall not exceed two and one-half (2½) times the width thereof. For all other lots, the depth shall not exceed three (3) times the width.

(d) The minimum lot frontage, as measured along the front lot lines, shall be fifty (50) feet, except for lots abutting a cul-de-sac, in which case said lot frontage may be reduced to thirty-five (35) feet.

(e) Double-frontage lots shall be prohibited except where essential to provide separation from arterial streets or state highways or where warranted by steep terrain. There shall be no vehicular right of access to lots abutting such traffic artery.

(f) Side lot lines shall be substantially at right angles or radial to street lines. (Prior code 17-64)

**Sec. 17-3-50. Streets.**

- (a) Streets within subdivisions shall be designed as a system of circulation routes, so that the use of local streets by through traffic will be discouraged.
- (b) Where a residential subdivision borders on or contains a major arterial, provisions for reduction of noise shall be provided. Masonry walls, landscaped berms, a parallel street and landscaping easement, among others, are recommended solutions.
- (c) Streets shall intersect as nearly at right angles as possible.
- (d) Cul-de-sacs longer than five hundred (500) feet should be avoided whenever possible.
- (e) Where a street will eventually be extended beyond the plat but is temporarily dead-ended, an interim turnaround may be required.
- (f) Subdivision streets shall have such curbs, gutters, sidewalks and pavements as may be required by the City Council based on engineering specifications.
- (g) Reserve strips in private ownership controlling access to streets shall be prohibited. (Prior code 17-65)

**ARTICLE IV**

**Modifications**

**Sec. 17-4-10. Intent.**

The City Council, upon advice of the Planning Commission, may authorize modifications from these regulations in cases where, due to exceptional topographical conditions or other conditions peculiar to the site, an unnecessary hardship would be placed on the subdivider. Such modifications shall not be granted if it would be detrimental to the public good or impair the basic intent and purposes of these regulations. Any modifications granted shall be in keeping with the intent of the Comprehensive Plan. (Prior code 17-81)

**Sec. 17-4-20. Planned unit development modifications.**

Modifications to the requirements of this Chapter may be authorized by the City Council upon advice of the Planning Commission in the case of a planned unit development. (Prior code 17-82)

## ARTICLE V

### Vested Property Rights

#### Sec. 17-5-10. Definitions.

Whenever in this Article the words hereinafter defined or construed in this Section are used, they shall, unless the context requires other uses, be deemed to have the following meanings:

*Application* means a substantially complete application for approval of a site-specific development plan that has been submitted in compliance with all requirements as set forth in Chapter 16 of this Code. For site-specific development plans which are approved in stages, *application* means the original application at the first stage in any process that may culminate in the ultimate approval of a site-specific development plan.

*Site-specific development plan* means a plan that has been submitted to the City Council or the Planning Commission by a landowner or such landowner's representative describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. *Site-specific development plan* shall not mean or include a preliminary plat; a sketch plan; a final architectural plan; a public utility filings; or final construction drawings and related documents specifying materials and methods for construction of improvements.

*Vested property rights* means the right to undertake and complete the development and use of property under the terms and conditions of a site-specific development plan. (Prior code 17-101)

#### Sec. 17-5-20. Applications.

(a) Except as otherwise provided in Subsection (b) below, an application for approval of a site-specific development plan, as well as the approval, conditional approval or denial of approval of the plan, shall be governed only by the land use regulations in effect at the time an application is submitted to the City. For the purposes of this Section, land use regulations include Chapter 16 (Zoning) and Chapter 17 (Subdivisions) of this Code, as well as any zoning or development regulations that have previously been adopted for the particular parcel described in the plan and that remain in effect at the time of the application for approval of the plan.

(b) Notwithstanding the limitations contained in Subsection (a) above, the City Council may adopt a new or amended regulation when necessary for the immediate preservation of public health and safety and may enforce such regulation in relation to applications pending at the time such regulation is adopted. (Prior code 17-102)

#### Sec. 17-5-30. Vested property rights; establishment.

(a) The following types of site-specific development plan approvals will establish vested property rights in accordance with Article 68, Title 24, C.R.S.:

- (1) Final planned unit development (PUD) plan.
- (2) Final subdivision plat.

(3) Special review use permit.

(4) Development agreement.

(b) A development agreement may provide for vesting of additional development rights, and/or for a longer time period than provided for in Article 68, Title 24, C.R.S. Such a development agreement may be part of a final PUD, final subdivision or special review use permit approval, or a development agreement may provide for vesting rights in additional types of site-specific development plans than those specified above, including but not limited to annexation agreements.

(c) A vested property right shall be deemed established with respect to any property upon the approval or conditional approval by resolution or ordinance of a site-specific development plan establishing vested right, following notice and public hearing.

(d) A vested property right shall attach to and run with the applicable property and shall confer upon the landowner the right to undertake and complete the development and use of said property under the terms and conditions of the site-specific development plan and/or development agreement, including any amendments thereto. (Prior code 17-103)

**Sec. 17-5-40. Notice of hearing.**

No site-specific development plan which establishes a vested property right shall be approved unless and until notice thereof has been given and a public hearing thereon has been conducted. At least fifteen (15) days' notice of the time and place of the hearing shall be published in a newspaper of general circulation in the City. Final approval from the City Council shall be by ordinance or resolution. A site-specific development plan shall be deemed approved on the effective date of the approving resolution or ordinance. The public hearing required by this Section may be the same public hearing required in Chapter 16 and this Chapter, for final approval. Notice of said public hearing shall include language stating that the approval or conditional approval of the site-specific development plan will create a vested property right. Such approval shall be subject to all rights of referendum and judicial review; except that the period of time permitted by law for the exercise of such rights shall not begin to run until the date of publication, in a newspaper of general circulation within the City, of the notice specified in this Section advising the general public of the site-specific development plan approval and creation of a vested property right pursuant to Title 24, Article 68, C.R.S. (Prior code 17-104)

**Sec. 17-5-50. Notice of final approval.**

As soon as practicable following the date a site development plan is approved as provided in Section 17-5-20 above, and not later than fourteen (14) days following such approval date, the City Clerk shall cause a notice to be published advising the general public of the site-specific development plan approval and creation of a vested property right pursuant to Article 68, Title 24, C.R.S. Such notice shall be substantially in the following form:

Notice is hereby given to the general public of the approval of a site-specific development plan, and the creation of a vested property right pursuant to Title 24, Article 68, C.R.S., pertaining to the following described property:

The property shall be described in the notice, and appended to said notice shall be the ordinance or resolution granting such approval. (Prior code 17-105)

**Sec. 17-5-60. Requirements of ordinance or resolution.**

Any ordinance or resolution approving a site-specific development plan shall, but not by way of limitation, include the following provisions, unless expressly exempted by the City Council:

(1) The rights granted by the site-specific development plan shall remain vested for a period of three (3) years (or such longer period as may be established in a development agreement) from the effective date thereof. However, any failure to abide by any of the terms and conditions attendant to this approval shall result in the forfeiture of said vested property rights. Failure to properly record all plats and agreements required of the developers to be recorded by City ordinance shall also result in the forfeiture of said vested property rights.

(2) The approval granted hereby shall be subject to all rights of referendum and judicial review; except that the period of time permitted by law for the exercise of such rights shall not begin to run until the date of publication provided for in Section 17-5-40 above.

(3) Zoning that is not part of the site-specific development plan approved hereby shall not result in the creation of a vested property right.

(4) Nothing in this approval shall exempt the site-specific plan from subsequent reviews and approvals required by this approval or the general rules, regulations and ordinances of the City, provided that such reviews and approvals are not inconsistent with this approval.

(5) The establishment of a vested property right shall not preclude the application of ordinances or regulations which are general in nature and are applicable to all property subject to land use regulations by the City, including but not limited to building, fire, plumbing, electrical and mechanical codes. In this regard, as a condition of this site development approval, the applicant shall abide by any and all such building, fire, plumbing, electrical and mechanical codes, unless an exemption therefrom is granted in writing. (Prior code 17-106)

**Sec. 17-5-70. Nonvested development.**

Any development receiving site-specific development plan approval, which does not establish a vested property right or obtain a building permit, shall have its approval expire eighteen (18) months subsequent to the date of site-specific development plan approval. (Prior code 17-107)

**Sec. 17-5-80. No rights created.**

Nothing in this Article is intended to create any vested property right, but only to implement the provisions of Article 68, Title 24, C.R.S. In the event of the repeal of said article, this Article shall be deemed to be repealed and the provisions hereof no longer effective. (Prior code 17-108)

**Sec. 17-5-90. Exceptions.**

A vested property right, once established by this approval, shall preclude any zoning or land use action by the City or pursuant to an initiated measure which would alter, impair, prevent, diminish or otherwise delay the development or use of the property as set forth in the site-specific development plan, except:

- (1) With the consent of the applicant;
- (2) Upon the discovery of natural or man-made hazards on or in the immediate vicinity of the property, which hazards could not reasonably have been discovered at the time of this approval, and which hazards, if uncorrected, would pose a serious threat to the public health, safety and welfare; or
- (3) To the extent that compensation is paid as provided in Article 68, Title 24, C.R.S. (Prior code 17-109)